

Searching for breakdowns on the diversion routes from SEN tribunals: An exploration of disagreement resolution processes

Submitted by Joshua Dyer to the University of Exeter as a thesis for the degree of Doctor of Educational Psychology in Educational, Child and Community Psychology (D.Ed.Psy).

I certify that all material in this dissertation which is not my own work has been identified and that no material has previously been submitted and approved for the award of a degree by this or any other university.

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PROJECT OVERVIEW

The broad aim of this thesis is to research the services arranged to resolve disagreements over Special Educational Needs (SEN) within a Local Authority (LA) in southern England. In particular, illuminating and documenting the experiences of the individuals involved is a priority. Additionally barriers to and facilitators of disagreement resolution prior to a tribunal hearing will be highlighted at each stage of data analysis.

The research is a response to documented local and national priorities (e.g. DfE, 2011) to reduce formal tribunal hearings. Research literature identifies that the Special Educational Needs and Disability Tribunal (SENDIST) has been associated with significant costs to all involved parties in terms of time (Bennett, 1998), finance (Evans, 1999; Williams, 2006), emotional wellbeing (Runswick-Cole, 2007), and parent-professional relationships (Gersch, 2003; Runswick-Cole, 2007).

The aims of the current research are addressed through two separate but interlinked studies (Study One and Study Two), depicted in the diagrams below (Figures 1 & 2). The over-arching aim of the research is the exploration and illumination of the experiences of parties involved in disagreements over SEN, including parents and professionals on both sides of the disagreements. At each stage of the analysis local facilitators and barriers to resolving disagreements over SEN, prior to a costly tribunal, will be highlighted. Finally the identified facilitators and barriers facing parents and professionals will be synthesised in order to establish over-arching themes and, on this basis, suggestions will be made for future practice. It is hoped that this thesis will impact directly on local disagreement resolution service delivery; the aim being that practice can be developed in order to reduce tribunal hearings.

Figure 1: Design Diagram for Study One

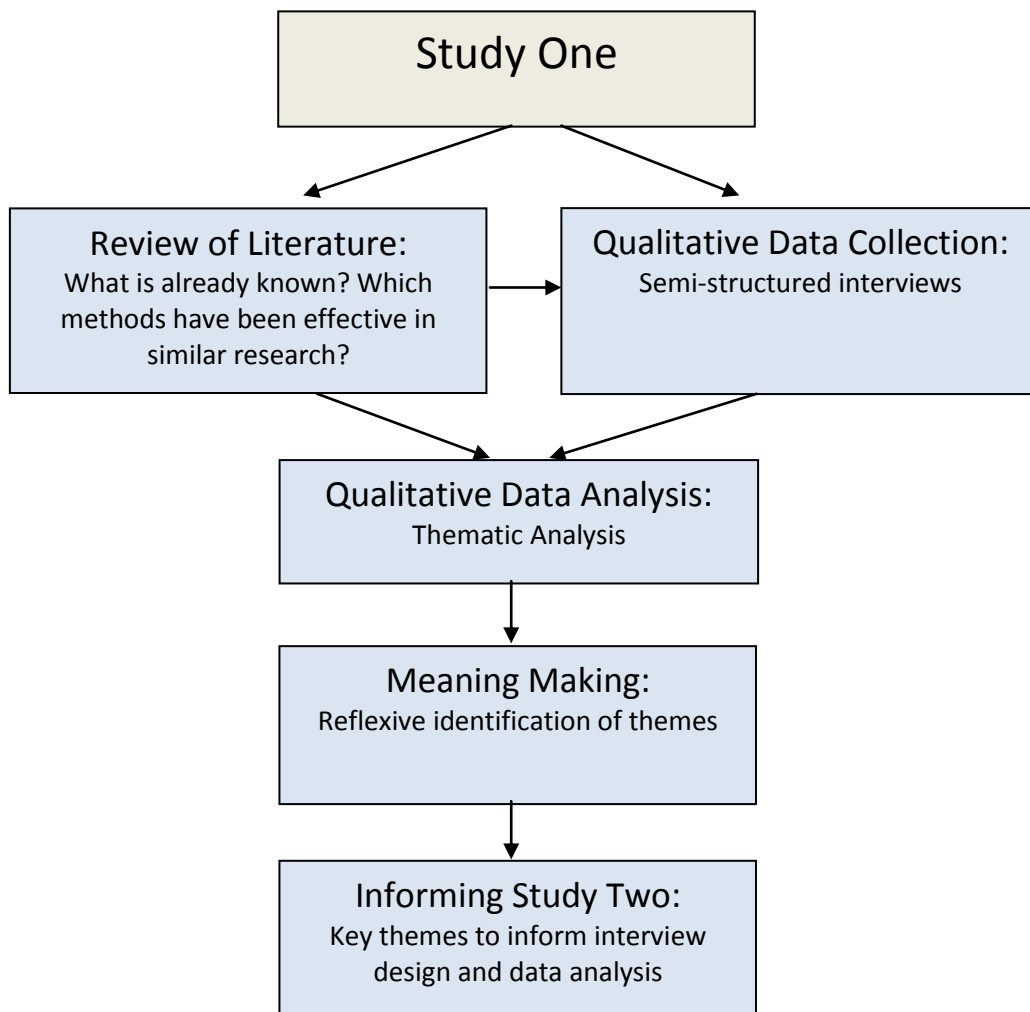
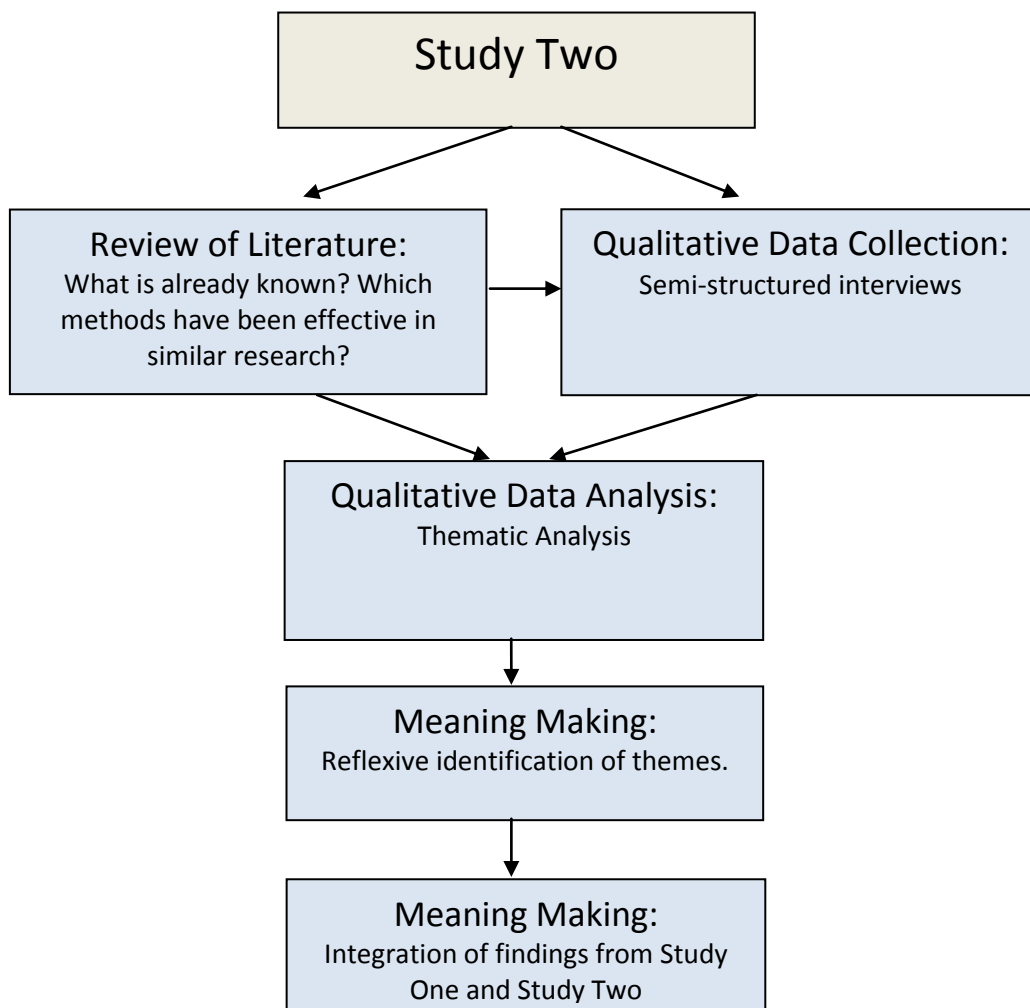


Figure 2: Design Diagram for Study Two



Study One

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ABSTRACT

Special Educational Needs and Disability Tribunals (SENDIST) provide independent adjudication of parental appeals against Local Authority (LA) decisions. The Parent Partnership Service (PPS) and Disagreement Resolution Services (DRS) are both arranged to reduce disagreements and, specifically, to prevent tribunals. Study One aimed to explore parental experiences of Local Disagreement Resolution Services (LDRSs) including the PPS and DRS. A secondary aim of Study One was to identify barriers to and facilitators of disagreement resolution from a parental perspective.

Methods: Study One utilised semi-structured interviews as a means of exploring seven parents' experiences and constructs. Interview transcripts were analysed using thematic analysis in order to specify key themes relating to the resolution of disagreements about SEN.

Results: Parents reported a sense of embattlement with the Local Authority that appeared to act as a barrier to the resolution of disagreements. Parents also identified a number of facilitators of disagreement resolution including: Feeling 'listened to'; Having access to a 'legitimate decision-maker'; and becoming better informed. A number of barriers to disagreement resolution were also reported, including but not limited to: a perception that no one is listening to them; a perception that LA staff lack independence; a perception that the LA cannot be trusted to deliver SEN provision.

1. INTRODUCTION

Any parent in the UK who disagrees with a decision relating to their child's education has a right to appeal (DES, 1993; Ministry of Justice, 2007). Once an appeal has been made against a decision the parent has associated rights to engage with formal and informal disagreement resolution processes (DES, 1993; SENDA, 2001). Formal disagreement resolution is available through the national Special Educational Needs and Disability Tribunal (SENDIST). Informal disagreement resolution processes vary at a local level (SENDA, 2001; Tennant, Callanan, Snape, Palmer & Read, 2008). There is, however, a requirement that within each local authority parents have the option of accessing specific, independent support with resolving their disagreement, typically via a 'mediation' process as outlined in the 2001 SEN Code of Practice (SENDA, 2001). Resolving disagreements relating to Special Educational Needs is an ongoing national priority (DfE, 2011).

Literature discussed in this thesis draws on publications from relevant areas of psychology, education, and law review, including scrutiny of the legislative context and research into experiences of educational disputes and the processes designed to resolve disagreements between parents and the education authority.

Literature was sourced following database searches using EBSCO EJS, PsycINFO, ScienceDirect and Google Scholar, using the search terms 'SENDIST', 'Tribunal', 'Mediation', 'Conciliation', 'Arbitration', 'Disagreement Resolution', and 'Dispute Resolution'.

1.1 The national priority to avoid SENDIST hearings

The Civil Procedure Rules (Freshfields Litigation Team, 1998), which were produced as part of a wider overhaul of civil justice systems, made clear that litigation through the courts should be a last resort. Instead, more cooperative and less expensive approaches to resolution including mediation and conciliation, were

encouraged as a means of avoiding costly tribunal hearings (Gersch, 2003; Riddell et al., 2010).

The 2001 SEN Code of Practice (SENDA, 2001) introduced statutory minimum standards for the provision of alternative dispute resolution services for Local Authorities with the aim of “reducing, in time, the number of appeals going to the SEN Tribunal.” (2001, 2: 26). These services include the Parent Partnership Service (PPS) and the less specific "disagreement resolution services" (DRS), both discussed in the following chapter.

More recently, the Green Paper on education (DfE, 2011) has confirmed the continuing national commitment to reducing tribunal hearings, indicating that "non-judicial [means] ... can be better for parents and a better use of public funds." (DfE, 2011, 2.60)

1.2 Alternatives to SENDIST: Parent Partnership Services

Parent Partnership Services (PPS) were first introduced in the 1994 SEN Code of Practice (DfE, 1994). Their deployment, however, was inconsistent until the Special Educational Needs and Disability Act (SENDA, 2001) placed a duty upon Local Authorities to provide parents with the contact details of the local PPS (Wolfendale, 2002).

The objectives of Parent Partnership Services, summarised in a national evaluation, include, “to reduce conflict and minimise the number of SEN tribunals.” (Rogers et al., 2006, p.1) And the Code of Practice (SENDA, 2001) describe the PPS as the “main approach to preventing disagreements from arising” (2001, 2:22), although it is also clear that PPSs play a role in mediating between parents and the LA *during* unresolved disagreements (Harris & Smith, 2009).

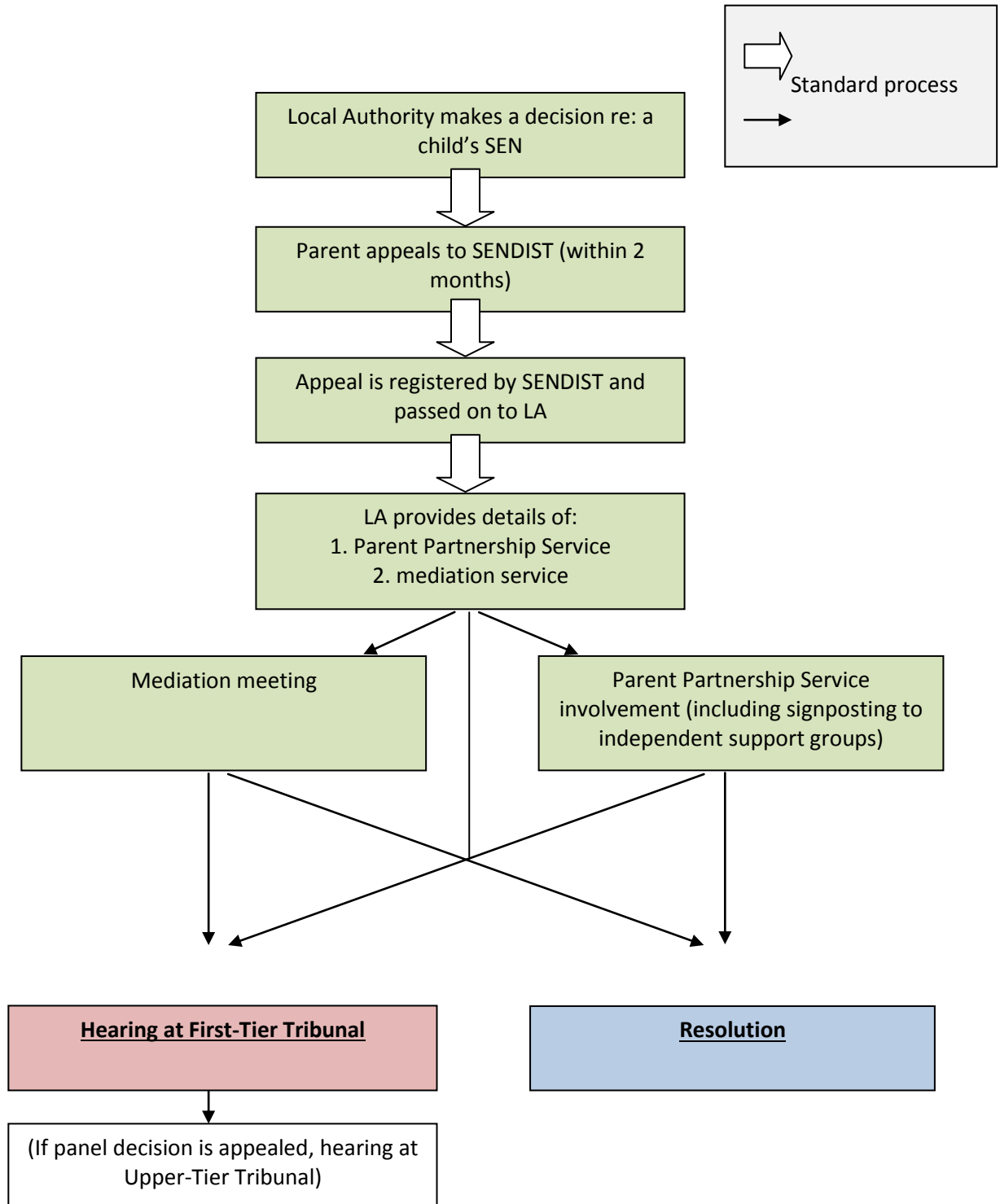
The minimum standards for Parent Partnership Services are set out in the revised SEN Code of Practice (2001, 2: 21) and managed at Local Authority level. In this

sense, “PPS are ‘nationally given’ but ‘locally driven’, thus they differ in relation to maturity, experience, funding and relationship with the LA.” (Rogers et al., 2006, p.2)

Disagreement Resolution Services

Additionally, the SEN Code of Practice mandates that “All LEAs must provide disagreement resolution services” (DRS) (SENDA, 2001, 2: 17). Whereas Parent Partnership Services are occasionally described as “in-house” (2001, 2: 17), the rules for the specific process of disagreement resolution demand “independent persons” (2001, 2: 25) and the Code of Practice suggests, “LEAs could ... buy the services as they were required.” (2001, 2: 29) Service delivery of DRSs is therefore manifestly different from Parent Partnership Services. The necessity for "independent persons" to assist in the resolution of disagreements has led to increasing Local Authority interest in alternative means of resolving disagreements, including mediation and conciliation (Gersch, 2003).

Figure 3: Flow diagram depicting parents' options following a disagreement over SEN



1.3 Parents' experiences of Local Disagreement Resolution Services (LDRSs)

Interviews with parental appellants to SENDIST and LA-employed SEN professionals in the research authority have confirmed that both of the services listed above (the PPS and DRS) are available to assist with the resolution of SEN-based disagreements. Where these local processes are referred to as a collective I will use the term 'local disagreement resolution services', or 'LDRS'. For the purposes of brevity, this term will be used to refer to any combination of the processes described above, including support from the Parent Partnership Service, mediation meetings, and any other disagreement resolution measures, for example any formal correspondence between authorities and parents. In this sense, the term LDRS is used to describe the total local system for resolving disagreements prior to tribunal.

Parents' experiences of Parent Partnership Services

A national evaluation of Parent Partnership Services, comprising case studies of 32 parents that had received involvement from their local service, found that all participants positively endorsed the PPS in terms of its ability to: inform parents of their rights and responsibilities, increase their awareness of SEN, and provide emotional and moral support (Rogers et al., 2006). Additionally, six of the participants reported that the PPS had offered specific advice and support with processing an appeal against a SEN decision. It is not clear, however, what impact the PPS had on the resolution of the disagreement beyond the suggestion that parents felt better informed about their "rights and responsibilities" (Rogers et al., 2006, p.47).

Similarly, reporting on parents' views on statutory assessment O'Connor, McConkey and Hartop (2005) found that in cases where parents perceived that they had a 'key contact' in the Local Authority with a strong understanding of their child's needs - most commonly a PPS employee - disagreements were resolved more satisfactorily for both parents and professionals (O'Connor, McConkey & Hartop, 2005).

Parents' experiences of mediation

The majority of research into SEN mediation tends to consider outcomes of mediation and conciliation from a Local Authority perspective (e.g. Gersch, Casale & Luck, 1998; Harris & Smith, 2009). A wide-reaching literature search reveals that at this time there is only one study that directly reports on parents' experiences of SEN mediation in the UK and their satisfaction with its impact (Tennant et al., 2008). This may reflect an under-utilisation of mediation. It has been reported, for example, that despite clear support for it as an alternative to SENDIST (DfE, 2011), mediation was used twice or less in 93% of Local Education Authorities between 2007 and 2008 (Riddell et al., 2010).

1.4 Parents and disagreement resolution: Themes in the literature

'Many parents referred to battles, enemies and aggressive conflicts, frequently militarising the adversarial relationships between family and school.' (Duncan, 2003, p. 346)

The preceding quotation from Duncan's qualitative exploration of parents' experiences of SEN disagreements with local authorities (2003) epitomises a common theme that runs through all of the available literature (Riddell, Brown & Duffield, 1994; Duncan, 2003; Runswick-Cole, 2007; Power, 2010). The metaphor for disagreements becoming *wars* between parents and Local Authorities is a striking and significant factor in their resolution (Duncan, 2003). Since parents often describe feeling that they must "fight" for their children's rights (Runswick-Cole, 2007; Power, 2010), it is assumed that they will be less likely to engage in collaborative forms of disagreement resolution including mediation and conciliation (Duncan, 2003; Riddell et al., 1994).

1.5 Justifying the focus on parents' experiences of disagreement resolution services

A review of the literature on parents' experiences of disagreement resolution reveals a trend for research to focus on disagreement resolution services in isolation. The majority of studies are evaluative; their aim being to consider whether a specific service has achieved its objectives; typically those objectives outlined in the SEN Code of Practice (e.g. Gersch, Casale & Luck, 1998; Rogers et al., 2006; Tennant et al., 2008). These studies invariably looked at each service in isolation rather than part of a *local system* of disagreement resolution services.

Indeed, no study has considered parents' experiences of the *interaction* of these services, including the other services identified as having been involved during the disagreement resolution process (e.g. EP-chaired meetings). In each local area there is an over-arching disagreement resolution process, aspects of which may or may not be utilised (Riddell et al., 2010). There is a clear gap in the literature in terms of considering disagreement resolution services in a local context as opposed to a service-specific context.

Given the national priority to reduce tribunals (DfE, 2011) a review of disagreement resolution services is likely to be useful for all stakeholders. In particular, since all service-specific evaluations acknowledge that the disagreement resolution service is not available to or appropriate for all parents¹, it will be important to consider individual parent's *journeys* through the Local Disagreement Resolution Services from the point at which an appeal is registered up until the withdrawal of the appeal or the SENDIST hearing.

What is proposed here is a new study to address how it feels to be a parent from the start to the finish of a disagreement over SEN. It will focus on identifying which factors, which facilitators and barriers, are relevant to the resolution of

¹ Reasons that a service might not be used include lack of local provision (Rogers et al., 2006), lack of local promotion (Tennant et al., 2008) and parental refusal to engage (Evans, 1998).

disagreements from a parental perspective. The study will therefore be less service-focused and outcome-focused than previous research in the field, and will instead be more parent-focused and process-focused.

2. **RESEARCH AIMS**

The two principle aims of this study are:

- To illuminate and document parental experiences of local disagreement resolution services.
- To highlight barriers to and facilitators of disagreement resolution from a parental perspective, including any themes and dilemmas associated with these processes.

3. **RESEARCH QUESTIONS**

These aims are addressed through the following research questions:

1. What feelings do parents report after their involvement with LDRSs?
2. Which aspects of LDRSs facilitate the resolution of disagreements prior to tribunal from a parental perspective?
3. Which aspects of LDRSs are a barrier to the resolution of disagreements prior to tribunal from a parental perspective?

4. **DESIGN AND METHODS**

This chapter details the design of the research including the ontological and epistemological assumptions that it relies upon. It commences with a discussion of epistemological and methodological considerations, seeking to justify the selected approaches in terms of the research aims and scope.

4.1 Epistemological stance and methodological approach

The primary aim of Study One is the exploration of parental experiences of local disagreement resolution services (LDRSs). The epistemological stance as well as the data collection techniques therefore needed to facilitate detailed, individual-level inquiry capable of capturing the experiences, opinions and beliefs of those involved. In addition, since research into parental experiences of disagreement resolution services is in its infancy (Harris & Riddell, 2011), the design had to facilitate enough flexibility that it could respond to parents' feedback, following their agenda rather than imposing pre-existing theories or understandings.

The methodological approach taken is interpretive and, consequently, the parents' individual interpretations of reality are valued and used to generate meaning (Robson, 2002). This methodology is closely aligned to social constructionism, which is the assumption that 'reality' and 'truth' are unique to each individual; constructed through their social interactions and the meaning given to them (Robson, 2002). This is an exploratory piece of research which aims to illuminate parents' experiences of disagreement resolution services. With little existing knowledge of these experiences and a scarcity of research findings on the subject, alternative confirmatory or positivist methodologies are not deemed appropriate (O'Brien, 2006).

4.2 The Qualitative Method

Consideration of the relevant research literature, the purpose of the research, the research questions being asked, the objects of study, and the project constraints has highlighted the appropriateness of the qualitative method. In particular, it is important to note that previous research in this area is scant and the difficulties of quantifying experiences and outcomes resulting from disputes are well documented (Gersch, 2003; Tennant et al., 2008; Harris & Riddell, 2011).

The qualitative method facilitates the development of a 'rich picture' of parental experiences (Robson, 2002). It also allows the researcher to follow the participants' lead, particularly if previously-unknown or unconsidered features of disagreement resolution processes are revealed (Gibbs, 2007). Moreover, qualitative methods

have been used effectively to explore individual experiences of related processes including tribunal hearings (Runswick-Cole, 2007) and employment disputes (Dawe & Neathey, 2008).

5. PROCEDURE

This chapter describes the procedure for completing the research described in Study One. Considerations related to sampling procedures, data collection and analysis methods, ethics and researcher reflexivity are discussed; the aim being to justify each selected approach in terms of the research questions and scope.

5.1 Sampling strategy

Access to the sample of parents was facilitated by the local SEN Statutory Services Manager. This person holds records of all of the parents that have registered an appeal to SENDIST in the county since 2008, including the 'reason for appeal' and the outcome of the appeal, i.e. 'withdrawn' by parents (prior to tribunal), 'conceded' by county (prior to tribunal) or 'decided' at tribunal hearing.

Consequently, this study employed a purposive sampling strategy. It was necessary to target participants with a specific experience: namely, the experience of involvement with LDRSs. In an explorative, qualitative study whose purpose is to illuminate the finer details of parents' experiences, a large sample of parents would neither be practical nor necessary. The 'best' sampling strategy in any study will depend on the context of the research (Robson, 2002). In this case, due to the

²The language used by Local Authorities to describe tribunal outcomes (i.e. 'withdrawn', 'conceded', and 'decided') was initially considered for specific analysis within the current research but since these LA descriptions are not shared with parents it was deemed unnecessary.

requirement to find participants with specific experiences, and the research objective to illuminate individual experiences through qualitative methods, purposive sampling was deemed the most appropriate, pragmatic strategy.

5.2 Participants

The full list of parents making appeals to SENDIST between November 2008 and November 2011 contained 28 names. Of these, three were still 'live', i.e. unresolved, cases and it was therefore decided that these parents would not be contacted due to the potential issues of confidentiality. All of the 25 remaining parents on the list were contacted via an opt-in letter inviting them to take part in the research (appendix 1).

Seven parents agreed to participate in Study One. All of these parents had registered an appeal to SENDIST and experienced LDRSs within the past two years. More detail on the parents can be found in the table below.

Figure 4: Details of participants' appeals to SENDIST

Coded name	Reason for appeal	Outcome of appeal
P1	Refusal to assess	Tribunal hearing
P2	Refusal to assess	Withdrawn by parent
P3	Appeal against Parts 2, 3 & 4 of statement	Tribunal hearing
P4	Refusal to assess	Withdrawn by parent
P5	Refusal to assess	Tribunal hearing
P6	Refusal to assess	Withdrawn by parent
P7	Appeal against Parts 2, 3 & 4 of statement	Tribunal hearing

Parents were coded by number to ensure their anonymity. Throughout the interview data the numbers correspond to represent relatedness between parents and their children, so, for example, the child of P1 (parent one) is referred to as C1.

As can be seen in Figure 4 (above), five of the seven parental participants appealed to SENDIST due to a 'Refusal to assess' and the remaining two appealed the contents of a statement. The latest available SENDIST report that details national trends in parental appeals shows that in 2008/09 36% of appeals referred to a 'Refusal to assess' and 54% referred to the contents of a statement (SENDIST, 2009).

5.3 Pilot Work

Although generally desirable, piloting of the methods used in the research was not completed prior to undertaking Study One for a number of reasons. The primary reason centres on the scarcity of suitable participants. Since Study One is interpretive in nature and seeks to explore individual experiences of a specified process, the pool of available participants was 25 people. All 25 potential participants were contacted prior to research, resulting in 7 responses. Consequently it was decided that piloting the methods in this context would have resulted in an unfeasibly small sample size

Semi-structured interviews - discussed later in 5.5 - are a well-founded method within qualitative research (Robson, 2002) and it was therefore not deemed necessary to pilot this specific technique. Furthermore, since, as previous research has noted, discussing disagreements over Special Educational Needs is often both sensitive and stressful (e.g. Runswick-Cole, 2007), piloting the methods with parents from another Local Authority, for example, was ruled out due to the potential for causing unnecessary stress.

5.4 Ethical Considerations

Ethical considerations are central to this study since confidentiality is paramount in both the disagreement resolution process (SENDA, 2001; Ministry of Justice, 2007) and the wider research process (British Psychological Society [BPS], 2009).

Therefore, it was crucial that parents were fully and freely consenting to engage with the study. Recruitment to the study relied on an 'opt-in' letter. This letter provided full, transparent information about the nature and purpose of the research (appendix 1). Parent participants were also read a summary of the research purpose at the start of each interview. (For full interview schedule see appendix 2.)

In line with the BPS Code of Ethics and Conduct (2009), participants were treated with respect, both in interactions with the researcher and in the writing of the study. Moreover, all participants were anonymised in written records and confidentiality was upheld in all aspects of the research. Any written record of individual identity was securely stored and destroyed when no longer required. The study adhered to The British Psychological Society's Code of conduct for conducting human research (BPS, 2009), and ethical approval was obtained from The University of Exeter, Graduate School of Educational Ethics Board (appendix 13). (For a full account of ethical considerations prior to the study see appendix 13.)

5.5 Data Collection: Semi-structured Interviews

Data pertaining to parental experiences of LDRSs was collected through the use of semi-structured interviews (interview schedule detailed in appendix 2). Semi-structured interviews facilitate a dialogue between researcher and participant such that initial interview questions can be modified and clarified in order to explore interesting and important data in terms of the research questions. Semi-structured interviews have been described as the "exemplary method" (Smith & Osborn, 2008 p.57) for data collection within interpretive research. In the current study parents were interviewed in their homes, with interviews lasting between 50 minutes and 90 minutes. All parents opted to be interviewed individually rather than with a partner or family member.

A potential challenge associated with the use of semi-structured interviews is the possibility for the researcher to 'lead' or influence participants to give specific, desired responses (Tomlinson, 1989). One measure in particular was taken to avoid researcher effects on participants' responses during the semi-structured interviews: namely the use of reflective questioning (Robson, 2002) within a flexible interview schedule. Reflective questioning encourages the researcher to clarify and explore participants' responses by reflecting back their own wording. By using participants' own wording, the likelihood that the researcher's judgements and areas of interest take precedence over the participants' is reduced (Robson, 2002). (The standard interview schedule can be found in appendix 2. For an example of a coded interview transcript see appendix 3.)

5.6 Data Analysis: Thematic Analysis

All interview recordings were transcribed and saved as separate word processing documents (see appendix 3 for a full interview transcription). Each transcript was then analysed using a 'thematic analysis' approach (Braun & Clarke, 2006) in order to identify themes within and across the transcript data of individual participants. Thematic analysis was selected as the most appropriate approach to data analysis due to its utility as an exploratory, inductive, and pragmatic means of identifying themes within qualitative data. (Other data analysis approaches were rejected due to the reasons discussed in appendix 16.)

Interview transcripts were coded inductively in order to identify any and all themes relating to disagreements over SEN. This necessitated the researcher's immersion in the data; a process of reading and re-reading transcripts and identifying potential themes. These themes were given temporary labels which, over time, were refined and often deconstructed into their constituent sub-themes (Gibbs, 2007). Finally, themes were categorised according to their content, which resulted in the generation of distinct 'super-ordinate' themes, each being made up of constituent 'sub-themes' (Braun & Clarke, 2006).

(For an example of a coded interview transcript see appendix 3.)

5.7 Reflexivity

I am aware that, as Trainee Educational Psychologist (TEP) on placement in the county in which the research was carried out, my independence from the LA may be questioned by parent participants. Indeed, prior to agreeing to participate in the study, one of the seven participants contacted me directly to clarify that the research was being supervised by the University of Exeter (as stated in the opt-in letter; see appendix 1) rather than being supervised by the Local Authority. Parents were specifically concerned that were I to identify or sympathise with the Local Authority as a result of my TEP placement, I may ignore or misinterpret their views.

I have endeavoured to prevent this aspect of my identity affecting my objectivity. In doing this, I reflected on data collection using contact summary sheets (as per Miles & Huberman, 1994) after each interview. This process encouraged me to reflect on my own feelings during the interviews and to seek any sources of bias or influence that my responses may have had on the participants (appendix 4).

6. RESULTS

Thematic analysis of the transcript data led to the identification of five super-ordinate themes from the seven semi-structured interviews with parents. These themes were identified on the basis of their significance to the research aims and their representativeness of participants' experiences.

Within each super-ordinate theme there are associated sub-themes that have been identified through the analysis process. The table below depicts the relationship between each Research Question and its associated super-ordinate (underlined) and sub-themes (bullet-pointed) (figure 10). For further tables depicting the frequency of each sub-theme's occurrence and the number of parents whose responses related to that theme, see appendix 19.

6.1 The relationship between the research questions and the super-ordinate and sub-themes identified within the data

Figure 10: Table linking research questions and emergent super-ordinate and sub-themes

Research Question	<u>Super-ordinate</u> and sub-theme	Results Section
RQ2: Which aspects of LDRSs support the resolution of disagreements prior to tribunal from a parental perspective?	<u>Positive Experiences</u> <ul style="list-style-type: none"> • Feeling listened to • Access to a legitimate decision-maker • Feeling better-informed 	6.4
RQ3: Which aspects of LDRSs are a barrier to the resolution of disagreements prior to tribunal from a parental perspective?	<u>1. Poor Communication</u> <ul style="list-style-type: none"> • No one listening • Perceived criticism of parent <u>Lack of Confidence in SEN Systems</u> <ul style="list-style-type: none"> • Professionals lacking independence • Lessons have not been learnt • Over-emphasis on CYP's views <u>Uncertainty About Future</u>	6.3

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	<ul style="list-style-type: none">• Expecting broken promises• Unresolved fears about transition	
RQ1: What feelings do parents report after their involvement with LDRSs?	<u>Battle Metaphor</u>	6.2

6.2 Research Question 1: What feelings do parents report after their involvement with LDRSs?

Super-ordinate Theme 4: Battle metaphor

The most common, implicit theme within all interview transcripts reflects a parental perception that registering an appeal with SENDIST results in a metaphorical 'battle' between themselves and the Local Authority. Language from the broad semantic field of 'war' was used by all parents on more than one occasion; with two parents employing a battle metaphor on more than 8 occasions.

Analysis of the transcript data reveals that, whereas the majority of sub-themes were commonly revealed in a similar order (i.e. the same themes were evident in response to the same interview questions), the battle metaphor ran right across the interviews. Even two of the three parents who reported positive experiences of mediation, and whose disagreements were resolved prior to tribunal, likened their experience of disagreement resolution processes to a battle with the LA.

I had to do all the fighting, and it was a fight. You didn't have to be unpleasant but you had to be persistent and they have to know you're ready for war. (P1)

Deeper analysis of the 'battle metaphor' reveals that parents perceive two different types of battle. Most commonly, as evidenced by the previous two quotes, parents appeared to feel that they were part of a personal battle to win SEN support for their own children. In other cases parents appeared to feel that they were engaged in a broader battle to win improved provision for other service users.

I was proud of us. We were an army fighting for our kids and for all the other mums and kids going through the same thing. It's quite inspiring to think back on really. (P4)

In terms of the primary research aim - to illuminate and document parental experiences of local disagreement resolution services - the frequency with which the battle metaphor was evoked suggests that, within the current sample of parents, above all, SEN appeals feel like a war between local authority and parents.

6.3 Research Question 3: Which aspects of LDRSs are a barrier to the resolution of disagreements prior to tribunal from a parental perspective?

Super-ordinate Theme 1: Poor communication

The perception of poor quality communication with the Local Authority was raised by all parents. This was clearly a significant theme because:

- it was raised in all interviews with parents
- four of the seven parents mentioned poor quality communication on at least three separate occasions
- descriptions of poor quality communication - particularly in relation the third sub-theme ('perceived criticism of parent') - commonly contained emotive language and/or were dwelt upon by parents during the interviews.

Sub-theme 1: No one listening

Five of the seven parents expressed that they felt that, after registering their appeal to SENDIST and prior to a tribunal hearing, no one within the LA was listening to them:

I had no support as a parent whatsoever and it's like 'how many times do I have to say this before someone takes me seriously?' ... If I've learnt anything from this whole thing it's that you can't expect anyone to listen. You have to be so loud that these people have to listen. (P4)

The perception of a lack of Local Authority interest in parents' views and desires appears to have had a negative effect in terms of disagreement resolution. Indeed

for some parents the perception that LA employees did not have the time or the inclination to take parents' views on board encouraged the parents to seek to be heard by a higher authority; in many cases, a tribunal panel. It is important to note here that all four of the parents interviewed that eventually proceeded to a tribunal hearing reported the perception that no one from the LA had listened to them.

It does feel at times that people will ignore you as much as they can get away with so for me I had to be as 'in your face' as possible which meant writing complaint letters and getting legal representation so that someone in county might sit up and say "hang on, he might have a point here you know". (P7)

Sub-theme 2: Perceived criticism of parent

Three of the seven parents interviewed reported perceptions that they had been personally criticised following the registration of their appeal to SENDIST. The significance of this theme is highlighted by the emotive language used by parents sharing this perception.

I felt as if we were being treated as troublesome people and I'd felt that all the way along, "Oh these are just fussy grandparents. It's their fault [C1] is the way he is because they've given in to him." (P1)

Research Question 3: Which aspects of LDRSs are a barrier the resolution of disagreements prior to tribunal from a parental perspective?

Super-ordinate Theme 2: Lack of confidence in SEN systems

All seven participants made at least one statement that indicated a lack of confidence in local SEN systems. The significance of this theme was not only highlighted by the frequency with which it was raised but also by other, qualitative aspects of parents' communication. In particular, parents were commonly sarcastic

about their confidence in SEN systems and joked about LA capacity and understanding.

Sub-theme 3: Professionals lacking independence

Parental responses revealing their confidence in local SEN systems repeatedly referred to the independence of LA employees. From teachers to SENCOs to Educational Psychologists to external mediators, parents commonly reported a perception that the professionals they encountered during the appeals process were invariably supportive of the LA position.

I know the mediation is independent from the authority but as a parent I don't know whether it feels like that. Perhaps I'm a bit of a sceptic, I don't know. You'll have to ask other people about their perceptions of that. I felt yeah they ultimately work for the authority and the authority fund them to a certain degree. (P2)

Sub-theme 4: Lessons have not been learnt

Responses of three of the parents highlighted a shared perception that local SEN systems had failed to improve despite previous negative feedback provided by parents.

I did already know a lot about statements and tribunals from my sister whose son has severe dyslexia ... so I know the tricks they like to pull to keep you in the dark and exaggerate what's being done about it. And if I'm honest I experienced the exact same thing as her. (P5)

Sub-theme 5: Over-emphasis on CYP's views

Although not a popular theme between participants, in both of the cases in which the child or young person at the centre of the appeal was asked to provide their views parents expressed dissatisfaction with the way in which these views were used.

[C1]'s decision-making is based on the here and now. It's "Do they have a drum kit? Well yes I'll go there then." It's as simple and as basic as that and the cynical part of me might suggest that the authority led him into saying he wanted to stay put by dangling this drum kit in front of him. (P1)

Research Question 3: Which aspects of LDRSs are a barrier the resolution of disagreements prior to tribunal from a parental perspective?

Super-ordinate Theme 3: Uncertainty about future

Six of the seven participants expressed uncertainty about future SEN provision, which in four out of six cases remained unresolved up until tribunal. This super-ordinate theme has some overlap with the previous theme ('Lack of confidence in local SEN systems') but appears to warrant isolated analysis as there was a clear difference between statements indicating a lack of confidence in current or previous systems and statements indicating concern about future SEN provision.

[For my sister's son] the freedom that we give to teenagers was what brought things crashing down, freedom to leave the school site or to smoke I mean, whatever it is, but for her son that was like a rag to a bull and he went off the rails and got himself excluded and I just thought 'that's exactly where we will be if I don't keep going with this.' (P4)

Sub-theme 6: Expecting broken promises

Four of the parental participants indicated that they were concerned that SEN provision could not be guaranteed to them in the form of a legal document. These reported concerns about whether or not the LA has a legal obligation to provide specific SEN assessment or resources were invariably associated with a reported lack of trust in the authority to deliver what the parents expected.

The only thing about the statement from the mediation is that it's not legally binding so it is questionable why we actually sat there and put ourselves through it when actually at the end of the day none of that's legally binding.
(P2)

Sub-theme 7: Unresolved fears about transition

Three parents of children approaching the transition from primary to secondary school expressed concerns about the challenges their children might face.

At least at primary schools you know she will be protected if she says the wrong thing to the wrong person but can anyone really say the same thing about high school, safely say that I mean. (P6)

6.4 Research Question 2: Which aspects of LDRSs facilitate the resolution of disagreements prior to tribunal from a parental perspective?

Super-ordinate Theme 5: Positive experiences

Evidence of positive experiences of LDRSs was scarce in comparison to evidence of negative experiences. Four of the seven participants provided examples of positive experiences; the remaining three did not identify anything positive. Of the four parents that described a positive experience two made only one reference to anything positive or helpful. Given their relative scarcity, all data pertaining to positive experiences and perceptions can be summarised into one super-ordinate theme. This theme has three key components which all appear to have had a positive effect in terms of resolving the disagreement prior to tribunal: 1. Feeling listened to; 2. Gaining access to a legitimate decision-maker; 3. Feeling better-informed.

Something that helped actually was when I talked to Parent Partnership and they sent me a guide on appeals and tribunals - which actually put me off if

I'm honest! - but it was helpful to know where to take things if the mediation hadn't worked. (P4)

Sub-theme 8: Feeling listened to

Interestingly, the most commonly-reported positive experience for parents ('Feeling listened to') is the direct opposite of the most commonly-reported negative experience for parents ('No one is listening'). The implication is that parents placed great emphasis on their perception of whether or not the LA listened to their concerns.

It is important to note here that all three of the parents interviewed that resolved their disagreements with the LA prior to a tribunal hearing reported positive experiences associated with feeling listened to.

The mediation was the most positive day in the whole process. That's not to say I enjoyed it because I got what I wanted but I felt someone was actually taking me seriously for the first time. (P4)

Sub-theme 9: Access to a legitimate decision-maker

The same three parents that reported feeling listened to during mediation meetings also reflected positively on the attendants at the meeting. In particular parents reported satisfaction with having access to a service manager during the mediation meeting. This appears to be linked to a parental perception that service managers are legitimate decision-makers or 'gate-keepers' to resources.

The big difference was that [service manager] actually had the power to sign off on one-to-one [adult support], whereas everyone up until then had been saying "Oh I don't know about that but we could try an application." (P6)

Sub-theme 10: Feeling better-informed

Two of the seven interviewed parents reported positive experiences relating to their perception that they had become better-informed during the appeals process.

Whereas the previous two sub-themes relating to positive experiences were exclusively linked to mediation meetings, parents felt better-informed exclusively as a result of their interaction with the local Parent Partnership Service.

[PPS employee] got me the relevant bits of educational law and I pored over them which helped me 'get it' which by that I mean it helped me know my rights and responsibilities, as well as the county's. (P1)

7. **DISCUSSION**

This chapter explores, discusses and further refines findings from Study One. The discussion will be structured using the initial research questions and with reference to the super-ordinate and sub-themes relating to each question. Themes emerging from the data will be discussed in the context of relevant literature on disagreement resolution including mediation and Parent Partnership Services.

Recommendations for practice and reflections on the research process are amalgamated with those emerging from Study Two in the concluding section in chapters 19-21.

7.1 **Discussion of results related to Research Question 1**

Super-ordinate theme 4: The Battle Metaphor

The most frequently-noted theme within parents' answers was a reference to a feeling of embattlement with the local authority. This trend - for parents to view disagreements over SEN as battles with the local authority - has been noted in previous research (e.g. Duncan, 2003). It is also reflected in the titles of some parent-focused publications relating to SEN, for example 'Guerrilla Mum' (Power, 2010) and 'Surviving the SEN system' (Row, 2005).

Although no parent reported that a sense of embattlement acted as a barrier to the resolution of their disagreement (as per Research Question 3), a significant challenge associated with the battle metaphor is that it invariably pits parents and the Local Authority as enemies. If a sense of battle has been internalised by parents it is possible that withdrawing their disagreement at best represents a 'truce' and, perhaps more commonly, feels like a 'surrender'.

It basically came down to our word against theirs, which is hard enough, but when they've got an army of so-called professionals to back them up it's not really a fair fight. (P7)

7.2 Discussion of results related to Research Question 3

Super-ordinate Theme 1: Poor Communication

This theme has clear links to the research question, 'Which aspects of LDRSs are a barrier the resolution of disagreements prior to tribunal from a parental perspective?' (RQ3). For all parents, poor quality communication with the LA was invariably associated with negative outcomes in terms of disagreement resolution. Analysis of the transcript data has revealed two key components (or 'sub-themes') of 'poor communication'; all of which were raised in response to open-ended questions about what parents perceived to be the helpful and unhelpful aspects of local disagreement resolution services.

Sub-theme 1: No one listening

The finding that a parental sense that 'no one is listening' acts as a barrier to resolving disagreements has links to previous research on parents' communication with education professionals. Desforges and Abouchaar (2003), for example, in their national report on parental involvement in their children's education found that regular communication between parents and education professionals was central to parents' satisfaction with their children's education (Desforges & Abouchaar, 2003). Similarly, research undertaken with the mothers of children with dyslexia concluded that the feeling that education professionals are not listening to parents' feedback decreases parents' sense of agency, i.e. the sense that they can influence SEN provision for the better (Buswell-Griffiths, Norwich & Burden, 2004).

Ultimately, a parental perception that 'no one is listening' represents a clear barrier to resolving disagreements. In this study, as in previous research (e.g. Buswell-Griffiths et al., 2004), parents feeling that the LA ignored or did not listen to them responded by seeking a higher authority that could ensure that they were listened to; most commonly a tribunal panel.

If I've learnt anything from this whole thing it's that you can't expect anyone to listen. You have to be so loud that these people have to listen. (P4)

Sub-theme 2: Perceived criticism of parent

The criticism parents perceived they had been subject to took two distinct but related forms: either a perceived criticism of their parenting skills or a perceived criticism of their understanding of Special Educational Needs. In each case the criticism appeared to have an adversarial effect on parents' behaviour which was associated with negative outcomes in terms of resolving the disagreement.

Similar to parents that perceived that no one from the LA was listening to their concerns, parents that perceived they had been criticised by the LA felt a need to refer their disagreement to a higher authority; in this case as a means of achieving external validation of their parenting skills.

I'd gone from a position of asking for a statement to being completely on the back foot and fighting to clear my name and I thought 'I'm not having it any more - if you think I'm such an awful parent then presumably you'll be happy to state that in front of a tribunal panel'. (P1)

Super-ordinate Theme 2: Lack of confidence in SEN systems

Sub-theme 3: Professionals lacking independence

The finding that a parental perception that local authority professionals lack independence links to previous research into the pattern of referrals to the mediation service in a London borough, which concluded that the most common reason for parents requesting a mediation meeting was that they doubted the independence of Local Authority employees (Rowley & Gersch, 2001). Similarly, a national evaluation of Parent Partnership Services reported that parents reporting the greatest

satisfaction with their local PPS frequently cited its impartiality, i.e. its ability to refrain from 'taking sides' (Rogers et al., 2006).

The implication for the present study is that where parents feel that professionals involved with LDRSs are not providing an 'independent view', their credibility is diminished to the point that their input is no longer desired. As a consequence parents in this study turned to the SENDIST tribunal as a means of gaining a seemingly more independent view.

*If I'm being brutally honest I think from top to bottom, I think there's this policy where you avoid giving people what they want because you'll have to pay for it and that's ultimately why we wanted the tribunal. **You felt the tribunal would provide a different perspective?** I felt whether we got what we wanted or not they would at least give us an independent view. (P7)*

Sub-theme 4: Lessons have not been learnt

All three of the parents that indicated dissatisfaction with the LA response to parental appeals to SENDIST were keen to also stress that their pursuance of the appeal reflected their desire to improve local systems for future users. This is a novel finding in terms of the literature on parents' experiences of SEN disagreements. The implication is that when parents believed that the LA had failed to improve its SEN provision based on perceived past failings, they developed a desire to take their disagreement to a higher authority (i.e. SENDIST) as a means of improving local SEN provision for future service users.

We started to realise that the whole system is bust and I mean we're privileged in the scheme of things: we've got time, money and a modicum of intelligence at least but going through this we just kept saying to each other "how would this be possible if you had difficulties of your own to deal with?" So we've been fighting on behalf of those parents really; to improve the situation for the next generation. (P1)

It is important to note here that the apparent barrier to disagreement resolution presented by parents feeling that 'lessons have not been learnt' was exclusive to parents with previous experience - direct or indirect - of local SEN systems. In all cases the perception that 'lessons have not been learnt' was explicitly linked by parents to past disagreements with the LA, either in relation to their own children or the children of friends and family. This aspect of the disagreement resolution process, therefore, is likely only to be relevant to parents with prior knowledge of a disagreement between the LA and parents over SEN.

Super-ordinate Theme 2: Lack of confidence in SEN systems

Sub-theme 5: Over-emphasis on CYP's views

The finding that parents believed, in some cases, that *too much* emphasis was placed on their child's views could be described as counter-intuitive because the SEN Code of Practice (SENDA, 2001) places an emphasis on children's involvement in decisions that affect their education. As a minimum standard, the views and wishes of young people should be sought prior to disagreement resolution attempts (DfES, 2001). This process, typically the responsibility of educational psychologists, is seen to be central to positive outcomes of mediation (Soar, Burke, Herbst & Gersch, 2005).

As has been reported in previous research (Kelly, Richards & Norwich, 2003; Soar et al., 2005), the decision to invite children to contribute during mediation meetings tends to depend on their age and level of understanding. In the cases reported in this study, parents expressed a perception that their children's views were included during mediation despite them lacking sufficient understanding to contribute meaningfully. Parents seem to be expressing a view that the LA chose to include their children's views against parental wishes and as a means of justifying existing provision that parents were dissatisfied with. In short, parents seemed to be describing a sense that their children's views were consciously over-emphasised by the local authority in cases where the child 'did not know any better', i.e. was unable

to understand the effect of the changes that their parents had sought to achieve when registering their disagreement with the authority.

Sub-theme 6: Expecting broken promises

In the present study parents' desires to be reassured about future provision for their children were not satisfied by local disagreement resolution services. The repetition of the phrase "legally binding" indicates that parents in the present study were reluctant to trust the outcomes of involvement with any LDRS that did not meet this criteria. Parental expectations that provision will erode in the future or that promises will be broken appeared to be associated with a desire for the LA to take on a legal, i.e. statutory, duty to alter or maintain provision in accordance with parental wishes. Therefore it appears likely that an expectation for promises to be broken will tend to lead to parents pursuing adjudication through a higher authority; namely the SENDIST hearing.

Super-ordinate Theme 3: Uncertainty about future

Sub-theme 7: Unresolved fears about transition

In particular, parents were concerned that their children would be vulnerable at secondary school and this appeared to fuel a desire for the receiving school to have both a clear understanding of the CYP's needs as well as a legal obligation to provide the resources to meet these needs. All three of the parents with unresolved fears about the transition to secondary school suggested that the best method of supporting a positive transition would be through the statutory assessment process.

*I just thought 'that's exactly where we will be if I don't keep going with this.'
So yeah you could say I was desperate for a statement at that point. I just
had this sinking feeling as if without something backing him up when he
arrived at [secondary school] he'd get eaten alive. (P4)*

Parental concerns about the transition between primary and secondary education are well-documented in research (Evangelou et al., 2008) and confirmed by, for example, patterns of appeals registered with SENDIST showing that the median age of children at the point of appeal between 2007 and 2008 was 9 years, 11 months (SENDIST, 2008), i.e. approximately one year prior to transition into secondary education. Moreover, within this study the average age of children at the point of appeal was 10 years, 2 months, further supporting the idea that the 12 months prior to transition is associated with heightened anxiety among parents and also an increased number of appeals registered with SENDIST.

7.3 Discussion of results related to Research Question 2

Super-ordinate Theme 5: Positive experiences

Sub-theme 8: Feeling 'listened to'

Service users' perceptions of 'feeling listened to' have not been researched previously in relation to disagreements over SEN. In related research, however, patients that deemed they had been listened to by their nurses were shown to have better mental health and better relationships with professionals than patients feeling that they had not been listened to (Kagan, 2008). The implication, therefore, from previous related research and the current study is that feeling listened to is a crucial aspect of service users' (parents') perceptions of the relationship they have with services. Where parents in this study felt they had been listened to, they were less likely to seek an external audience such as a tribunal panel.

Super-ordinate Theme 5: Positive experiences

Sub-theme 9: A legitimate decision-maker

In all three cases that parents reported benefiting from access to a legitimate decision-maker, they appeared to feel increasingly trustful that SEN provision would change in response to their appeal. Similar to the inverse relationship between

'feeling listened to' and feeling that 'no one is listening', whereas parents that 'expected broken promises' (sub-theme 6) were likely to seek reassurance via a tribunal hearing, parents that had 'access to a legitimate decision-maker' were likely to resolve their disagreement prior to tribunal.

[The service manager] didn't see any reason why in the next round of funding that [C2] didn't qualify ... and everybody at that meeting assured me that that would be the case; that he would move up to School Action Plus and this funding would support him through Years 7 to 9. (P2)

The finding that parents felt that access to a legitimate (authoritative) decision-maker was a facilitator of disagreement resolution supports the findings of an evaluation of a SEN conciliation service in England (Gersch, Casale & Luck, 1998). In both studies parents reported that their disagreements could not be resolved until a legitimate decision maker had heard their case and made a binding decision. In the present study and in previous research the legitimate decision-maker was part of the Senior Management Team within the local SEN department. Without reassurance from this legitimate decision-maker, parents in the current study sought a tribunal hearing as a means of accessing a legitimate decision-maker, i.e. a panel member with the authority to direct and guarantee SEN provision.

Super-ordinate Theme 5: Positive experiences

Sub-theme 10: Better informed

The outcome of parents feeling better-informed does not appear to relate directly to the resolution of disagreements prior to tribunal. However, it does appear to have been a positive aspect of two parents' experiences of LDRSs.

[The PPS] hadn't necessarily told me what I wanted to hear ... but it was nice to know that there were people out there who had parents' needs in mind ... it's reassuring to know that you're not completely isolated and if things go wrong there will be someone who can tell you where to go next. (P4)

Analysis of interview transcript data revealed that parents who became better informed through their contact with LDRSs were less likely to pursue their SEN disagreement to the point of tribunal hearing. This finding supports previous research into parents of children with dyslexia which reported that parents' sense of agency was increased following communication with parental advocacy and advice groups including the Parent Partnership Service (Buswell-Griffiths et al., 2004). It is not clear from the present study or from previous research whether better information *necessarily* supports the resolution of disagreements in all cases. However in some cases it is evident that explanation of the SEN Code of Practice, for example, led parents to withdraw their disagreement in the knowledge that the LA had operated within the legal framework for SEN.

Something that helped actually was when I talked to Parent Partnership and they sent me a guide on appeals and tribunals - which actually put me off if I'm honest! - but it was helpful to know where to take things if the mediation hadn't worked. (P4)

8.

CONCLUSION

The aims of Study One were to 1. explore and illuminate parents' experiences of local disagreement resolution services, and 2. identify barriers to and facilitators of disagreement resolution prior to a potentially costly tribunal.

In terms of the first aim, the present study revealed that parents' experiences of LDRSs were largely negative. This feature of the research findings may be indicative of bias in the opt-in recruitment method. Colloquially referred to as the 'Trip Advisor effect', this bias in reporting may be due to the perception that people only wish to comment on services that they are either very satisfied or very dissatisfied with. In the present study it would appear that the majority of parents wished to contribute to research due to their *dissatisfaction*, in some cases specifically stating that they had agreed to take part so that the research audience would gain an insight into how difficult the process of registering a disagreement over SEN provision can be for parents.

This is an unintended effect of the research but perhaps inevitable due to the need for voluntary consent (i.e. the opt-in approach). It is possible that future research targeting only parents with positive experiences of LDRSs would facilitate a 'positive psychology' approach to studying disagreement resolution. The usefulness of such a study would lie in its ability to focus on 'best practice' examples which could then be shared with practitioners and policy-makers as a means of promoting disagreement resolution prior to tribunal hearings.

In terms of the second aim of Study One - to identify barriers to and facilitators of disagreement resolution prior to a potentially costly tribunal - the following diagram represents this study's findings. It is clear that for each of the identified facilitators of disagreement resolution there is an associated, opposing barrier. These facilitator-barrier pairings indicate a series of opportunities for disagreements to either be resolved or to continue depending on the response of local disagreement resolution services. All identified facilitators and barriers, which are summarised in Figure 11

below, will be further investigated during the course of Study Two, this time from a Local Authority perspective.

Figure 11: Table describing effect of emergent themes on disagreement resolution

Barriers to disagreement resolution	Facilitators of disagreement resolution
Parents feeling that no one listening	Feeling 'listened to'
Professionals lacking independence	A legitimate decision-maker
Lessons have not been learnt	Better informed
Over-emphasis on CYP's views	
Expecting broken promises	
Unresolved fears about transition	
Battle metaphor	

9. **REFERENCES**

- Acland, A. F. (1990). *A Sudden Outbreak of Common Sense. Managing Conflict through Mediation*. London: Hutchinson Business Books Limited.
- Bennett, P. L. (1998). Special Educational Needs Tribunals, *Educational Psychology in Practice*, 14:3, 203-208.
- Bhaskar, R. (1979). *The possibility of naturalism*, Brighton: Harvester Publishing.
- Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.
- Buswell-Griffiths, C., Norwich, B. & Burden, R.L. (2004). Parental agency, identity and knowledge: mothers of children with dyslexia. *Oxford Review of Education*, 30(3), 417-433.
- The British Psychological Society. (2009). *Code of Ethics and Conduct: Guidance Published by the Ethics Committee of the British Psychological Society*. Leicester: British Psychological Society.
- Council of Europe. (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3b04.html>
- Crabtree, C. & Whittaker, J. (1995). How independent are the independent special needs tribunals? Report for the Action Research Centre for Inclusion: online. Retrieved November 21, 2010, from <http://www.inclusion-boltondata.org.uk>
- Dawe, A. & Neathey, F. (2008). ACAS conciliation in collective employment disputes. ACAS Research and Evaluation Section: Online. Retrieved November 28, 2010, from <http://www.acas.org.uk/index.aspx?articleid=2056>

Department for Children, Schools and Families (2009). Lamb Inquiry: Special educational needs and parental confidence. DCSF: Online. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8553-lamb-inquiry.pdf>

Department for Children, Schools and Families (2010). Improving Parental Confidence in the Special Educational Needs System: an Implementation Plan. Nottingham: DCSF. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8623-DCSF-ParentalConfidence.pdf>

Department for Education. (1994). The Code of Practice on the Identification and Assessment of Special Educational Needs. London: HMSO.

Department for Education (2011). Support and aspiration: A new approach to special educational needs and disability: A Consultation. Norwich: The Stationery Office.

Department for Education and Employment. (1996). Education Act 1996. London: HMSO.

Department for Education and Skills. (2001). Special Educational Needs: Code of Practice. Nottinghamshire: DfES.

Department of Education and Science. (1981). Education Act 1981. London: HMSO.

Department of Education and Science. (1993). Education Act 1993. London: HMSO.

Desforges C., & Abouchaar, A., (2003). The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Review, Research Report 433, London: DfES

- Duncan, N. (2003). Awkward Customers? Parents and Provision for Special Educational Needs, *Disability & Society*, 18:3, 341-356.
- Evangelou, M., Taggart, B., Sylva, K., Melhish, E., Sammons, P., & Siraj-Blatchford, I. (2008). What Makes a Successful Transition from Primary to Secondary School? Research Report DCSF-RR019, London: DCSF.
- Evans, J. (1998). *Getting it Right: LEAs and the Special Educational Needs Tribunal*. Slough : NFER
- Evans, J. (1999). The impact of the Special Educational Needs Tribunal on local authorities' policy and planning for special educational needs, *Support for Learning*, 14, 74-79.
- Freshfields Litigation Team. (1998). *The Woolf reforms in practice: Freshfields assess the changing landscape*, London: Butterworths.
- Gersch, A. (2003). Introduction. In Gersch, I.S. & Gersch, A. (Ed) *Resolving disagreement in special educational needs*, London: Routledge Falmer.
- Gersch, I. S., Casale, C., & Luck, C. (1998). The Waltham Forest SEN Conciliation Service: One approach to reducing tribunal appeals, *Educational Psychology in Practice*, 14:1, 11-21.
- Gibbs, G. (2007). *Analyzing Qualitative Data – The Sage Qualitative Research Kit*. London: Sage.
- Harris, N., & Riddell, S. (2011). *Resolving disputes about educational provision*, Surrey, Ashgate Publishing Limited.
- Harris, N., & Smith, E. (2009). Resolving disputes about special educational needs and provision in England, *Education Law Journal*, 10:2, 113-132.

- Kagan, P. (2008). *Feeling Listened To: A Lived Experience of Humanbecoming*, Nursing Science Quarterly, 21(1), 59-6.
- Knill, B. & Humphreys, K. (1996). Parental preference and its impact upon a market force approach to special education, *British Journal of Special Education*, 23, 30-34.
- Miles, M. B. & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*, London: Sage Publications.
- Ministry of Justice. (2007). The Tribunals, Courts and Enforcement Act (TCEA). London: HMSO. Retrieved December 1, 2010, from: <http://www.legislation.gov.uk/ukpga/2007/15/contents>
- Morgan, D. L. (2007). Paradigms lost and pragmatism regained, *Journal of Mixed Methods Research*, 1(1), 48-76.
- O'Brien, D. (2006). *An Introduction to the Theory of Knowledge*, Cambridge: Polity Press.
- O'Connor, U., McConkey, R., & Hartop, B. (2005). Parental views on the statutory assessment and educational planning for children with special educational needs, *European Journal of Special Needs Education*, 20:3, 251-269.
- Oliver, S. (2003). The SEN tribunal. In Gersch, I.S. & Gersch, A. (Ed) *Resolving disagreement in special educational needs*, London: Routledge Falmer.
- Power, E. (2010). *Guerrilla mum: Surviving the special educational needs jungle*, London: Jessica Kingsley Publishers.

- Reybold, L. E. (2002). Pragmatic epistemology: ways of knowing as ways of being. *International Journal of Lifelong Education*, 21(6), 537-550.
- Riddell, S., Brown, S., & Duffield, J. (1994). Parental Power and Special Educational Needs: the case of specific learning difficulties, *British Educational Research Journal*, 20:3, 327-344.
- Riddell, S., Harris, N., Smith, E. & Weedon, E. (2010). Dispute resolution in additional and special educational needs: local authority perspectives, *Journal of Education Policy*, 25: 1, 55-71.
- Robson, C. (2002). *Real world research: A resource for social scientists and practitioner-researchers* (2nd ed.), Oxford: Wiley-Blackwell.
- Rogers, R., Tod, J., Powell, S., Parsons, C., Godfrey, R., Graham-Matheson, L., Carlson, A. & Cornwall, J. (2006). Evaluation of the special educational needs parent partnership services in England RR719. Nottingham: DfES.
- Row, S. (2005). *Surviving the special educational needs system: How to be a velvet bulldozer*, London: Jessica Kingsley Publishers.
- Rowley, J., & Gersch, I. (2001). SEN Conciliation: Is there a pattern to referrals?, *Educational Psychology in Practice*, 17:4, 361-374.
- Runswick-Cole, K. (2007) "The Tribunal was the most stressful thing: more stressful than my son's diagnosis or behaviour": the experiences of families who go to the Special Educational Needs and Disability Tribunal (SENDisT), *Disability & Society*, 22:3, 315-328.
- SENDA. (2001). Special Educational Needs and Disability Act 2001. London: HMSO.

- SENDIST. (2009). Annual Report 2008/2009. Retrieved November 7, 2010, from http://www.sendist.gov.uk/Documents/FormsGuidance/AnnualReports/AnnualReport_08_2009.pdf
- Smith, J.A., & Osborn, M. (2008). Interpretative Phenomenological Analysis. In J.A. Smith (Ed), *Qualitative Psychology: A Practical Guide to Methods*. London: Sage.
- Soar, K., Burke, K., Herbst, K., & Gersch, I. (2005). Pupil involvement in special educational needs disagreement resolution: some perceived barriers to including children in mediation, *British Journal of Special Education*, 32:1, 35-41.
- Tennant, R., Callanan, M., Snape, D., Palmer, I. & Read, J. (2008). Special educational needs disagreement resolution services. National evaluation research report DCSF-RR054. London: DCSF.
- Todd, L. (2003). Disability and the restructuring of welfare: the problem of partnership with parents, *International Journal of Inclusive Education*, 7:3, 281-296.
- UN General Assembly. (1948). *Universal Declaration of Human Rights*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3712c.html>
- Williams, M. (2006). SENDIST: Challenge or opportunity? Report for PEACH (Parents for the Early Intervention of Autism and their families). Retrieved November 21, 2010, from <http://www.council-on-tribunals.gov.uk/adjust/item/sendist.htm>
- Willig, C. (2001). *Introducing Qualitative Research in Psychology: Adventures in Theory and Method*. Buckingham: Open University Press.

Wolfendale, S. (2002) *Parent Partnership Services for Special Educational Needs: Celebrations and Challenges*, London: David Fulton Publishers.

Study Two

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9.1

ABSTRACT

Special Educational Needs and Disability Tribunals (SENDIST) provide independent adjudication of parental appeals against Local Authority (LA) decisions. The Parent Partnership Service (PPS) and Disagreement Resolution Services (DRS) are both arranged to reduce disagreements and, specifically, to prevent tribunals. Study Two aimed to explore experiences of professionals working within Local Disagreement Resolution Services (LDRSs) including the PPS and DRS. A secondary aim of Study Two was to identify barriers to and facilitators of disagreement resolution from a professional perspective. A final aim of Study Two was to synthesise the perceptions reported by professionals in Study Two with those reported by parents in Study One.

Methods: Study Two utilised semi-structured interviews as a means of exploring six LA-employed professionals' experiences and constructs. Interview transcripts were analysed using thematic analysis in order to specify key themes relating to the resolution of disagreements about SEN. Findings emerging from Study Two were integrated with findings from Study One using the themes generated through thematic analysis.

Results: Professionals reported a number of parental factors that were perceived to act as a barrier to disagreement resolution. These included but were not limited to: weak understanding of SEN systems and a lack of confidence to engage in mediation processes. Professionals did not identify any parental factors perceived to be conducive to disagreement resolution. A smaller number of facilitators of disagreement resolution were reported, including: early intervention; and face-to-face meetings. Synthesis of findings from Studies One and Two resulted in the creation of clusters of themes that can inform future policy and practice. Findings from Studies One and Two indicate that disagreement resolution is best supported where Local Authorities can promote: collaboration, information-sharing, and reassurance for parents.

10.

INTRODUCTION

As was identified in Study One (Chapter 1), disagreements between parents and local authorities about educational provision for children with Special Educational Needs (SEN) have increased dramatically in the UK in the past 60 years (Gersch, 2003; SENDIST, 2009; Harris & Riddell, 2011). This increase in disagreements has led to national policy changes - including the introduction of specific disagreement resolution services (DfE, 1994; SENDA, 2001) - in order to prevent parents and authorities engaging in tribunal hearings, which are associated with significant costs to time, finance, and emotional well-being for all involved (Bennett, 1998; Evans, 1999; Williams, 2006; Runswick-Cole, 2007). Resolving disagreements between parents and education authorities prior to a formal tribunal hearing continues to be central to national policy (DfE, 2011).

Literature discussed in this thesis draws on publications from relevant areas of psychology, education, and law review, including scrutiny of the legislative context and research into experiences of educational disputes and the processes designed to resolve disagreements between parents and the local authority. It will also include reference to the findings of Study One into parental experiences of Local Disagreement Resolution Services.

Literature was sourced following database searches using EBSCO EJS, PsycINFO, ScienceDirect and Google Scholar, using the search terms 'SENDIST', 'Tribunal', 'Mediation', 'Conciliation', 'Arbitration', 'Disagreement Resolution', 'Dispute Resolution', and 'ADR'.

A description of the specific services arranged to resolve disagreements prior to tribunal, including the national policies that justify the current research focus, is available in Study One (Chapter 1) and is not repeated here for the purposes of brevity.

10.1 Professionals' experiences of Parent Partnership Services

Rogers et al., (2006) carried out a national evaluation of Parent Partnership Services for the Department for Education and Skills (DfES)

, finding that the main issue reported by Parent Partnership professionals in terms of effectiveness was staffing levels within the service. The study highlighted significant variation in staffing levels across the country:

"of the 26 PPOs who described their main barriers to achievement, over half (16) repeatedly referred to lack of resources and staffing levels as a problem. They felt that staffing shortages placed a direct restriction on what the PPS could achieve despite their best efforts to use employees' time resourcefully and to use volunteers to reduce workloads." (Rogers et al., 2006, p. 24)

The implication of the professionals' responses is that staffing levels directly affect service delivery in Parent Partnership Services. Specifically it was suggested that lower numbers of full-time equivalent staff resulted in a more reactive approach to working with parents.

It is important to bear in mind when considering the implications of Rogers et al.'s evaluation that the research focused on PPS delivery *in general* rather than specifically in terms of its ability to resolve disagreements. Moreover, the research did not investigate any factors relating to parents, focused as it was on PPS delivery and effectiveness.

10.2 Professionals' experiences of Mediation and Conciliation Services

Figures from the latest SENDIST annual report³ indicate that the total number of registered appeals to SENDIST steadily increased over a ten year period, from 2,463

³ Since 2008/09 SENDIST have ceased to monitor the outcomes of appeals in the same format. Instead tribunal outcomes are now monitored nationally by Her Majesty's Courts and Tribunals Service (HMCTS). The result is that tribunal

in 99/00 to 3,016 in 08/09. Of the 3,016 registered appeals in 08/09, 26% (791) were decided at a hearing, 44% (1,317) were withdrawn by the appellant and 30% (897) were conceded by the Local Authority prior to hearing. (SENDIST, 2009). More often than not, therefore, disagreements over SEN provision are resolved prior to tribunal. However, this data does not tell the full story in terms of *how* disagreements were ultimately resolved. The cessation of disagreement is described in terms of concession by either appellant (parent) or defendant (LA) and there is no evidence of the recording of negotiated or mediated outcomes. The challenge of recording cases of mediation is summarised by Tennant et al. (2008):

It is clear that LAs would benefit from aggregate information on the proportion of cases resolved via mediation, but this type of data is very difficult to collect as mediation providers use different approaches to collating evidence about the use of their service. (p. 57)

10.3 Justifying the focus on Local Disagreement Resolution Services

Previous research into professionals' experiences of disagreement resolution services (e.g. the views of mediators, Parent Partnership Service employees, and other LA employees) has tended to have been undertaken in a national context (Tennant et al., 2008; Riddell et al., 2010). Such research cannot do justice to the variation in 'local offers' of DRSs as encouraged by the SEN Code of Practice (SENDA, 2001) and as discovered in these very evaluations: "Local-level informal resolution of disputes in this way predominates across the LAs surveyed" (Riddell et

outcomes are aggregated according to their broad purpose (i.e. health versus social care versus education). Consequently it is not possible to separate the outcome of SENDIST Tribunal appeals from tribunals that are also part of the education department, for example Disability Discrimination claims. A Freedom of Information request for clarification of most recent SENDIST data was denied due to the costs this would involve for the HMCTS.

al, p.63, 2010). This finding justifies a more focused examination of the barriers and facilitators of alternative disagreement resolution processes in a local context.

What is proposed here is a new study to address a gap in the literature. In particular, since previous reviews have tended to use the SEN CoP criteria as a basis for evaluating service delivery (e.g. Rogers et al., 2006; Tennant et al., 2008), they have overlooked the interpretations of involved professionals in terms of *how* and *why* disagreements have or have not been resolved; rather they have focused on *whether* disagreements were resolved or not. The proposed study will focus on the experiences of all professionals involved in a 'local offer' of disagreement resolution services - referred to here as LDRSs - aiming to reveal the perceived barriers and facilitators to disagreement resolution prior to a potentially costly tribunal.

11. **RESEARCH AIMS**

The purpose of Study Two is to fill a gap in the research literature by exploring and illuminating professionals' experiences of disagreement resolution processes prior to tribunal. Through the design of semi-structured interviews, barriers to and facilitators of successful disagreement resolution, from a professional perspective, will be highlighted.

The second stage of Study Two will be to integrate the findings from parental interviews and professional interviews, highlighting links between the identified themes. Through this process it is hoped that over-arching barriers to and facilitators of disagreement resolution can be identified. The final aim is for this research to impact on policy and practice, at least at a local level, by raising awareness of the factors that can either support or disrupt attempts to resolve disagreements prior to tribunal.

12. RESEARCH QUESTIONS

These aims are addressed through the following research questions:

1. Which aspects of LDRSs' delivery and practice support the resolution of disagreements prior to tribunal from a professional perspective?
2. Which aspects of LDRSs' delivery and practice are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?
3. In terms of facilitators of and barriers to disagreement resolution, what are the links between findings from parental interviews and professional interviews?

13. DESIGN AND METHODS

This chapter details the design of the research including the participants and the methods employed to gather data. It commences with a discussion of epistemological and methodological considerations before identifying sampling procedures, data collection methods and over-arching ethical considerations.

13.1 Epistemological stance and methodological approach

The primary aim of Study Two is the exploration of professionals' experiences within local disagreement resolution services (LDRSs). The epistemological stance as well as the data collection techniques therefore needed to facilitate detailed, individual-level inquiry capable of capturing the experiences, opinions and beliefs of those involved. Given that the sample population from which to draw participants is limited, and given that similar prior research is also scarce, the methodological approach taken in Study Two is deliberately matched with the approach taken in Study One. For a full discussion of the methodological and epistemological stance taken in Study Two please see Chapter 4.1.

A secondary aim of Study Two is the integration of findings from interviews with parents (Study One) and interviews with professionals (Study Two). The specific process of integrating these findings is discussed later in chapter 14.7. Although the methodology of Study Two encourages interpretation of responses at an individual level (i.e. a relativist approach), it is not fundamentally assumed that the experiences of participants in either Study One or Study Two cannot be shared by other parents and professionals. The second phase of Study Two therefore adopts a critical realist epistemology. This highlights an assumption that although participants' experiences may be interpreted individually (i.e. differently by different people) there *is* an external reality; one which repeated observations - and integration of these observations with other sources - can specify and clarify.

The research methods employed within this study were selected on the basis of their ability to simultaneously: answer the research questions; and remain useful in terms of the ethical and practical constraints. The selection of methods that can balance theoretical pursuits with practical constraints reflects an inherent pragmatic research assumption (Morgan, 2007).

13.2 The Qualitative Method

Consideration of the relevant research literature, the purpose of the research, the research questions being asked, the objects of study, and the project constraints has highlighted the appropriateness of the qualitative method. The reasons for selecting the qualitative method are outlined in Chapter 4.2 and apply equally to Study One and Study Two.

14.

PROCEDURE

This chapter describes the procedure for completing the research described in Study Two. Considerations related to sampling procedures, data collection and analysis methods, ethics and researcher reflexivity are discussed; the aim being to justify each selected approach in terms of the research questions and scope.

14.1 Sampling strategy

Access to the sample of professionals was facilitated by: 1. the Chair of the regional Disagreement Resolution Services Advisory Board, and 2. the local SEN Service Manager. From these two sources lists were supplied detailing all local professionals that have been involved in Local Disagreement Resolution Services, including the specific Code of Practice-mandated DRS (mediation service) and the Parent Partnership Service.

Consequently, this study employed a purposive sampling strategy. It was necessary to target participants with a specific experience: namely, the experience of involvement within LDRSs. The 'best' sampling strategy in any study will depend on the context of the research (Robson, 2002). In this case, due to the requirement to find participants with specific experiences, and the research objective to illuminate individual experiences through qualitative methods, purposive sampling was deemed the most appropriate, pragmatic strategy.

14.2 Participants

The lists of professionals relevant to the current study contained six names in total. There are doubtless many other professionals with direct and indirect involvement in disagreements between parents and the Local Authority, however the participant lists available to this study comprised all and only those professionals with a statutory duty to become involved in cases that are referred to SENDIST. Listed

professionals were contacted directly via telephone call (appendix 6) and all six agreed to take part in the study.

In total Study Two featured six participants: four mediators and two Parent Partnership Service advisors. Three of the mediators were employed by an external mediation service and one by the Local Authority. Both of the two PPS advisors were employed by the Local Authority.

It is important to note that no attempt was made to 'match' the professional participants in Study Two with the parental participants in Study One. Although individuals from these two participant groups may have been involved in the same appeal to SENDIST, due to the scarcity of available participants, no attempt was made to specifically recruit participants involved in the same specific disagreements over SEN. Figure 12 (below) details the status and experience of the participants, and indicates that three of six professional participants had experiences of multiple formal disagreement resolution processes. (Participants have been coded by number to ensure their anonymity.)

Figure 12: Details of professional participants

Coded name	Professional role	Employer	Number of SEN disagreements in previous three years
P1	Mediator	External mediation service	1
P2	Mediator	External mediation service	3
P3	Mediator	External mediation service	2
P4	Mediator	External mediation service	1
P5	PPS advisor	Local Authority	4
P6	PPS advisor	Local Authority	1

Although Study Two focuses on formal disagreements over SEN it is important to note here that both 'PPS advisor' participants reported having been involved in a

number of additional but informal disagreements. For the purposes of the current study, participants were asked only to refer to cases where a disagreement had been formally registered with SENDIST prior to or during their involvement. Three years was selected as a cut-off point for discussing cases due to changes in the handling of disagreements within the Local Authority. Within the past three years mediation services in the research authority have been commissioned via an external mediation service and hence it was important that all participants discussed their involvement with cases during the same time period.

Professional participants were interviewed within their workplaces, all having been able to identify a private room for this purpose. All participants were interviewed individually and the interviews lasted between 45 minutes and 70 minutes.

14.3 Pilot Work

No piloting of the research methods was completed prior to Study Two. The primary tool for data collection, the semi-structured interview, is both a well-established method within qualitative research (Robson, 2002) and had also effectively been piloted during Study One, with no notable difficulties. The possibility of piloting the semi-structured interview schedule with professionals from another geographical area was considered. However this was ruled out due to the implications of rehearsing a time-consuming interview with busy professionals for the sole purpose of confirming the usefulness of a previously successful interview schedule.

14.4 Ethical Considerations

Ethical considerations are central to this study since confidentiality is paramount in both the disagreement resolution process (SENDA, 2001; Ministry of Justice, 2007) and the wider research process (BPS, 2009). It was crucial, therefore, that professionals were fully and freely consenting to engage with the study. Recruitment to the study relied on a telephone 'opt-in' invitation. This telephone call provided full,

transparent information about the nature and purpose of the research (appendix 6). Professional participants were also reminded of this information prior to the semi-structured interviews, discussed later (appendix 7).

Due to the overlap of methods used and research aims between Studies One and Two (albeit with different samples of participants), the ethical considerations prior to Study Two replicated those prior to Study One. Further discussion of the ethical considerations ahead of Study Two's completion is available in Chapter 5.4 and appendix 13.

14.5 Data Collection: Semi-structured Interviews

The reasons for selecting semi-structured interviews for Studies One and Two, including the potential pitfalls and solutions, are described in chapter 5.5 and apply equally to both studies. (See appendix 7 for the semi-structured interview schedule; see appendix 8 for example interview transcripts.)

Data pertaining to professional experiences of LDRSs was collected through the use of semi-structured interviews (interview schedule detailed in appendix 7). It was important for the purposes of continuity that the same form of interview (i.e. semi-structured and open-ended) was used in Study Two as was used in Study One. Although findings from Study One could have been used to inform the questions posed in Study Two interviews it was deemed unhelpful to impose the ideas and themes arising from interviews with parents on the interviews with professionals. It is important to bear in mind here that the aim of Study Two is not to ask professionals for solutions to parent-reported challenges or opinions on parents' perceptions; rather, the aim of Study Two is to explore professionals' individual experiences within LDRSs during the disagreement resolution process.

14.6 Data Analysis: Thematic Analysis

All interviews were transcribed and saved as separate word processing files, as per Study One. The data analysis process, including its justification, was equally applicable to Study Two as it was to Study One. In particular, due to the relative dearth of previous research into professionals' experiences of disagreement resolution, an inductive approach to data analysis was necessary.

For a discussion of the data analysis procedure see chapter 5.6. For a discussion of the justification of thematic analysis (as per Braun & Clarke, 2006) as an approach to data analysis see appendix 16. For an example coded interview transcript see appendix 8.

14.7 Further Data Analysis: Integration of findings from Studies One and Two

The current study, employing as it does an interpretive methodology, does not seek, as Pawson and Tilley put it, to establish 'secure transferability of knowledge' (i.e. universally-generalisable claims); rather it seeks to inform the 'continual betterment of practice' (i.e. ongoing improvements in a specified context) (1997, p. 118). Since LDRSs vary according to their location (SENDA, 2001; DfE, 2011), the specific and unique aspects of the services in question must be taken into account. Accordingly it is not appropriate for the results of the current research to be generalised to another local authority where LDRSs are likely to be structured differently .

It remains important, however, to integrate the findings from parental and professional interviews in the current. research in order to increase understanding of how LDRSs affect disagreement resolution in this local context. The aim of the present study is not to prove whether LDRSs resolve disagreements *per se* but rather to generate understanding about the local barriers to and facilitators of disagreement resolution. Integration of the findings from Study One and Study Two will assist with the identification of over-arching, mutually-agreed barriers and facilitators.

14.8 Reflexivity

Researcher reflexivity is central if inherent biases and assumptions are not to influence, or even pre-determine, a study's results (Robson, 2002). My identity, as a Trainee Educational Psychologist (TEP) within the research authority, must be acknowledged in order that subjectivity in the research design is diminished. It is therefore important to note here that as a TEP I will be hoping to gain full employment within a Local Authority soon after the current research is finished. Consequently, I recognise that it may prove tempting to 'side with' the Local Authority or perhaps to minimise any potential criticism of local services in order that my employment prospects are not affected.

In order to avoid this form of bias I have fully disclosed the aims and design of the current study with local senior professionals. Through this process I have received assurance that the improvement of Local Disagreement Resolution Services is an ongoing priority and that realistic findings are desired, be they positive or negative. Additionally, throughout the research process, I have kept an ongoing 'researcher diary' (appendix 8) which prompts regular and specific reflection on my role as a researcher.

15. RESULTS

Figures 16 (below) shows the three super-ordinate themes which have been derived from the six semi-structured interviews with professionals working within LDRSs. Below, each theme will be demonstrated with extracts from the participants. The extracts chosen are those viewed during thematic analysis as being particularly significant and/or representative of the views of other participants. (For a table featuring all super-ordinate and sub-themes, including their frequency, see appendix 19)

15.1 The relationship between the research questions and the super-ordinate and sub-themes identified within the data

Figure 16: Table linking research questions and emergent super-ordinate and sub-themes

Research Question	<u>Super-ordinate</u> and sub-theme	Results Section
RQ5: Which aspects of LDRSs are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?	<u>Parental factors</u> <ul style="list-style-type: none"> • Parental understanding of SEN systems • 'Black and white' cases • Parental confidence • Parental 'allies' <u>Timing of intervention</u> <ul style="list-style-type: none"> • Late intervention <u>Communication between LA and parent</u> <ul style="list-style-type: none"> • Unfriendly mediators 	15.2-15.4
RQ4: Which aspects of LDRSs support the resolution of disagreements prior to tribunal from a professional perspective?	<u>Timing of intervention</u> <ul style="list-style-type: none"> • Early intervention <u>Communication between LA and parent</u> <ul style="list-style-type: none"> • Face-to-face meetings 	15.5-15.6

15.2 Emergent barriers and facilitators of disagreement resolution

Figure 17: Table describing effect of emergent themes on disagreement resolution

Barriers to disagreement resolution	Facilitators of disagreement resolution
Weak parental understanding of SEN systems	Early intervention
'Black and white' cases	Face-to-face meetings
Low parental confidence	
Parental 'allies'	
Late intervention	
Unfriendly mediators	

Figure 17 (above) categorises each theme according to its perceived role in the disagreement resolution process, either as a barrier or facilitator. As will be explored further in the Final Discussion section (Chapter 17.1), professionals identified far more barriers to disagreement resolution than facilitators.

15.3 Research Question 5: Which aspects of LDRSs' delivery and practice are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 1: Parental factors

Factors relating to parents' understanding, expectations and confidence were raised by all professionals. In each case these factors were described as problematic for the resolution of disagreements. Parental factors was a highly significant theme across all interviews because they were raised by all interviewees, often on more than one occasion, and typically the professionals' descriptions of parental factors communicated a sense of frustration, or even anger, at their effect on the possibility

of resolving a disagreement prior to tribunal. Analysis of the transcript data has revealed four key components (or 'sub-themes') of 'parental factors'.

Sub-theme 1: Weak understanding of SEN systems

Four of the six professionals interviewed made suggestions that parents whose understanding of SEN systems was weak were likely to pursue their appeal over SEN to the point of tribunal. The 'understanding' referred to by professionals reflected parents' knowledge both of local systems of SEN provision and national systems including SEN policy.

What I've seen a lot of is parents speaking to other parents in another area and being told things like "yeah you need to have a statement for dyslexia" so they come back to school and start asking why their child hasn't got a statement ... they don't realise that the whole way we fund special needs is different in [research authority]. (P3)

Three of the interviewed professionals reported that local differences in SEN categorisation and funding acted as a barrier to the resolution of disagreements. In particular it was suggested that due to the relatively low proportion of children in the research authority having Statements of SEN, parents often felt 'short-changed' when speaking with parents from a different region whose children had a similar level or classification of Special Educational Needs. Additionally, two of the interviewed professionals suggested that weak parental understanding of *national* SEN policy acted as a barrier to disagreement resolution.

A common sticking point in the back-and-forth with parents is that they have this expectation that Local Authorities are there to provide social opportunities for their children when in fact if you look at the Code of Practice that's not really the case. (P1)

Sub-theme 2: 'Black and white' cases

Five of the six interviewees referred to disagreements over SEN with 'black and white' decisions at their centre. Disagreements over school placement and whether or not a child would receive statutory assessment were provided as examples of 'black and white' cases. It is possible to infer from interviewees' responses that 'black and white' cases are those where parents and the Local Authority disagree about a specific aspect of SEN provision that is not open to compromise.

In some of the really sticky cases it's hard to see what impact mediation can have, especially when parents are requesting a special school for example. With something like that there's no half-way house, you're either getting a place or you're not. (P3)

Sub-theme 3: Parental confidence

Low levels of parental confidence were highlighted as barriers to disagreement resolution by all participants working for the Parent Partnership Service but none working for the mediation service.

There are lots of parents who don't want to get involved with mediation or anything like that where they might get put on the spot. Like if they've had bad experiences at school or they're not very confident thinking on their feet or something then they won't want to come in for a big, formal meeting with us full stop. (P5)

Sub-theme 4: Parental 'allies'

The most frequently cited barrier to disagreement resolution reported by professionals in this study were the groups and individuals supporting parents to pursue their disagreements with the LA. These 'allies' of parents - as one interviewee described them - included generic SEN support groups, SEN-specific (e.g. Downs Syndrome) support groups, and legal supporters (e.g. solicitors). The theme of

parental supporters was highly significant not only in terms of the frequency with which it was mentioned but also due to the perceived severity of their effect on LDRSs ability to resolve disagreements prior to tribunal.

In my experience there are some groups out there like [...] that are just on a mission to stir up trouble. It's like they go to seek out the worst possible treatment for kids and then act like it's a daily occurrence ... it destroys any trust parents will have had in their kid's schools. (P4)

15.3 Research Question 5: Which aspects of LDRSs' delivery and practice are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 2: Timing of intervention

Sub-theme 5: Late intervention

Three of the six participants referred to delays in meetings with Parent Partnership advisors and/or mediators (summarised here as 'intervention') as acting as a barrier to resolving disagreements. Contained within this theme is a sense that delaying intervention by LDRSs allows disagreements to become entrenched, which in turn reduces the impact that LDRSs can have.

I get the feeling that for a lot of parents, especially if they've got a long-term complaint with the authority, mediation gets offered so late in the day that they think the authority would rather have the tribunal anyway, as if the mediation is just a hurdle to be jumped before the tribunal. (P2)

15.3 Research Question 5: Which aspects of LDRSs' delivery and practice are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 4: Communication between LA and parent

Sub-theme 8: Unfriendly mediators

Within the interview transcripts were some notable differences between the responses of Parent Partnership professionals and mediation professionals. In particular, the communication style and skills of the mediator were seen as a potential barrier to disagreement resolution by PPS professionals but not by mediation professionals. This stands out as a significant theme due to the impact that 'unfriendly mediators' were perceived to have on the resolution of disagreements.

A lot depends on how good the mediator is at getting parents on board. Some people have that knack of getting people's backs up whereas some of them make them feel like queens so they walk away feeling a lot happier ... more listened to. (P6)

15.4 Research Question 4: Which aspects of LDRSs' delivery and practice support the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 2: Timing of intervention

Sub-theme 6: Early intervention

In response to questions about the factors that support LDRSs to resolve disagreements prior to tribunal four of the six participants suggested that early intervention was important. As with the earlier discussed sub-theme of 'late intervention', intervention within this theme referred both to intervention by the Parent Partnership Service and/or a mediation meeting. Of the participants that reported a positive effect of early intervention in terms of resolving disagreements, all four raised this factor as their first suggestion about what supports disagreement resolution, indicating its relative importance in the perceptions of professionals working within LDRSs.

I've been involved with cases where a mediation meeting was arranged very close to the tribunal, literally just a few weeks before, and other cases where the mediation was way before a date had even been set for the hearing. The extra time and distance from a tribunal makes a massive difference to the feel of a mediation meeting, there isn't that same urgency or sense of "one side against the other" that you get when a tribunal date and venue and things has been sent out to everyone. (P3)

15.5 Research Question 4: Which aspects of LDRSs' delivery and practice support the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 3: Communication between LA and parent

Sub-theme 7: Face-to-face meetings

Asked to identify any factors that support LDRSs to resolve disagreements prior to tribunal, four of the six participants reported that face-to-face contact between parents and Local Authority employees was important.

Especially in more complex cases like PMLD [Profound and Multiple Learning Difficulties] cases there are so many people involved that parents get told different things by different people ... [disagreement resolution works best] when the key people all get together in one room and tell the parents what they're doing for their child. (P5)

16. **DISCUSSION**

This chapter explores, discusses and further defines findings from Study Two. The discussion will be structured using the initial research questions and with reference to the emerging super-ordinate and sub-themes. Themes emerging from the data will be discussed in the context of relevant literature on disagreement resolution including mediation and Parent Partnership Services.

Recommendations for practice and reflections on the research process are amalgamated with those emerging from Study One in the concluding section in chapters 19-21.

16.1 Research Question 5: Which aspects of LDRSs' delivery and practice are a barrier to the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate theme 1: Parental factors

Sub-theme 1: Weak understanding of SEN systems

(Have you been involved in any cases where a parent's understanding of SEN has been improved through their contact with your own or any other service?)
Not really - in fact it's the opposite with most people they come across! The problem you have is that people don't want to get into the nitty-gritty of special needs policies when it's that much easier to just say "you're abusing my rights - see you in court" (P4)

The finding that parents' weak understanding of SEN systems is perceived by professionals to act as a barrier to resolving disagreements could be described as counter-intuitive because it is the duty of some of these professionals, most notably PPS employees, to inform parents about SEN systems (SENDA, 2001).

Interestingly, however, within the current research data and the wider literature, professionals have expressed a perception that some parental advisors deliberately

impart incorrect information for financial gain (Riddell et al., 2010; sub-theme 4: parental allies).

Sub-theme 2: Black and white cases

Professionals within mediation services appeared to be particularly frustrated by black and white cases, suggesting that for some SEN disagreements there is little scope for the kind of compromise that mediation can support.

You come across some cases where you get the sense that you just can't win as a mediator. You still do your best of course but sometimes it's very black and white and you almost need a judge at that point to either say yes or no to what the parents have asked for. (P2)

The finding that professionals view some SEN disagreements as 'black and white' and therefore not open to compromise is interesting in terms of the literature on disagreement resolution. There appears to be an assumption shared by policy advisors (e.g. Freshfields Litigation Team, 1998), the government (e.g. DfE, 2011), and researchers (e.g. Gersch, 2003; Harris & Riddell, 2011) that tribunals ought to be avoided at all costs. However, four of the six professionals in the current study reported a perception that tribunal hearings via SENDIST are necessary in some cases; particularly where a yes/no decision about resources is required.

Although a minority view in the research literature, previous studies have also suggested, as per the current research, that some SEN disagreements are considered less suitable than others for disagreement resolution attempts; in particular disagreements over specific resources or provision (e.g. Riddell et al., 2010).

It is important to note here that the *source* of the disagreement over SEN has not been analysed within Study Two. Though this was considered it was deemed that the sample size of local parents would be too small to facilitate useful analysis, Moreover, the research aims are focused on the disagreement resolution process

after an appeal has been registered with SENDIST. An analysis of the reasons for appealing to SENDIST has previously been carried out by Rowley and Gersch (2010).

Sub-theme 3: Parental low confidence

In terms of the current study low parental confidence is seen to act as a barrier to the resolution of disagreements because a certain level of confidence is perceived to be required for parents to engage successfully with mediation meetings.

I've had a parent say to me before that she wouldn't want to go for mediation because she might be pressured into signing up for something that she doesn't want ... she basically wasn't sure about her rights and felt a lot safer leaving it in the hands of her solicitor. (P6)

The implication here is that low parental confidence acts as a barrier to mediation because it is associated with a sense that parents may misunderstand what is offered to them, potentially resulting in parents agreeing to something that they do not want for their child. A result of this low level of confidence, in some cases at least, appears to be that parents feel that leaving the management of their disagreement in the hands of others (often parental advocates or legal professionals) is a safer option than negotiating directly with the LA via a mediation process. This finding is strongly reinforced by the following sub-theme.

Sub-theme 4: Parental allies

The finding that professionals viewed parental allies as a barrier to resolving disagreements is a striking one; most notably in terms of the strength of feeling associated with these allies by professional participants in the current research. However, such a perception being reported by LA employees is not original. For example, a SEN Casework Officer in previous research into mediation from a Local Authority perspective reported that, "solicitors actively advise parents against disagreement resolution" (Riddell et al., 2010, p.63).

Furthermore, contained within this theme is a perception among LDRS professionals that some support groups serve to provide support for 'causes' rather than individuals.

You get a lot of what I call "crusaders" in this arena, people that want to support their chosen cause rather than any particular individual ... most of them have been to tribunal or made complaints on behalf of their own children so you get these little cliques forming in the guise of "support groups" that are in fact just platforms for pissed-off parents to bring up historical complaints. (P2)

The suggestion in the above quote appears to be that some support groups, rather than individuals, have an agenda to shoe-horn in wider complaints about SEN provision into the specific disagreement registered by individual parents. Again, the perceived effect of this among LDRS professionals is that by referring to historical or broader disagreements support groups erode parental trust in the Local Authority. This lack of trust in the LA is in turn perceived to act as a barrier to disagreement resolution, instead encouraging parents to refer their case to a tribunal panel comprised of non-Local Authority professionals.

Super-ordinate theme 2: Timing of intervention

Sub-theme 5: Late intervention

A lot of parents we deal with only hear about us because they've made a complaint to school already and they're given our information to support them but by that point they might've fallen out so bad that we can't turn it around. (P6)

The quote above, from a Parent Partnership advisor, implies that not only does late intervention by the PPS act as a barrier to resolving disagreements but also that a failure to promote the service *prior* to the registration of appeals to SENDIST has the same effect. This suggestion echoes the findings of a 2006 review by Rogers et al.

of Parent Partnership Services; namely that promotion of the PPS is one of the two most significant factors related to take-up of that service by parents (Rogers et al., 2006), the other being LA senior managers' understanding of the purpose of the Parent Partnership Service. The implication within the current research is that earlier promotion of the PPS would increase parental take-up of this service, facilitating the possibility of early intervention.

Super-ordinate theme 3: Communication between LA and parent

Sub-theme 8: Unfriendly mediators

I have sat through one really painful mediation meeting which felt more like a trial than mediation. It was just a barrage of questions from the so-called mediator ...

(And what effect do you think that had in terms of resolving the disagreement?)

Well she was quite upset by it actually. She told me afterwards ... I think the mediation meeting made things worse actually ... even more personal. (P5)

The above quote conveys a sense that mediators in some cases are perceived by PPS professionals to behave in an unfriendly manner towards parents. This approach to mediation represents a stark contrast to the most influential descriptions of best practice in mediation. Genn, for example, writes that "mediation is concerned with compromise, communication and relationships, but it is not about substantive justice." (Genn, 2010, p.118) Similarly, reporting on an evaluation of Parent Partnership Services, Rogers et al. (2006) concluded that:

"maturity of service is not a good indicator of the performance of the individual PPS. Instead, qualitative data suggests that a better indicator is the personality and strengths of the individuals most directly involved with the service" (Rogers et al., 2006, p. 25)

Due to the limited sample size of professionals it is not within the scope of the current study to compare the specific approaches to mediation, including the specific techniques used, between individual mediators. It is clear from the findings, however, that the individual differences in mediation style were considered by professionals to have a significant effect on the likelihood of disagreement resolution.

16.2 Research Question 4: Which aspects of LDRSs' delivery and practice support the resolution of disagreements prior to tribunal from a professional perspective?

Super-ordinate Theme 2: Timing of intervention

Sub-theme 6: Early intervention

If a parent already knows about Parent Partnership for whatever reason they're much more likely to use us to get information before they make a complaint. Sometimes we can show them that they've got every right to complain and other times we might tell them that they've got the wrong end of the stick but it's definitely a lot smoother getting on board with them as early as possible. (P5)

The preceding quote indicates that where parents are given information via the Parent Partnership Service this can occasionally result in them becoming 'better informed' about the validity of their disagreement. The implication here is that in some cases parents are given information that reduces their impression of the validity or strength of their case, in which case appeals to SENDIST are likely to be withdrawn or not registered in the first place.

This sub-theme provides further confirmation of the importance of the previously discussed 'late intervention' sub-theme. In both cases the participants have suggested that meeting with parents early on during, or prior to, an appeal to SENDIST, supports parents to become better-informed and feel that they have been 'listened to'.

Super-ordinate theme 3: Communication between LA and parent

Sub-theme 7: Face-to-face meetings

Face-to-face meetings with parents during disagreements over SEN were described by professionals as a facilitator of disagreement resolution, a finding which echoes previous research with Scottish SEN Caseworkers (Riddell et al., 2010). Asked about the measures taken by Scottish Local Authorities to reduce tribunals, the research quoted a SEN Caseworker as saying, "We always offer to meet with parents and encourage schools to do the same." (2010, p.63) The 'active ingredient' of direct meetings with parents was interpreted by the researchers as showing, "a greater willingness on the part of the authorities to engage with parents." (Riddell et al., 2010, p. 63)

In particular it was suggested within this sub-theme of responses that face-to-face meetings had the effect of humanising LDRS employees. It was further suggested that, without this direct contact, the professionals may be assumed to be 'enemies' of parents.

It's hard to put a value on the importance of people meeting face-to-face when there's a disagreement. I think if you only see someone's name on paper, especially if the paper's showing that they're "defending" the Authority, you can start to build a sense of hostility towards that person so unless you meet them face-to-face you're picturing them as this enemy that wants to harm your children, whereas they might not be quite that bad in person(!) (P2)

This theme therefore has clear links with the previous sub-theme 'early intervention'. In both cases participants suggest that talking to each other directly, and early, reduces the likelihood of an adversarial dynamic forming between parents and professionals.

**17. FURTHER DISCUSSION:
SYNTHESIS OF FINDINGS FROM STUDIES ONE AND TWO**

17.1 Integration of findings from Studies One and Two

On the basis of the interviews with parents and professionals it has been possible to establish separate lists of barriers to and facilitators of disagreement resolution prior to tribunal (see figures 13 & 20). Interestingly, all parental factors were seen as barriers to disagreement resolution. Nothing identified - either by the parents themselves or the professionals within LDRSs - about parental appellants to SENDIST was linked to the positive resolution of disagreements.

Figure 18: Table summarising parental factors that were seen as barriers to disagreement resolution

<u>Parental factors which act as barriers to disagreement resolution(sub-themes from Studies One and Two)</u>
1. Parents with ' <u>Weak understanding of SEN systems</u> '
2. Parents with ' <u>Black and white cases</u> '
3. ' <u>Parents lacking confidence</u> '
4. Parents feeling that ' <u>no one listening</u> '
5. Parents feeling that ' <u>Professionals lacking independence</u> '
6. Parents feeling that ' <u>Lessons have not been learnt</u> '
7. Parents ' <u>expecting broken promises</u> '
8. Parents with ' <u>Unresolved fears about transition</u> '

Figure 18 demonstrates that between the parents and professionals, eight potential barriers to disagreement resolution were highlighted that related to parental factors.

Additionally the parents and professionals identified nine aspects related to LDRSs which are deemed to worsen the prospects of disagreement resolution. These

LDRS-associated barriers, emerging from Studies One and Two, are summarised in Figure 19 (below).

LDRS factors which act as barriers to disagreement resolution	
	<i>Sub-theme (Study #, Sub-theme #)</i>
1. Not listening to parents' concerns	<i>No one listening (1, 1)</i>
2. Being critical of parents	<i>Perceived criticism of parent (1, 2)</i>
3. Not convincing parents of professionals' independence	<i>Professionals lacking independence (1, 3)</i>
4. Not convincing parents that lessons have been learnt from similar cases	<i>Lessons have not been learnt (1, 4)</i>
5. Over-emphasising CYP views	<i>Over-emphasis on CYP's views (1, 5)</i>
6. Not convincing parents that provision will be guaranteed	<i>Expecting broken promises (1, 6)</i>
7. Failing to resolve parents' concerns about a transition between schools	<i>Unresolved fears about transition (1, 7)</i>
8. Intervening too late on in the disagreement	<i>Late intervention (2, 5)</i>
9. Using unfriendly mediators	<i>Unfriendly mediators (2, 8)</i>

Figure 19: Table summarising LDRS factors that were seen as barriers to disagreement resolution

Importantly, however, five themes relating to aspects of the LDRSs' delivery were seen as facilitators of disagreement resolution.

LDRSs help to resolve disagreements when they are perceived by parents and professionals to:	
LDRS mechanism	<i>Sub-theme (Study #, Sub-theme #)</i>
Provide parents with better information about SEN	<i>Better informed (1, 10)</i>

Provide face-to-face meetings between parents and professionals	<i>Face-to-face meetings</i> (2, 7)
Make parents feel 'listened to'	<i>Feeling 'listened to'</i> (1, 8)
Provide access for parents to a legitimate decision-maker within the Authority	<i>A legitimate decision-maker</i> (1, 9)
Intervene early (i.e. soon after an appeal is registered)	<i>Early intervention</i> (2, 6)

Figure 20: Table summarising LDRS factors that were seen as facilitators of disagreement resolution

Integration of the findings of Studies One and Two highlights that although both parents and professionals report a large number of parental and LDRS factors that inhibit disagreement resolution, there are a small number of LDRS factors that can improve the prospects of a disagreement being resolved prior to tribunal.

The links between these factors are depicted in Figure 21 below. In some cases, identified barriers can be clearly and unambiguously linked to a facilitator. In such cases the interaction may have a positive effect in terms of disagreement resolution insofar as the facilitator could be seen as 'cancelling out', or undoing the negative effect, of a barrier. Despite this, it is important to note that due to the over-representation of barriers to disagreement resolution compared to facilitators, there are a number of identified barriers that cannot be linked to any other facilitator.

17.2 Summary of findings related to Research Question 6: In terms of facilitators of and barriers to disagreement resolution, what are the links between findings from parental interviews and professional interviews?

Figure 21: Table depicting the links between identified barriers to and facilitators of disagreement resolution

Barriers to disagreement resolution (<u>name of sub-theme underlined</u>)	Links between barriers and facilitators	Facilitators of disagreement resolution (<u>name of sub-theme underlined</u>)
Parents feeling ' <u>No one listening</u> '	↔	Parents ' <u>Feeling listened to</u> '
Parents ' <u>Expecting broken promises</u> '	↔	Parents gaining ' <u>Access to a legitimate decision-maker</u> '
Parents left with ' <u>Unresolved fears about transition</u> '	↘	Parents feeling ' <u>Better informed</u> '
Parents with a ' <u>Weak understanding of SEN systems</u> '	↗	
LDRS provides ' <u>Late intervention</u> '	↔	LDRS provides ' <u>Early intervention</u> '

Figure 21 shows the links between barriers and facilitators of disagreement resolution identified by participants across Studies One and Two. This table highlights, for example, that although parents having a 'weak understanding of SEN systems' (Study Two, sub-theme 1) is a potential barrier to disagreement resolution, the risk may be overcome by helping them to feel 'better informed' (Study One, sub-theme 10).

The limited number of links contained within Figure 21 also indirectly reveals that the perceived barriers to disagreement resolution far outnumber the perceived facilitators of resolution. For example, the barrier 'Parental allies' (Study 2, sub-theme 4) cannot be seen as interacting with any identified facilitator. In total there were 12 identified barriers to disagreement resolution whose negative effects could not be ameliorated by any identified facilitator of disagreement resolution. This finding likely reflects the stress, frustration, and often adversarial relationships between services and service users that have been highlighted by previous research in this area (e.g. Runswick-Cole, 2007).

18.

CONCLUSION

The aims of Study Two were to: 1. explore professionals' experiences of working within local disagreement resolution services; 2. identify barriers to and facilitators of disagreement resolution prior to a potentially costly tribunal; and 3. identify any links between the findings of Studies One and Two in terms of the perceived barriers and facilitators of disagreement resolution.

In terms of the first aim, the present study revealed that professionals were overwhelmingly negative about factors relating to parents that have raised disagreements with the research authority. Since all of the possible professionals involved with disagreement resolution services agreed to take part in the study it is unreasonable to link this finding to a bias in sampling. Rather, this finding appears to indicate that professionals are largely frustrated by parental understanding of SEN systems, their level of confidence, and, perhaps most significantly, the groups and individuals that supported parents to pursue their disagreements. In future, an alternative, more positive orientation to similar research - for example focusing on examples of good practice - may result in clearer conclusions about *what to do* rather than *what to avoid*.

Finally, by analysing both parental and professional interview transcripts a series of inter-linked sub-themes were revealed. These sub-themes, spanning Studies One and Two, formed natural clusters which themselves could be summarised into overarching 'key themes' emerging from the synthesis of both studies' findings.

19.

FINAL CONCLUSION:

LINKS BETWEEN THEMES ACROSS BOTH STUDIES

Through a process of integration of findings from Studies One and Two it becomes possible to establish clusters of sub-themes, organised according to their meaning. These clusters of sub-themes represent over-arching disagreement resolution themes emerging from interviews with both parents and professionals.

Figure 22: Table depicting links between themes across Studies One and Two

Key Theme and related <i>sub-themes</i>	Key Theme and related <i>sub-themes</i>	Key Theme and related <i>sub-themes</i>
<p style="text-align: center;">Collaboration</p> <ul style="list-style-type: none"> • <i>Low parental confidence</i> • <i>Unfriendly mediators</i> • <i>Face-to-face meetings</i> • <i>Parents feeling that no one listening</i> • <i>Battle metaphor</i> • <i>Feeling 'listened to'</i> • <i>Early intervention</i> 	<p style="text-align: center;">Information-sharing</p> <ul style="list-style-type: none"> • <i>Weak parental understanding of SEN systems</i> • <i>'Black and white' cases</i> • <i>Better informed</i> 	<p style="text-align: center;">Reassurance</p> <ul style="list-style-type: none"> • <i>Professionals lacking independence</i> • <i>Lessons have not been learnt</i> • <i>Expecting broken promises</i> • <i>Unresolved fears about transition</i> • <i>A legitimate decision-maker</i>

Figure 22 (above) depicts the three, over-arching themes relating to disagreement resolution that have emerged from Studies One and Two. The data from both studies suggests that collaboration, information-sharing, and reassurance are central to the resolution of disagreements prior to tribunal. More specifically, the findings reveal that both parents and professionals perceive collaboration between parents and the LA, information-sharing for parents, and reassurance for parents, are key aspects of a successful Local Delivery Resolution Service. Accordingly it is possible to frame the key themes described above as being the primary facilitators of disagreement resolution.

20. IMPLICATIONS FOR PRACTICE

Within the discussion sections for Studies One and Two a number of implications for practice have been revealed. Using the key themes identified during the integration of findings of Studies One and Two, these implications for practice are seen to include:

Measures for promoting collaboration, for example:

- Mediation skills and techniques training for local professionals involved in disagreement resolution including mediators and Parent Partnership professionals. In particular it may be useful to consider training in evidence-based negotiation and mediation approaches such as 'win-win negotiation' and 'negotiation jujitsu', as described by Gersch et al., 1998.
- The possibility of inviting local parent support groups and professionals (for example parental advocates and specialist solicitors) to an annual County Service Briefing. In particular it may be useful to provide these groups and individuals with a clear summary of local funding arrangements and the key SEN Code of Practice criteria that is used to inform SEN decisions.

Measures for promoting information-sharing, for example:

- Local 'early neutral evaluation'⁴ of disagreements registered with SENDIST. This process could involve 'a prior review of appeals cases by a tribunal judge

⁴ * When 'early neutral evaluation' of cases was piloted in relation to the Social Security and Child Support (SSCS) tribunal, Hay, McKenna & Buck (2010) found that disagreements were still referred to tribunal at the same rate but now took longer to process. The researchers were not able to explain this effect (Hay et al., 2010) and therefore further analysis of research data would be required before changing practice.

with a view to sifting out those which are very likely to fail or succeed and which may therefore be capable of being resolved without the need for a full tribunal ruling.' (p. 32, Riddell & Harris, 2010)

- Increased promotion of the Parent Partnership Service, its functions and its website. Previous research into mediation services has identified that school-based flyers and displays were most predictive of take-up of these services (Tennant et al., 2008).
- Regular updating of the content and links provided by the Parent Partnership Service website.

Measures for promoting reassurance, for example:

- Ensuring that during mediation meetings the parties represented have the authority to settle a disagreement prior to tribunal. It is important for parents that they feel they have had access to a 'legitimate decision-maker'.
- Accreditation for mediators at a local or national level. This has previously been recommended by Riddell & Harris (2010) who specifically suggested that the establishment of a 'European Code of Conduct for Mediators' would be a useful step in terms of assuring the quality and consistency of mediators (Riddell & Harris, 2010, p.36)
- Ensuring that the views of children and young people at the centre of SEN disagreements are represented wherever possible. In particular it is expected that some parents and professionals may be reassured to know that the wishes of the young person are central to all discussions about SEN disagreements, as opposed to the wishes of parents or professionals. This approach has previously been recommended by Soar et al. (2005) who acknowledge that while not every child will be capable of submitting their

views during a SEN disagreement, their views should nonetheless be sought as part of standard practice.

20.1 The Role of the Educational Psychologist

In addition to implications for the practice of LDRSs a number of implications for the role of the EP have been revealed. These implications emerge both from the research data and also from the researcher's reflections on the research process.

They include:

- The possibility of becoming part of a local 'early neutral evaluation' process during which parents' appeals are discussed with parents (thereby promoting collaboration) and with specific reference to the SEN Code of Practice (thereby promoting information-sharing).
- The possibility of becoming part of an 'early response' to parents whose requests for educational provision or resources have been turned down by the LA. (This has already been implemented in the research authority; see appendix 17 for details).
- The possibility of developing and rolling out specific training on developing positive relationships with parents (i.e. helping parents feel reassured and 'listened to'). Dunlap and Fox (2007) provide an overview of the challenges faced when working with parents in addition to a number of strategies for improving parent-professional relationships.

21.

REFERENCES

Bennett, P. L. (1998). Special Educational Needs Tribunals, *Educational Psychology in Practice*, 14:3, 203-208.

Bhaskar, R. (1979). *The possibility of naturalism*, Brighton: Harvester Publishing.

Braun, V. & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3, 77-101.

The British Psychological Society. (2009). *Code of Ethics and Conduct: Guidance Published by the Ethics Committee of the British Psychological Society*. Leicester: British Psychological Society.

Council of Europe. (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3b04.html>

Dawe, A. & Neathey, F. (2008). ACAS conciliation in collective employment disputes. ACAS Research and Evaluation Section: Online. Retrieved November 28, 2010, from <http://www.acas.org.uk/index.aspx?articleid=2056>

Department for Children, Schools and Families (2009). Lamb Inquiry: Special educational needs and parental confidence. DCSF: Online. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8553-lamb-inquiry.pdf>

Department for Children, Schools and Families (2010). Improving Parental Confidence in the Special Educational Needs System: an Implementation Plan. Nottingham: DCSF. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8623-DCSF-ParentalConfidence.pdf>

Department for Education. (1994). *The Code of Practice on the Identification and Assessment of Special Educational Needs*. London: HMSO.

Department for Education (2011). *Support and aspiration: A new approach to special educational needs and disability: A Consultation*. Norwich: The Stationery Office.

Department for Education and Employment. (1996). *Education Act 1996*. London: HMSO.

Department for Education and Skills. (2001). *Special Educational Needs: Code of Practice*. Nottinghamshire: DfES.

Department of Education and Science. (1981). *Education Act 1981*. London: HMSO.

Department of Education and Science. (1993). *Education Act 1993*. London: HMSO.

Dunlap, G., & Fox, L. (2007). Parent-Professional Partnerships: A valuable context for addressing challenging behaviours, *International Journal of Disability, Development and Education*, 54: 3, 273- 285.

Evans, J. (1998). *Getting it Right: LEAs and the Special Educational Needs Tribunal*. Slough : NFER.

Evans, J. (1999). The impact of the Special Educational Needs Tribunal on local authorities' policy and planning for special educational needs, *Support for Learning*, 14, 74-79.

Freshfields Litigation Team. (1998). *The Woolf reforms in practice: Freshfields assess the changing landscape*, London: Butterworths.

Genn, H. (2010). *Judging civil justice*. Cambridge: Cambridge University Press.

Gersch, I. S., Casale, C., & Luck, C. (1998). The Waltham Forest SEN Conciliation Service: One approach to reducing tribunal appeals, *Educational Psychology in Practice*, 14:1, 11-21.

Gersch, A. (2003). Introduction. In Gersch, I.S. & Gersch, A. (Ed) *Resolving disagreement in special educational needs*, London: Routledge Falmer.

Harris, N., & Riddell, S. (2011). *Resolving disputes about educational provision*, Surrey, Ashgate Publishing Limited.

Harris, N., & Smith, E. (2009). Resolving disputes about special educational needs and provision in England, *Education Law Journal*, 10:2, 113-132.

Hay, C., McKenna, T., & Buck, C. (2010). *Evaluation of Early Neutral Evaluation ADR in the SSCS Tribunal*, Summary to Ministry of Justice Research Series 2/10, Ministry of Justice.

Ministry of Justice. (2007). The Tribunals, Courts and Enforcement Act (TCEA). London: HMSO. Retrieved December 1, 2010, from:
<http://www.legislation.gov.uk/ukpga/2007/15/contents>

Morgan, D. L. (2007). Paradigms lost and pragmatism regained, *Journal of Mixed Methods Research*, 1(1), 48-76.

O'Brien, D. (2006). *An Introduction to the Theory of Knowledge*, Cambridge: Polity Press.

Pawson, R. & Tilley, N. (1997). *Realistic Evaluation*, London: Sage.

- Power, E. (2010). *Guerrilla mum: Surviving the special educational needs jungle*, London: Jessica Kingsley Publishers.
- Riddell, S., Brown, S., & Duffield, J. (1994). Parental Power and Special Educational Needs: the case of specific learning difficulties, *British Educational Research Journal*, 20:3, 327-344.
- Riddell, S., Harris, N., Smith, E. & Weedon, E. (2010). Dispute resolution in additional and special educational needs: local authority perspectives, *Journal of Education Policy*, 25: 1, 55-71.
- Robson, C. (2002). *Real world research: A resource for social scientists and practitioner-researchers* (2nd ed.), Oxford: Wiley-Blackwell.
- Rogers, R., Tod, J., Powell, S., Parsons, C., Godfrey, R., Graham-Matheson, L., Carlson, A. & Cornwall, J. (2006). Evaluation of the special educational needs parent partnership services in England RR719. Nottingham: DfES.
- Row, S. (2005). *Surviving the special educational needs system: How to be a velvet bulldozer*, London: Jessica Kingsley Publishers.
- Rowley, J., & Gersch, I. (2001). SEN Conciliation: Is there a pattern to referrals?, *Educational Psychology in Practice*, 17:4, 361-374.
- Runswick-Cole, K. (2007) "The Tribunal was the most stressful thing: more stressful than my son's diagnosis or behaviour": the experiences of families who go to the Special Educational Needs and Disability Tribunal (SENDisT), *Disability & Society*, 22:3, 315-328.
- Seligman, M., & Csikszentmihalyi, M. (2000). Positive psychology: An introduction. *American Psychologist*, 55, 5-14.

SENDA. (2001). *Special Educational Needs and Disability Act 2001*. London: HMSO.

SENDIST. (2009). Annual Report 2008/2009. Retrieved November 7, 2010, from http://www.sendist.gov.uk/Documents/FormsGuidance/AnnualReports/AnnualReport_08_2009.pdf

Soar, K., Burke, K., Herbst, K., & Gersch, I. (2005). Pupil involvement in special educational needs disagreement resolution: some perceived barriers to including children in mediation, *British Journal of Special Education*, 32:1, 35-41.

Tennant, R., Callanan, M., Snape, D., Palmer, I. & Read, J. (2008). Special educational needs disagreement resolution services. National evaluation research report DCSF-RR054. London: DCSF.

UN General Assembly. (1948). *Universal Declaration of Human Rights*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3712c.html>

Williams, M. (2006). SENDIST: Challenge or opportunity? Report for PEACH (Parents for the Early Intervention of Autism and their families). Retrieved November 21, 2010, from <http://www.council-on-tribunals.gov.uk/adjust/item/sendist.htm>

Willig, C. (2001). *Introducing Qualitative Research in Psychology: Adventures in Theory and Method*. Buckingham: Open University Press.

Wolfendale, S. (2002) *Parent Partnership Services for Special Educational Needs: Celebrations and Challenges*, London: David Fulton Publishers.

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Appendix 1

Opt in letter for parents

[DETAILS FOR CORRESPONDENCE]

Dear [NAME]

Study of SENDIST appeals

I am writing to inform you of a proposed research project that will begin shortly. The study forms part of a qualification in Educational Psychology and is produced under the supervision of tutors at the University of Exeter. I am a trainee Educational Psychologist based in [Local Authority].

The focus of the study is disagreements over Special Educational Needs between parents and a Local Authority. As someone that has previously registered an appeal with the Special Educational Needs and Disability Tribunal (SENDIST) your views are valuable to attempts to illuminate and document parental experiences of disagreement resolution.

Having studied parents' responses during home-based interviews it will be possible to consider the facilitators of, and barriers to, effective disagreement resolution. I am therefore keen to record the personal experience of parents as a means of evaluating the past and shaping the future of the appeals process in [Local Authority].

If you are interested in contributing to this project, please either return the enclosed S+A envelope, call, or email using the contact details I have provided at the head of this letter.

Thank you for your time. I look forward to hearing from you.



Josh Dyer
Trainee Educational Psychologist
University of Exeter

Appendix 2 - Study One Interview Schedule

1. Introduction

Aims of the study:

- To illuminate and document parental experiences of local disagreement resolution services.
- To highlight barriers to and facilitators of disagreement resolution from a parental perspective
- Assure anonymity
- Assure just looking for opinions. No right or wrong answers. Feel free to interrupt, clarify, criticise
- Ask if okay to tape record interview

2. Facts

Type of Appeal? Age and gender of child involved?

3. Describing the experience

I'd like to start by asking about the nature of the disagreement between you and [Local Authority]. Specifically, what prompted you to make an appeal?

I wonder if you could describe the chain of events that came between your appeal being first issued and ultimately closed?

4. Focus on LDRs

Were you made aware of any support or services that could help you with your appeal?

What were your experiences of these services? What effect did they have in terms of resolving your disagreement with the authority?

Were there any other services or professionals that became involved in your disagreement with the authority? What effect did they have in terms of resolving your disagreement with the authority?

5. Cool-off and Closure

Looking back on the process, does anything stand out as being particularly helpful or unhelpful in terms of resolving the disagreement?

Many thanks. Any questions?

(Compiled with 7 other interviews to look for themes and patterns which will show the Authority 1. What they are doing well, and 2. What they need to do better.)

APPENDIX 3 - Example coded interview

<p>External advice/support</p>	<p>I'd like to talk about the disagreement as a whole including each step along the way and so I'll start by asking, specifically, what prompted you to make an appeal?</p> <p>It was at the decline of [C2] being statemented. Obviously prior to that he would've had ongoing support at school from Senco and obviously other professionals linked to [school], school advisors, etcetera, TAs, linked to [C2]'s general education but the private educational psychologist's report prompted me to then move it to the level of asking for a statement for [C2].</p> <p>I felt that [C2] was getting further and further behind with no obvious explanation. I felt he had dyslexia but I didn't have a diagnosis. Umm, that's not- I'm not- I wasn't looking for the diagnosis, that came about because I wanted to know where he was in the spectrum of dyslexia and what additional support he would require long term from home and from an educational system really. That's what prompted it.</p> <p>He wasn't funded, he still isn't, and so the issue is he wasn't you know, in the hierarchy if there is such, obviously he was still down here [points to ground] and where the statementing is up here [points to ceiling] and he wasn't displaying any associated behaviours that caused concern and he was making some progress at school. As a parent I felt the progress was minimal and should have been a lot more... but the educational system looks at it and says "He's making progress. We're happy with the level he's working at."</p> <p>Thanks. So once you had been told that statutory assessment had been declined, you lodged an appeal against that–</p> <p>Well what happens is... obviously as a parent you're sent all the information to say that the county wouldn't be doing a statement on [C2] and the choice I then had was to use the mediation route or the only option from that point onwards would be to go to a full tribunal because of the system changing as I understood it – not that I knew what it was before – but as a parent unfortunately to buy the specialist educational law solicitor or representative was way out of financially my reach and also I didn't know at that point what sort of "case" if that's the right word I had if I took it that far. So I could have invested I don't know ten thousand pounds possibly in something that hadn't a hope in hell of ever being anything more than that. As a parent I felt very</p>
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<p>Comparison to a fight/war</p> <p>Comparison to war</p> <p>External advice/support</p>	<p>unhappy that there was only the tribunal or mediation so I felt I needed to follow the mediation route because obviously I couldn't financially afford to do the tribunal which seems very unfair. I'm sure a decision that I'm fighting on behalf of someone who's still in an educational system who needs help, who isn't getting the correct level of help. Given that [local authority] has two private provisions locally on our doorstep – one being Mark college, the other being Shapwick – well known for their dyslexic skill bases, both of which I visited with a view to you know in the long term, in my dreams I suppose, if county were to fund a place, what that might do for [C2]. [It was] a different, a whole different way of working and obviously there's pros and cons to that but that's how I got to the decision. Unfortunately the tribunal – due to the fact that I couldn't afford legal representation – wasn't an option even though it technically is on paper but I would no more go to an employment tribunal if I'd been sacked for example, without having representation. You know it's beyond me to think as a parent – I probably could and represent myself but after doing some research I knew I couldn't and as a parent you know, how fair is that? I'm not saying I'm very intelligent but I'm a professional person and I work within the county council myself in a learning disabilities environment as a manger and if I was struggling with "Where do I go with this and what do I do?" how does that fare for parents and carers who are less able? How discriminatory is that I suppose I'm saying. That's what made me want to speak to you really 'cause if I don't speak and say "that's how I found it in [local authority]" and I don't know how other counties do it but are we doing the best by our kids? I mean I appreciate there are parents that are fighting for children who have very definite support needs and perhaps suffer with physical disabilities as well as other associated disabilities who will struggle to get a statement. So I suppose what I was asking for really was 'pie in the sky' and I sort of knew that but I couldn't ignore the outcomes of the educational psychologist's report really.</p> <p>Just to clarify then, you felt you were sent a sufficient amount of information and brochures about your options but that they didn't encourage you that you could go to a tribunal?</p> <p>They tell you how to appeal against your decision. It tells you what the form is, how many weeks you've got for a decision and when you go to the hearing and what you should do and all the rest of it.... and yeah you could do all of those but, well some of the first pages say "what to do if I want to appeal against a decision" and the first question is "have I got a good case?" and it says "the guide tells you how to appeal. It cannot tell you if you've got a good case" and</p>
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<p>Lack of advocate / No one listening</p> <p>Sense of battle</p>	<p>I thought 'do I want to read the rest? The answer is no. Who's gonna tell me if I have a good case? The only person that could tell me would be someone that's got a qualification in educational law. Or that's how I saw it. And I know that sounds a bit pessimistic. I mean I'll send you the complete guide from the Government. It tells you at each stage what you should be doing. No problem with reading that but obviously I know about the systems etcetera given that I work for the county and I know how an organisation works but I think as a parent as soon as you question it you suddenly feel very isolated and you feel you're fighting the world. That's how I felt and I think you know god knows how people who fought or are still fighting— I suppose what's so harrowing and upsetting is the fact that when you're constantly doing this and dealing with a process that takes 'so many weeks to do this, so many weeks to do that', is that every day that goes by that child's educational future is dripping by and we still haven't got it right. That's how I see it anyway.</p>
<p>Sense of battle</p> <p>Trusting the decision-maker</p>	<p>I know it sounds really strange but it was really emotional and I'm sure now – you know I work with people with learning disabilities – I feel a great affinity with people that are constantly battling against services and providers about they want this to happen, they want that to happen. You know it's just [exhales]... it's just tiring. And obviously then I moved on to [removed] mediation then and that's obviously an independent mediator comes to interview you, says what issues you've got, then meets with yourself and in my case it was the school that [C2] was currently at and obviously an educational representative from [local authority] which was [name removed].</p> <p>And how would you describe your experience of the mediation meeting?</p> <p>It was a very relaxed meeting. I felt that you could you know say what you wanted. The difficulty for me was that I needed to prepare an outline - because I felt the mediator had a full understanding of where I'd been with [C2] but the guy from the education authority is just coming in from a "we've turned down this person's statement" view so I did a potted history for him about [C2], about where he'd been in his educational journey and for me that was really emotional to then read back and after tears and being asked if I needed to stop I thought 'no I need to keep going with this'... I think then we could move on and think 'how can I build bridges with the current school, what were they gonna do next and obviously be assured by the education authority representative that the correct processes would be followed and he said he didn't see any reason why in the next round of funding that [C2] didn't qualify in [local authority]'s structure and there was a clear band of funding that [C2] would have met and everybody at that meeting assured me that that would be</p>

<p>Concerned that mediation would not be binding</p>	<p>the case, that he would move up to School Action Plus and this funding would support him through Years 7 to 9 and you know we'd go from there and if more was needed they'd review it as had been the case before. So this would give him extra support be it— I didn't want the support in the form of a TA, don't get me wrong, I wanted support and perhaps it would be in the form of a computer programme, a laptop or whatever the scenario was I mean it was only gonna be a small amount of me which wouldn't buy him TA support across the week and I don't think he needs that anyway but you know that's what I felt... that I could give the next school a sum of money that they could then use with [C2] for whatever. And I y'know felt that was a positive step for [C2] and one step further forward. Okay?</p> <p>Yeah that's great. Thank you, umm there's one—</p> <p>The only thing about the statement from the mediation is that it's not legally binding so it is questionable why we actually sat there and put ourselves through it when actually at the end of the day none of that's legally binding. I'd have to test it at a later date but...</p> <p>And how confident were you that its agreed outcomes would actually work out in practice?</p> <p>I felt that the funding application would go through and [C2] would secure funding for Years 7 to 9 and I felt that the school had a fuller understanding of where I was as a parent. I mean obviously I'd had regular links to school, don't get me wrong, in the normal ways that you would but I felt they now knew how I felt where they'd been lacking in certain areas, not just due to one individual but due to a catalogue of things that had happened over the years. Confident? Umm, at the time I felt we'd got as much out of it as possible as a parent and that it helped to make my relationship with school a bit more positive because obviously it felt like a direct criticism of them because I'd technically 'jumped the gun' if you want. School weren't saying he needed a statement, school weren't saying he's dyslexic so y'know I'd gone in at that point, even though I'd shared all the information with the school on [C2].</p> <p>It also re-confirmed that the funding would be, I mean that there would be a funding application. The down side to that would be that directly after that the funding application was refused. Had the education representative told me</p>
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Mediation not
binding

that it was dodgy, y'know, or said "[] it's really unlikely he'll get that funding because he doesn't meet the criteria", had someone been that clear cut I would have then perhaps looked for something more from the mediation structure but I didn't. I went back to the mediation structure after the funding application had been turned down but there was nothing they could do 'cause it's not legally binding, umm, apart from tell me to go to the school to complain which I did y'know in hope that they would look at their practices and why the application has been unsuccessful. So I suppose in the first wave the mediation was successful but after that where was I to go if the school didn't provide the information required?

It sounds like the funding arrangements in [authority] were really central to your disagreement? How well informed were you about the funding arrangements prior to your disagreement with the authority?

Not at all. I didn't know what categories there were. As a parent it was only when I asked for the criteria and copies of the [[C2]'s] application did I then start to realise that the application that was submitted was incomplete. So unfortunately, given the way [local authority] work – and I don't know how many applications are put in – if they receive an incomplete application it won't even go past the first stage so as a parent the frustration came from that, because it was glaringly obvious to me reading it that the evidence was missing. I was told "that's unnecessary information" or "that's too much information" but as a professional manager that assess people's needs I think the more information I've got the better I can make a decision. For the panel to have "too much information" really didn't make sense and I think it was just the school's way of describing it because I felt for example there's not a n element in the category that [C2] was going for where they spoke to [C2] to ask him how he felt about his dyslexia and how it affects him day to day. There was an element in there that asked about how I felt as a parent and about how his dad felt about his needs day to day but nothing about [C2]'s views and I was told that would be too much information. I mean I understand from their point of view, y'know, you're checking to say "yeah I've got those notes, I've got that report, I've got that last breakdown of targets from school" and then you can say "right, is there a possibility that this meets the criteria?"

Thank you. So what would you say were the outcomes of the mediation meeting?

	<p>Oh it stated, it was a breakdown of what was going to happen next. For example the funding application and about the fact that I was going to meet the new SENCo at the new school and the SENCo from the old school was going to make sure the information was available. I'd say it was written up as clearly as it could be, given the fact it's not a legal document, as a summary of what happened on the day and I felt happy with that.</p>
<p>Mediation not binding</p>	<p>I can't quite remember what happened straight afterwards. We were all sent copies of what we'd agreed and then we were able to add additional comments or saw whether we were unhappy with certain parts... but it wasn't as prescriptive as I thought it would be but then as I learnt more about the situation I realised why. As in it's not legally binding. I'd say it was a summary of action points due to take place. I suppose what it ultimately did was try to re-link you as a parent with the education authority and link you back into communicating with the school and yeah I think ultimately it did that.</p>
<p>Feeling listened to</p>	<p>Thank you very much. You said you didn't have any legal representation of your appeal, was there any other support you had once you had lodged an appeal?</p>
<p>Lack of advocate / no one listening</p>	<p>Well unfortunately for me the Parent Partnership service didn't have anybody in my area and the post had been vacant for some time so I could ring their main line but they could only help me by re-sending me stuff and signposting me into my own research really. Which I did, through the internet and that's when I started to realise that legal representation wasn't an option and also support for a single parent on a low income, I was excluded from that because obviously I worked so y'know whichever way you looked at it it seemed a bit of a non-starter. So fortunately Parent Partnership were very helpful in sending me the information and literature and ideas about dyslexia but that's the sole amount of support they offered.</p>
<p>Getting better information</p>	<p>Also you could ask for someone to accompany you to any meetings – not for the actual tribunal obviously – they said they could do that if it was a requirement but the lady I spoke to said that their availability of staff at that point was that they couldn't offer anyone so all they could do was talk to me over the phone and send me some literature.</p>
<p>Lack of advocate / no one listening</p>	<p>In terms of national policies Parent Partnership Services are designed to be</p>

	<p>you say?</p> <p>Right firstly from speaking to the Educational Psychologist that did the report. He said in his recommendations that's what he felt would be needed.</p>
External advice/support	<p>He recommended a different school?</p> <p>No he just agreed with the Private EP report. And he explained that the way the system works - and different authorities have different ways of dealing with things - he felt that it would have limited success but it didn't mean to say that I couldn't ask for it. And that made my decision - and, because I know, because I work for the county - I know what sort of money's about, let's put it like that. I knew there wasn't lots in the education department as there isn't in other departments and I also know that there have been funding cuts across all directorates. I know that from my job, so ... it was unrealistic that they would fund [C2] until he was 18 at private school for X amount of thousands of pounds per term. I knew it was a long-shot but as it was a recommendation from a report that I'd paid for I couldn't not carry that through because we carried through the others and I just felt like I was ticking boxes like "I have done that, I have done that" so I felt I'd done the best, looking back, whatever happens, that we'd followed that report, that we'd done everything we could within the current regime and the way the educational system works to make it better for [C2].</p>
External advice/support	<p>Okay thanks. Did you have any contact with any voluntary or support groups or anything?</p> <p>Yeah I went to Dyslexic Action which was in [] and they carried out the assessment. I just got their information off the internet by. No that's not strictly true. I got it from my sister who lives in Wiltshire and she had used Dyslexic Action because her son wasn't making progress at school and mirrored - significantly - some of the things that [C2] had been through. At that point we then discovered that all four of our boys - 'cause I've got two and she's got two - suffered from some form of dyslexic difficulties in some certain way. Unfortunately for me [C2] and her youngest son are on the severe end of the spectrum and the other two are more high level if that's right so they can</p>

<p>External advice/support</p>	<p>get by and make progress and it not be noticed because - I was going to say more intelligent but that's not the right wording - um, they have more strategies in place because they pick things up quicker, they're really good at maths, they're really good at science, they strive for that and they can cover their dyslexia in a different way. And they've met all the targets. And so I would've never known - if I didn't have [C2] tested - y'know oh look my older son's got all these things too so I went to the school and asked them and they were like "oh look he has got dyslexia" and they gave him a reader in his exam concessions. I would have never done any of that if I hadn't got [C2] tested because I never thought to query it. I just thought 'Oh he's being lazy, he's not trying, he's missed stuff out' - 'That's obvious! Why hasn't he done that?' But now to me it is obvious and he's obviously got his exam concession so I suppose, yes, from that perspective it is positive, y'know, family involvement with dyslexia in another county, which led me to contact the local version and they were really helpful and obviously happy to do business with you if that's the right way of putting it.</p> <p>Obviously... [C2]'s unaware of the whole process really which is where I want it to be. He knows he has dyslexia and he knows he went for an assessment but he doesn't know that we asked for him to be statemented. He's got no idea. I think he's got enough to deal with without worrying that I'm talking to someone else.</p> <p>So did someone seek to take [C2]'s views on board once you had made an appeal? Was he invited to mediation or...?</p>
<p>CYPs views</p>	<p>No no no it was all at a level up there [points to sky] really. And it's not because they're not at the level to understand - because they are - it was just... Well I think actually if you go back to school and the IEP his views are stored on that but he wasn't invited to meetings and I don't think that changes at different schools. How right is that? I don't know whether they should take maybe ten minutes to ask, I don't know. I mean I intend to represent his views 'cause if he comes and says to me "Oh I don't like doing my one-to-ones with Mrs whatever" then I will feed that back in, but then again some of the information I get back isn't strictly correct. It's [C2]'s version, with [C2]'s understanding on it and sometimes it doesn't... well he still has issues with getting the right information across, put it that way. So then I go the meeting and it's "Oh yeah he has this and this and this and this" and I'm like "Oh does he really?", y'know, but that's normal.</p>

CYPs views

Do you think things would have been different had he been present during mediation or any other meetings with the authority?

Not helpful, no. Not from my personal experience anyway because I was quite upset I suppose and also how helpful is it to hear someone give a potted history about you as an individual, about the negative bits? I don't know, I mean, whether or how helpful that is. I agree with trying to include people that you're talking about if you're making decisions that will affect their future, I don't disagree with that, but it's about doing it in the right way so yeah going back to your question I'm not sure it's the right thing to put people in those situations or environments, especially people who might not understand what's going on, even if we have, I don't know, signs and symbols and pictures etcetera I struggle with that because it has to have meaning and also for me it was quite a difficult experience emotionally so I think I wouldn't want to put him through that. He's got enough on his plate without worrying 'oh god mum's losing it with the people in the meeting'. I didn't but y'know, he's got enough on his plate coping with everyday life. And also, given choice, you know if you say to [C2] "What would you like to do, would you like to be in Support or be in with all your mates?" he'd say "I want to be with my mates." So actually I think that his idea of what he might want - some of it's okay, some of it's gonna be slightly skewed probably because he just wants to be with his mates ultimately. He hasn't got the understanding of the age that he is but long-term this is gonna impact him post-18.

So is it fair to say that involving [C2] wasn't a big issue for you because you were confident that you could represent his best interests?

Yes, exactly that.

Okay I think I have just one final question, not that I want to end on a low note, but when you think back to the whole process was there anything that was particularly unhelpful in terms of bringing about agreement or resolution?

I don't think there was anything very unhelpful that happened, I just think that the process is quite complex from beginning to end and quite emotive and for

	<p>me a very emotional journey. Y'know I don't think there was anything that could have- that's the way that [local authority] chooses to operate their statements and systems and their dispute resolution etcetera etcetera.</p> <p>Okay well thank you for that. Were there any questions that you wanted to ask me or anything else you'd like to represent?</p> <p>Not really...[personal questions / conversation]</p>
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Appendix 4 - Example Contact Summary Sheet

Participant: [P2]

Date: 05.03.12

Location: []

Main issues and themes:

Clear feeling that disagreement resembled a war with authority. Major part of experience; lots of references.

BARRIER? P wanted very much to tell story of whole case. Seemed that 'being heard out' was important but didn't get the chance in this case (until mediation meeting...)

FACILITATOR? P was reassured during mediation that LA rep had authority to make changes to funding category (key to disagreement)

FACILITATOR? P got information through PPS that directly discouraged her from tribunal. Felt that her original hopes (for independent school) were not realistic. Would clearer information have similar or different effect elsewhere?

Reflections on my role as a researcher:

Not using enough reflective questions / making leaps without first checking by back reflecting.

Need to avoid source of appeal as much as possible, e.g. bad idea to ask about how well informed P was about funding prior to appeal.

Need to think of script for when veering off topic, e.g. 'if we could bring this back to what was done to resolve your appeal

Appendix 5: typed extracts from Study One Research Diary

Date	Entry
01.03.12	<i>A lot of pent up emotions held by parents. Felt I was first person they could talk to without risking a bad working relationship or some other effect on their child. Seemed to 'let it all out' on me. Felt the urge to explain why decisions had been taken. Possibly encouraged parents to emphasise negative points with some reactions?</i>
01.03.12	<i>Hard not to focus on source of appeal rather than county's response. Relatively long spent talking about background, history of case, bad relationships with school.</i>
05.03.12	<i>Again hard to avoid discussing background to case even including negative experiences with council re: planning permission! Tried to remind Ps of focus on LDRSs which seemed to work but clearly important that parents feel whole story is taken into account.</i>
12.03.12	<i>As with previous interview, parents present case as a black and white placement decision, this time as a pre-cursor to special school admission. Sense that these cases may be resistant to out-of-tribunal negotiations. Need to check literature review for previous mention of 'intractable' cases.</i>
20.08.13	<i>Have to exclude some quotes because refer to source of appeal, e.g. parental desire for diagnosis. Clearly a very important issue to parent but discussion opens up study's focus too much, e.g. P2: "I felt he had dyslexia but I didn't have a diagnosis. Umm, that's not- I'm not- I wasn't looking for the diagnosis, that came about because I wanted to know where he was in the spectrum of dyslexia and what additional support he would require long term from home and from an educational system really. That's what prompted [my appeal]."</i>
20.08.13	<i>Battle metaphor so evident throughout interviews, especially parents. Need to check orientation of parent-focused books/media, i.e. are they militarised? Professional-focused literature, e.g. Gersch, appears to promote partnership over confrontation from memory. Check carefully.</i>
23.08.13	<i>Future research into specific style of mediation and negotiation used? Parent and professional interviews offer no clues. Would be interesting to consider corporate mediation models (and the specificity of approaches) e.g. ACAS</i>

Appendix 6 - Telephone call schedule inviting professionals

- Introduce myself

- I am calling to ask whether you would be interested in contributing to a study of SEN disagreements. The study forms part of a qualification in Educational Psychology and is produced under the supervision of tutors at the University of Exeter. I am a trainee Educational Psychologist based in [Local Authority]. My aim is to identify barriers to and facilitators of disagreement resolution from a professional perspective. I propose to interview a range of professionals involved in disagreement resolution in [Local Authority], at your workplace or at my office. Interviews with professionals be analysed alongside interviews with parents in the hope that I can evaluate the effectiveness of Local Disagreement Resolution Services and consider any implications for future practice.

Appendix 7 - Study Two Interview Schedule

1. Introduction:

Aims of the study:

- To illuminate and document parental experiences of local disagreement resolution services.
 - To highlight barriers to and facilitators of disagreement resolution from a parental perspective
- Assure anonymity
 - Ask if okay to tape record interview
 - Stress to participants that research focuses on *formal* disagreements only, i.e. those registered as appeals to SENDIST.

2. Facts –

How many SEN disagreements have you been involved with in previous 24 months?

What were the outcomes of these disagreements? Did they reach the point of a tribunal hearing or were they withdrawn prior to that?

3. General reflections on experience within LDRs

In general, what has been the effect of your service on the disagreement with the parent?

Does anything stand out as being particularly helpful or unhelpful in terms of resolving the disagreement?

4. Identifying contexts

Are there any factors about the parental appellants that influence the outcome of disagreement resolution attempts? And if so, how?

Were there any other services or professionals that became involved in your disagreement with the authority? What effect did they have in terms of resolving your disagreement with the authority?

5. Identifying mechanisms

Are there any factors about the services in place to resolve disagreements in the authority that influence the outcome of disagreement resolution attempts? And if so, how?

Are there any factors about the individual professionals working to resolve disagreements in the authority that influence the outcome of disagreement resolution attempts? And if so, how?

6. Seeking unrepresented views

Looking back on your involvement with local disagreement resolution attempts, does anything that we haven't covered yet stand out as being particularly helpful or unhelpful in terms of resolving the disagreement?

Many thanks. Any questions?

Compiled with 5 other interviews with professionals in the same field to look for themes and patterns which will show the Authority 1. What they are doing well, and 2. What they need to do better.

Searching for breakdowns on the diversion routes from SEN tribunals:
An exploration of disagreement resolution processes

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Appendix 9: typed extracts from Study Two Research Diary

Date	Entry
04.06.12	<p><i>Clear crossover between P's positivity around early intervention and the parents' theme about feeling listened to.</i></p> <p><i>Sense that P felt parents are poorly informed or even deliberately misinformed; no obvious links to Study One but for informative PPS mention. P1?</i></p>
08.06.12	<p><i>Another P with v negative views of supporting professionals and groups for parents. Implication that a school cynically encourages parents to tribunal. V sensitive - refer during supervision.</i></p>
10.06.12	<p><i>Emerging links between responses, e.g. all Ps so far stress importance of giving parents a voice = big overlap with parents' desire to feel 'listened to'.</i></p> <p><i>All mentions of parental factors so far have been negative. Question appears neutral. May be difficult to identify pro-resolution factors when only reason for contact is a disagreement.</i></p>
02.07.12	<p><i>Defeatist tone to past 2 interviews re: binary decisions, e.g. statement or not, special school or not. Sense that some appeals are impossible to mediate.</i></p>
20.08.13	<p><i>Battle metaphor so evident throughout interviews, especially parents. Need to check orientation of parent-focused books/media, i.e. are they militarised? Professional-focused literature, e.g. Gersch, appears to promote partnership over confrontation from memory. Check carefully.</i></p>
23.08.13	<p><i>Future research into specific style of mediation and negotiation used? Parent and professional interviews offer no clues. Would be interesting to consider corporate mediation models (and the specificity of approaches) e.g. ACAS</i></p>

Appendix 10 - Study Two Contact Summary Sheet

Participant: [P2]

Date: 08.06.12

Location: []

Main issues and themes:

Parental understanding of SEN seen as predictive of resolution (or not). Sense that parents can easily make appeals based on incorrect assumptions.

BARRIER? Parental advocates and litigators - suggestion that some parents are advised against mediation, deliberately submit late evidence, etc. V negative + potentially sensitive. Refer during supervision.

Reflections on my role as a researcher:

Overly encouraging negative responses again? Finding it hard to retain neutral body language and facial expressions and feel my reactions might have encouraged P to dramatise, e.g. look of surprise.

Need for reminders to refer only to disagreements within county.

Need to double-stress at start that research is for Exeter not [Local Authority] - felt very [Local Authority] today with location especially.

Appendix 11 - Study One: Detailed Project Schedule

<u>Phase</u>	<u>Date</u>
Literature Review	September-December 2011
Finalise development of parent-focused interview schedule	January 2012
Make contact with parental appellants through SEN team	January 2012
Record semi-structured interviews	January-March 2012
Transcribe interviews with parents	June-July 2012
Qualitative data analysis	July-August 2012
Write up of analyses	July-August 2012

Appendix 12 - Study Two: Detailed Project Schedule

<u>Phase</u>	<u>Date</u>
Literature Review	September-December 2011
Finalise development of professional-focused interview schedule	April 2012
Make contact with parental appellants through KB	April 2012
Plan opt-in telephone script	April 2012
Record semi-structured interviews	May-June 2012
Transcribe interviews with professionals	July-August 2012
Qualitative data analysis	September 2012
Write up of analyses	September 2012
Synthesis of Study One and Study Two analyses Discussion, Conclusions, Implications for practice	September-January 2013

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Appendix 13: Certificate of Ethical Approval

STUDENT HIGHER-LEVEL RESEARCH



Graduate School of Education

Certificate of ethical research approval

STUDENT RESEARCH/FIELDWORK/CASEWORK AND DISSERTATION/THESIS

You will need to complete this certificate when you undertake a piece of higher-level research (e.g. Masters, PhD, EdD level).

To activate this certificate you need to first sign it yourself, and then have it signed by your supervisor and finally by the Chair of the School's Ethics Committee.

For further information on ethical educational research access the guidelines on the BERA web site: <http://www.bera.ac.uk/publications/guidelines/> and view the School's statement on the GSE student access on-line documents.

READ THIS FORM CAREFULLY AND THEN COMPLETE IT ON YOUR COMPUTER
(the form will expand to contain the text you enter). **DO NOT COMPLETE BY
HAND**

Your name: Joshua Dyer

Your student no: 590035331

Return address for this certificate: 2 Rodney Place, Clifton, Bristol, BS8 4HY

Degree/Programme of Study: DEdPsych: Professional doctorate in educational child and community psychology

Project Supervisor(s): Andrew Richards & Margie Tunbridge

Your email address: jbd203@ex.ac.uk

Tel: 07758236497 / 01179035519

I hereby certify that I will abide by the details given overleaf and that I undertake in my thesis to respect the dignity and privacy of those participating in this research.

I confirm that if my research should change radically, I will complete a further form.



Signed:.....**date:**
01.11.11.....

NB For Masters dissertations, which are marked blind, this first page must **not be included** in your work. It can be kept for your records.

Certificate of ethical research approval

Your student no: 590035331

Title of your project: Searching for breakdowns on the diversion routes from SEN tribunals: An evaluation of disagreement resolution attempts in [Local Authority].

Brief description of your research project:

An evaluation of attempts to resolve disagreements over SEN before they reach tribunal in a Local Authority with an average number of SEN appeals. Paper 1 will focus on the LA systems, attitudes and approach to resolving disagreements using structured interviews with key SEN personnel and Mediators. Paper 2 will focus on parental experiences of disagreement resolution attempts using semi-structured interviews and hierarchical focusing to construct their version of events.

Give details of the participants in this research (giving ages of any children and/or young people involved):

Paper 1 will involve: a SEN Group Strategic Manager, a SEN Casework Manager, a Parent Partnership Service Manager, a Disagreement Resolution Service Manager and a Senior Educational Psychologist.

Paper 2 will involve 6 parents that have been through the SEN appeals process.

No children and/or young people will be required to participate.

Give details (with special reference to any children or those with special needs) regarding the ethical issues of:

a) informed consent:

Participation in this study is completely voluntary. For both the electronic surveys and direct interviews a consent form will be presented to participants informing them of the nature of the study and their involvement in it. This form will provide contact details allowing participants to pose further questions about the research and will outline their right to withdraw.

Letters for recruiting professional and parental participants are attached along with consent forms detailing the right to withdraw.

b) anonymity and confidentiality

All participants' data will be coded and anonymised in all records. Following interview I will offer a chance to have any comments removed from the record and will again reassure participants about confidentiality. All individual data will be accessible to the corresponding participant upon request. Following completion of the study individual data will be destroyed.

Give details of the methods to be used for data collection and analysis and how you would ensure they do not cause any harm, detriment or unreasonable stress:

Paper 1:

Data will be collected via surveys completed by key SEN personnel involved in the SEN appeals process. These surveys will measure attitudes to disagreement resolution using rating scales and understanding of the LA approach to disagreement resolution using open-ended questions. Demographic data (including staff role and length in position) will also be recorded to determine differences in responses.

Data from responses to scaled psychometric measures will be analysed using the Statistical Package for the Social Sciences (SPSS) to reveal descriptions of professional understanding and experience of disagreement resolution; as well as inferential representations of the differences between individuals and groups (in this case, since service managers will participate, individuals are seen also to represent the 'group' for which they work). These data will be contrasted with previous data on disagreement resolution collected in a similar fashion (e.g. Rogers et al., 2006; Tennant et al., 2008).

Paper 2:

Data will be collected via a flexible interview schedule aimed at gathering the views and meanings relevant to parents' experiences of SEN appeals. These interviews will be recorded on a digital Dictaphone to produce transcripts for analysis. To reduce the risk that the flexibility of the interviews will encourage the researcher to lead the participants into giving a desired version of events, hierarchical focusing (Tomlinson, 1989) will be used in advance to provide a framework by which the interviewer may ensure that the interview remains focused on the responses which are central to the research questions.

Before analysis participants will have the option to strike any or all comments from the record. Data will then be analysed using the text-based organisation and analysis software, *Nvivo*. Thematic analysis of transcribed data will initially be performed with reference to existing models of psychology outlined in the study's 'framework for analysis'. Following this relatively structured analysis of the data, the approach will become more flexible, seeking new themes in the responses that may not have been recorded or considered in the literature of disagreement resolution

Give details of any other ethical issues which may arise from this project (e.g. secure storage of videos/recorded interviews/photos/completed questionnaires or special arrangements made for participants with special needs etc.):

During the data collection, data analysis and write up, data (questionnaires, audio recordings and individual interview data) will be stored in a locked cabinet in a secure building. Any data stored electronically will only be accessible to the researcher using a secure password. All data will be destroyed when it is no longer required.

Give details of any exceptional factors, which may raise ethical issues (e.g. potential political or ideological conflicts which may pose danger or harm to participants):

Sensitivity

SEN appeal processes and tribunals are associated with stress and anxiety. I will treat participants with courtesy and respect and show understanding of the difficult situation they may have experienced and, informed by research on parental experiences (Runswick-Cole, 2007), will attempt to take into consideration its possible after-effects.

Transparency

Every endeavour will be made to meet Wolfendale's clear recommendations for conducting research with parents as partners. This will require 'transparency, honesty and accountability towards respondents who are being asked to divulge personal information.' (Wolfendale, 1999, p.166)

Political Issues

Parental appellants may feel that my training placement within the Local Authority reflects my endorsement of the LA position. This could affect their willingness to engage with commitment to the project. I will reassure them that the research is supervised by the University of Exeter and assessed independently. Moreover I will state a personal, local and national desire to better understand attempts at resolving disagreements before the costs to either side accrue.

Sources of Bias

As a Trainee Educational Psychologist on placement within the focus LA there is the possibility of my sympathising more keenly with the LA's "defence" than parental appeals. I shall choose instead to sympathise with the disagreement resolution process itself, focusing on evaluating practice and informing change. Any criticism of the approaches and systems revealed by this study will be used exclusively as the basis for identifying more effective practice.

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This form should now be printed out, signed by you on the first page and sent to your supervisor to sign. Your supervisor will forward this document to the School's **Research Support Office** for the Chair of the School's Ethics Committee to countersign. A unique approval reference will be added and this certificate will be returned to you to be included at the back of your dissertation/thesis.

N.B. You should not start the fieldwork part of the project until you have the signature of your supervisor

This project has been approved for the period: Sep 2010 until: Sep 2012

By (above mentioned supervisor's signature): T. Maxwell date: 8 Nov 2011

N.B. To Supervisor: Please ensure that ethical issues are addressed annually in your report and if any changes in the research occur a further form is completed.

GSE unique approval reference: 2/11/12/15

Signed: Sarah Pugh date: 22/11/11
Chair of the School's Ethics Committee

Chair of the School's Ethics Committee
updated: July 2010

Appendix 14 - Parental quotes in full, organised by sub-theme

Superordinate theme: Battle Metaphor	
Emergent Theme	Sources
Battle metaphor	<p>I'm sure a decision that I'm fighting on behalf of someone who's still in an educational system who needs help, who isn't getting the correct level of help. P2</p> <p>I mean I appreciate there are parents that are fighting for children who have very definite support needs and perhaps suffer with physical disabilities as well as other associated disabilities who will struggle to get a statement. P2</p> <p>I feel a great affinity with people that are constantly battling against services and providers about they want this to happen, they want that to happen. P2</p> <p>we asked for an assessment which they refused so we had to fight that. P1</p> <p>I know it sounds like cynicism but we are so tired of fighting now. P1</p> <p>I had to do all the fighting, and it was a fight. You didn't have to be unpleasant but you had to be persistent and they have to know how cross you're getting. P1</p> <p>They are an army of women all out there fighting for their kids. It's quite inspiring really. P4</p>

Superordinate theme: Poor communication	
Emergent Theme	Sources References
Lack of advocacy / No one listening	<p>We were given some pamphlets [on the Parent Partnership Service] and I'm gonna be perfectly honest, they immediately started off by saying how stretched they were and how difficult it was to arrange meetings and one way or another we didn't ever seem to feel confident that there was anything they could actually offer. P3</p> <p>She [family friend] told us that the support is limited to say the least and the only help you can expect will cost you a bob or two which I was skeptical about at first, but after talking to Parent Partnership I worked out very very quickly that they didn't have the staffing to help me. P5</p>

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	<p>And it's like [SENCO] has a morning each week, [TEACHER] has to go through her and she's got a whole rest of class to think about anyway so it's like 'who do I go to to actually do something about this?' P6</p> <p>I had no support as a parent whatsoever and it's like 'how many times do I have to say this before someone takes me seriously?' so at that point I started sending out complaints and for the first time people sat up and took notice. If I've learnt anything from this whole thing it's that you can't expect anyone to listen. You have to be so loud that these people <i>have</i> to listen. P4</p> <p>given that I work for the county and I know how an organisation works but I think as a parent as soon as you question it you suddenly feel very isolated and you feel you're fighting the world. P2</p> <p>Well unfortunately for me the Parent Partnership service didn't have anybody in my area and the post had been vacant for some time so I could ring their main line but they could only help me by re-sending me stuff and signposting me into my own research really. P2</p> <p>[M] And at the end of the day all of our support dropped away, didn't it? And we had to go to the tribunal on our own.</p> <p>[D] This is what was strange you see, I actually called as a witness the psychologist who did the initial testing and there was no "No I can't come" but when we went for the ADOS result we were told that that psychologist could not attend and the psychologist who'd done the ADOS told us that she wasn't attending either, and at the end of the day the parent partnership worker, our support worker, also told us she couldn't attend so there was myself and my wife left to go to the tribunal on our own. P3</p> <p>[D] Well we were within a family unit that was put on to us by CAMHS. The guy was very good, he listened a lot and we did the CAF paper with him, but then he was withdrawn. He referred us to another group who came and did an assessment and decided they couldn't help us 'cause we'd already done too much ourselves ...err, we asked for a social worker and they came back and told us "No, you're not bad enough"... P3</p>
<p>Incorrect information / Lack of information</p>	<p>Then we were told by [SENCO] that [LA] change their funding once you go to secondary [school] and they put the money into [school] instead of directly into C3 and basically should we be going from this very special treatment and one to one and everything back into the mainstream classes to fend for herself. P3</p>

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	<p>So I said yes [to the offer of a mediation meeting] but I didn't see any point really because I knew that I wouldn't get the one-to-one [LSA] until they agreed the statement, which they didn't want to do. P6</p> <p>We had never heard of statements. We just thought parents of disabled children had the right to decide where their kids went to school but as we started to look into things we realised there's a whole mine field to cross before anyone takes you seriously. P6</p> <p>They tell you how to appeal against your decision. It tells you what the form is, how many weeks you've got for a decision and when you go to the hearing and what you should do and all the rest of it.... and yeah you could do all of those but, well some of the first pages say "what to do if I want to appeal against a decision" and the first question is "have I got a good case?" and it says "the guide tells you how to appeal. It cannot tell you if you've got a good case" and I thought 'do I want to read the rest? The answer is no. Who's gonna tell me if I have a good case? The only person that could tell me would be someone that's got a qualification in educational law. Or that's how I saw it. P2</p> <p>[During a meeting at school after the appeal] We were told by the school that the educational psychologist had not seen C3 because she was only allowed to see two children from the class per year and if you were third on the list you didn't get there. P3</p>
Perceived criticism of parent	<p>So all I got out of that [meeting with CAMHS] really was 'yes she's anxious and yes it's all your fault' and I'm thinking 'hang on, I'm the only one trying to sort things out here actually. I'm not having that.' and I told them as much and then it's suddenly all 'oh that was just an <i>initial</i> impression and we need to do more assessments' ... I can't blame them in some ways, it's like 'why would I go to all the effort and time of doing this properly when I can blame it all on the parent and say "You're discharged. Have a nice life"?' P4</p> <p>[D] Originally we saw a psychiatrist in [] when he was 4 years old and after twenty minutes in the surgery he turned around and told us "you're the problem"</p> <p>[M] He said "you're old parents and you don't understand " ... having brought up two children and been a primary school teacher, especially the younger ones, I felt very-</p> <p>[D] Our problems have been continually dismissed as being elderly grandparents who couldn't look after him. P3</p> <p>And then it meant you were the problem because quite obviously 'C3 is in such a state because his grandfather was aggressive'</p>

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	<p>...that's what they said anyway, though anyone who knows us, I mean, it's just obviously not true. P3</p> <p>. I'm almost sure that they thought they could convince these 'idiot people' that they didn't need to go to a tribunal because it would be a waste of their time and a waste of public money because, you know, they'd got C3 well in hand, they'd got some funding for him. P3</p> <p>I felt as if we were being treated as troublesome people and I'd felt that all the way along, "Oh these are just fussy grandparents. It's their fault C3 is the way he is because they've given in to him." P3</p>
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Superordinate theme: Lack of confidence in SEN systems	
Emergent Theme	Sources References
Lack of independence of LA	<p>He had previously worked for a county, not [LA] but another one, so he understood where they were coming from probably, but he had a broader and an <i>independent</i> perspective, that was the difference. P3</p> <p>I think that's an important word in this - 'independent' - [Private EP] didn't necessarily try to come up with all the answers but he was <i>independent</i> in his analysis of what was wrong and what was best going forward. P3</p> <p>We had a meeting at school with the educational psychologist and within about five minutes we could tell where his bread was buttered. Can you clarify? Well it was very obvious that he took the county view that we didn't need [local specialist provision] which I suppose is to be expected for someone to back up what their boss, essentially, is saying. P7</p> <p>. I know the mediation is independent from the authority but as a parent I don't know whether it feels like that. Perhaps I'm a bit of a sceptic, I don't know. You'll have to ask other people about their perceptions of that. I felt yeah they ultimately work for the authority and the authority fund them to a certain degree. P2</p> <p>[On mediation] I'm sure he had the authority if he wanted to [say yes to statutory assessment] but I think there's this policy where you avoid giving people what they want because you'll have to pay for it. P1</p> <p>I wouldn't have called this a neutral venue at all, it's a council-owned flat for a start! P1</p>

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<p>Refusal of second opinion</p>	<p>The [LA] ed psych basically said that she had a low cognitive ability which could be managed in a special needs class, like a bottom set type of setup, but the private ed psych report gave a lot more detail and came to the conclusion that she had a spiky profile which is very common in dyslexics. P3</p> <p>I was very reluctant to go outside for a private ed psych because I had been hoping that the [LA] ed psych would recognise what I as a layman, what I could see was a problem so in fact I only went to the private psychologist when there was a clear disparity between what we could see with the child ... and what the [LA] ed psych was actually telling us so I felt I had to get a second opinion. P5</p> <p><i>he was clearly showing all the signs [of ASD] and no matter how many people we raised it with it was only us and [private educational psychologist] that could see it so you're left thinking 'why go to another meeting to be told how wrong you are?' P7</i></p>
<p>Lessons have not been learnt</p>	<p>[Having been through a tribunal regarding an older son] And it's just like Groundhog Day y'know. It's the same faces making the same mistakes and giving the same apologies. Well I wouldn't call them apologies exactly - excuses is a better word for it - but when you know how hard it can be to get what you need in this system it doesn't exactly fill you with confidence. P7</p> <p>I should say that I did already know a lot about statements and tribunals from my sister whose son has severe dyslexia - he goes to <u>M C</u> if you know it? - so I know the tricks they like to pull to keep you in the dark and exaggerate what's being done about it. And if I'm honest I encountered the exact same thing as her ... people not listening, people denying what's right in front of their face. P5</p>
<p>Over-emphasis on CYP's views</p>	<p>He didn't want to be there because he felt that he was being put on the spot but they kept on deferring to him, saying "What does C3 want?" My answer is that C3 is incapable of making logical decisions about anything beyond <i>now</i> but they kept asking him of course because they knew he'd say he wanted to stay with his friends. P1</p> <p>given choice, you know if you say to [removed] "What would you like to do, would you like to be in Support or be in with all your mates?" he'd say "I want to be with my mates." So actually I think that his idea of what he might want - some of it's okay, some of it's gonna be slightly skewed probably because he just wants to be with his mates ultimately. He hasn't got the understanding of the age that he is but long-term this is gonna impact him. P2</p>

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	<p>I don't know that it actually does C3 any good to be there listening to people talk <i>about</i> him. C3</p> <p>C3's decision-making is based on the here and now. It's "Do they have a drum kit? Well yes I'll go there then." It;s as simple and as basic as that. P1</p>
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Superordinate theme: Uncertainty about future	
Emergent Theme	Sources References
Desire for legal underpinning	<p>I wouldn't say it was helpful exactly. I mean how can anything that you go into where you know it's not legally binding be helpful to me as a parent? I'm not spending hundreds of hours and thousands of pounds just to back down and say "Oh well if you <i>promise</i> then I'm sure it's <i>bound</i> to happen(!)" P5</p> <p>The only thing about the statement from the mediation is that it's not legally binding so it is questionable why we actually sat there and put ourselves through it when actually at the end of the day none of that's legally binding. I'd have to test it at a later date. P2</p> <p>. I went back to the mediation structure after the funding application had been turned down but there was nothing they could do 'cause it's not legally binding, umm, apart from tell me to go to the school to complain which I did y'know in hope that they would look at their practices. P2</p> <p>I can't quite remember what happened. We were all sent copies of what we'd agreed and then we were able to add additional comments or saw whether we were unhappy with certain parts... but it wasn't as prescriptive as I thought it would be but then as I learnt more about the situation I realised why. As in it's not legally binding. P2</p> <p>However the minutes from that meeting didn't actually express that and so I had to have the minutes corrected before I signed them ...but I don't think it actually achieved very much, that meeting, because at the end of the day it was just a talking shop and I honestly don't trust these people.. P1</p> <p>You're told things and they don't live up to what you're told later on, but you've got no come back 'cause they can simply say "That's not a legal contract." P1</p>
Unresolved fears about	The teacher was very concerned that ... C3 was gonna completely

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transition	<p>lose it in Year 8. She was very very worried about her I know but no one could reassure us about how she would actually be protected. P3</p> <p>At least at primary schools you know she will be protected if she says the wrong thing to the wrong person but can anyone really say the same thing about high school, safely say that I mean. P6</p> <p>...for her [P4's sister] the freedom that we give to teenagers was what brought things crashing down, freedom to leave the school site or to smoke I mean, whatever it is, but for her son that was like a rag to a bull and he went off the rails and got himself excluded and I just thought 'that's exactly where we will be if I don't keep going with this.' P4</p> <p>And what we didn't realise, but have found out since from talking to other parents, is that [LA] have this habit of dropping the funding by one level when they go from primary to secondary almost automatically. P3</p>
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Superordinate theme: Successful Mediation	
Emergent Theme	Sources References
Feeling 'listened to'	<p>It was a very relaxed meeting. I felt that you could you know say what you wanted ... I did a potted history for him about C2, about where he'd been in his educational journey ... I think then we could move on and think 'how can I build bridges with the current school, what were they gonna do next. P2</p> <p>suppose what it ultimately did was try to re-link you as a parent with the education authority and link you back into communicating with the school and yeah I think ultimately it did that. P2</p> <p>So looking back on the whole process is there anything that stands out as having been particularly helpful to you in terms of resolving your disagreement or moving the situation on? Yes. It was the independent [removed] Mediation. Being listened to, for starters - that sounds really strange doesn't it? Erm, someone looking at it from outside looking in. Someone who's not emotionally attached to anything and someone who's not employed by the authority who's holding the purse strings so they don't say "Ooh we can't afford that. P2</p> <p>The mediation was the most positive day in the whole process. That's not to say I enjoyed it because I got what I want but I felt someone was actually taking me seriously for the first time. P4</p>

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	<p>It's a very different thing to actually tell someone to their face what your problems are compared to telling them through a letter or second hand through someone else. They can't fob you off so easily for a start! P6</p>
A legitimate decision-maker	<p>assured by the education authority representative that the correct processes would be followed and he said he didn't see any reason why in the next round of funding that [removed] didn't qualify in [removed]'s structure and there was a clear band of funding that [removed] would have met and everybody at that meeting assured me that that would be the case, that he would move up to School Action Plus and this funding would support him through Years 7 to 9. P2</p>
Better informed	<p>{PPS member} got me the relevant bits of educational law and I pored over them which helped me 'get it' which by that I mean it helped me know my rights and responsibilities, as well as the county's. P1</p> <p>Something else that helped actually was when I talked to Parent Partnership and they sent me a guide on appeals and tribunals - which actually put me off if I'm honest! - but it was helpful to know where to take things if the mediation hadn't worked. P4</p>

Appendix 15 - Professional quotes in full, organised by sub-theme

Super-ordinate theme: Parent's status	
Emergent Theme	Sources References
1. Parental understanding of SEN systems Better information for parents on SEN law and tribunal outcomes, p.63	<p>One of the most powerful things I've seen is when I've gone through the funding process with parents... a lot of them had been told by their kid's teacher that there was no funding in place when that wasn't always necessarily true. P5</p> <p>What I've seen a lot of is parents speaking to other parents in another area and being told things like "yeah you need to have a statement for dyslexia" so they come back to school and start asking why their child hasn't got a statement ... they don't realise that the whole way we fund special needs is different in [research authority]. P3</p>
3. Parental confidence parents seeming to be 'intimidated' by mediation/anything legal,	<p>There are a lot of parents for whatever reason don't want to get involved with mediation or anything like that where they might get put on the spot. Like if they've had bad experiences at school or they're not very confident thinking on their feet or something then they won't want to come in for a big, formal meeting with us full stop. P5</p>
4. Appeals relating to 'black and white' cases Some cases 'cannot be mediated', especially "black and white" placement/statement decisions, p.68	<p>In my opinion we are set up to fail as mediators sometimes. You still do your best of course but sometimes it's very black and white and you almost need a judge or something at that point to either say yes or no to what the parents have asked for. P1</p> <p>In some of the really sticky cases it's hard to see what impact mediation can have, especially when parents are requesting a special school for example. With something like that there's no half-way house, you're either getting a place or you're not. P2</p>
Super-ordinate theme: Timing of intervention	
Emergent Theme	Sources References

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<p>- 'reactive' or late intervention , means they might assume that the LA would rather go to tribunal, p.67 Only giving information about dispute resolution at crisis point, i.e. in line with national guidelines</p>	<p>A lot of parents that we deal with only hear about us because they've made a complaint to school already and they're given our information to support them but by that point they might've fallen out so bad with the school that we can't turn it around. P6</p> <p>I get the feeling that for a lot of parents, especially if they've got a long-term complaint with the authority, mediation gets offered so late in the day that they think the authority would rather have the tribunal anyway, like it's just a tick-box meeting. P3</p>
<p>proactive, early intervention, especially using the PPS, p.63</p>	<p>If a parent already knows about Parent Partnership for whatever reason they're much more likely to use us to get information before they make a complaint. Sometimes we can show them that they've got every right to complain and other times we might tell them that they've got the wrong end of the stick but it's definitely a lot smoother getting on board with them as early as possible. P5</p>

Super-ordinate theme: External influences on parents		
Emergent Theme	Sources	References
<p>Specialist SEN support groups</p>	<p>In my experience there are some groups out there like [...] that are just on a mission to stir up trouble. It's like they go to seek out the worst possible treatment for kids and then tell everyone it's a daily occurrence ... it destroys any trust parents will have had in their kid's schools. P4</p> <p>You get a lot of what I call "crusaders" in this arena, people that want to support their chosen cause rather than any particular individual. As an example, every dealing I have with [...] ends with me being shouted at for not understanding or being accused of discrimination ... [the result is that] parents end up not trusting the professionals. P3</p>	
<p>'Consumerist' approaches by parents, resulting from solicitors competing for business, p.63</p>	<p>It's become much more like a marketplace in the last few years. You've got these solicitors</p>	

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	<p>going round saying "I guarantee you this" or "no win no fee" so if a parent wants a special school or something they're gonna go with the person making the biggest promises. P1</p> <p>We're constantly hearing from parents that they've been advised against mediation or advised against talking to the SENCO as if it's going to jeopardise their case or something ... at the end of the day it's about the lawyers getting their share of the money isn't it. P4</p>
<p>Media/literature view that LA professionals lack independence - biased in favour of parents, assumes that all LA employees want cheapest option, p.68/69</p>	<p>When you work in this type of job you start to pick up on all the snide little comments people make in the papers about money-saving and penny-pinching ... most parents probably think that we're all just trying to save money for the authority. They don't understand that all we actually care about is the resources being used <i>fairly</i>. P4</p>

Super-ordinate theme: Communication between LA and parent		
Emergent Theme	Sources	References
getting key people in a room together, i.e. linking parents, schools, external prof's and SEN decision-makers	Especially in more complex cases like PMLD cases and stuff there are so many people involved that parents get told different things by different people ... [disagreement resolution works best] when the key people all get together in one room and tell the parents what they're doing for their child. P5	
Developing partnerships with parents through family-centred planning processes, p. 63	The most successful meetings that I've been involved in are the ones where the parents go away feeling that they are in charge of things ... it's simple things really, like just checking if parents are actually happy with what's going on for their child. P2	
Mediator's communication style and approach to negotiation.	<p>A lot depends on how good the mediator is at getting parents on board. Some people have that knack of getting people's backs up whereas some of them make them feel like queens so they walk away feeling a lot happier ... more listened to. P6</p> <p>I have sat through one really painful</p>	

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	<p>mediation meeting which felt more like a trial than mediation ... it was just a barrage of questions from the so-called mediator ... (And what effect do you think that had on the parent?)</p> <p>Well she was quite upset by it actually. She told me afterwards ... I think the mediation meeting made things worse actually ... even more personal. P5</p>
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Appendix 16 - Justifying specific Qualitative Methods

Strengths and weaknesses of thematic analysis

Strengths:

- Aids organisation and summation of large amounts of qualitative data
- Is inductive; facilitates interpretation of findings where there is no pre-existing framework to structure this
- Is pragmatic; allows identification of themes within data without being inextricably linked with any particular research methodology.

Limitations:

- Requires researcher to make ad hoc, personal decisions about relevance of themes (which can be affected by researcher bias).
- Results in large amounts of data being 'boiled down' into smaller fragments, and this process of 'boiling down' is not always transparent for the reader.
- Where only one researcher is engaging with thematic analysis, it may not be possible to establish the reliability of the interpretations, i.e. are they consistently interpreted in this way? Would another researcher reach the same findings?

Alternatives to thematic analysis: IPA and Grounded Theory

Interpretative phenomenological analysis (IPA) was considered suitable because:

- it is an inductive approach to data analysis which can be used where little prior research can be found to inform a study's design.
- it necessitates a very close, very detailed look at individual/personal experiences

However, IPA was not considered suitable due to it being *too* focused on individual experiences. The aim of this study is to consider what barriers and facilitators to disagreement resolution are reported by parents, as a *group*, and professionals, as a *group*. The need to draw information together from multiple sources guided the decision not to use IPA.

Grounded theory analysis was also considered as a possible data analysis approach due to its use as a means of exploring areas of interest where prior relevant research is scarce. As with IPA, this approach broadly fits with the current research design. However, in order to establish the reliability of findings within grounded theory analysis there is a need to *test* initial findings through further data collection and analysis. Due to the scarcity of appropriately-experienced participants it is not possible to re-test grounded theory findings through further data collection and analysis. Consequently grounded theory is not a pragmatic solution to the challenge of analysing data in the current study.

Appendix 17 - Example of the 'EP Protocol' letter shared with parents and professionals (names & dates removed)

Dear []

Education Act 1996 – Assessment of Special Educational Needs

[] (D.O.B)

I am writing further to your request for a full Multi-Professional Statutory Assessment of []'s special educational needs. This request was considered by the Local Authority advised by the SEN Statutory Panel on Tuesday [] and again on Tuesday []. The case has been considered on two occasions as the SEN Casework Team recently received further documentation pertaining to your appeal. For your information the SEN Statutory Panel comprises of representatives from the Educational Psychology Service, representative head teachers, a representative from the Alternative Provision Centre and the Special Education Casework Team.

On consideration of all the information available the Local Authority has concluded that the graduated response to meeting []'s special educational needs is not exhausted, and that at this time it is not appropriate to initiate a statutory assessment. This decision has been made in line with sections 7:50 and 7:64 - 7:67 of the Special Educational Needs Code of Practice. The evidence provided to the panel showed that provision for [] can be made through Element 2 funding i.e. resources that are normally made available to schools under the new funding arrangements, and that she is responding to the interventions put in place by the school.

The members of the panel recognise that this decision may be a disappointment to you and have requested that Josh Dyer - Educational Psychologist for []'s school meets with you to further explain the reasons for the decision. This meeting will be arranged shortly.

In addition, [] - Chair of the SEN Statutory Panel - has written to [], Headteacher at [] School to re-iterate the position with regard the changes to funding for pupils with special educational needs and has also copied the Case Manager into this e-mail correspondence.

It should be noted that the 2002 Special Educational Needs Code of Practice states that the special educational needs of the great majority of children should be met effectively within mainstream settings, without the Local Authority needing to make a Statutory Assessment. In only a very small number of cases will the Local Authority make a Statutory Assessment of special educational needs and then consider whether or to not issue a Statement.

As a pupil accessing Local Authority provision [] can continue to benefit from the advice and support from educational professionals within the [] Support Services should the school feel that this is an appropriate course of action to take.

If you do not agree with the Local Authority's decision, you have the right of appeal against this decision to the Special Educational Needs and Disability Tribunal (SENDIST). If you decide on this course of action you need to submit your appeal within 2 months of receipt of this letter. If you would like details of the Special Educational Needs Tribunal please contact me.

If you have any concerns or questions about this process, or disagree with this decision you may wish to get advice or support from []. They can also

inform you of the informal arrangements set up to resolve or prevent any disagreements between yourselves and the Local Authority (the Disagreement Resolution Service). Involvement of either of these services does not affect your right of appeal to the SEN and Disability Tribunal, which can run at the same time as any disagreement resolution.

Yours sincerely]

SEN Casework Officer

Appendix 18 - Review of the relevant literature

Disagreement resolution and Special Educational Needs: A review of the literature

***** This literature review has been marked and is not to form part of the thesis examination. It is included here for completeness. *****

Introduction

The following represents a broad review of the literature concerning disagreement resolution and Special Educational Needs (SEN). It begins by outlining the legislative context, including key reports on SEN provision and the government's response. It continues by considering the literature on Local Authority (LA) approaches to disagreement resolution, including the theoretical and practical aspects of their service delivery. It also reviews the literature on the approaches to and experiences of parents during disagreement resolution processes. Finally, it proposes grounds for the synthesis of findings from research into parental, national and local approaches to construct a comprehensive summary of that which is documented with relation to disagreement resolution and SEN. At each stage facilitators and barriers to disagreement resolution are highlighted and important themes and dilemmas in the literature are discussed.

Part 1 – Disagreement resolution: The legislative context

Formal disagreement resolution systems

The system governing the processing of disagreements about SEN between parents and the Local Authority was reformed in the 1993 Education Act (DES, 1993). The new system for processing parental appeals was designed with independence at its core, aiming “to be informal, flexible and able to reach decisions quickly ... [and] independent of central and local government.” (Gersch, Casale & Luck, 1998, p.12). The newly-established Special Educational Needs and Disability Tribunal (SENDIST) replaced a system in which cases were ultimately adjudicated by a member of the Local Authority (i.e. the defendant) and guaranteed that hearings would be presided over by independent persons with legal qualifications and relevant SEN experience (Crabtree & Whittaker, 1995).

Critique of formal disagreement resolution systems

Whilst the reforms in disagreement resolution processes were welcomed by parents and professionals alike, SENDIST tribunals have since become associated in the literature with two significant dilemmas: 1. Their level of independence from the Local Authority. 2. Their costs for both Local Authorities and individual families.

1. The independence of SENDIST

Literature reporting on both parental and professional views of SENDIST tribunals demonstrates a widespread perception that the increased independence, explicitly desired by legal reforms, has not been achieved (Crabtree & Whittaker, 1995; Harris & Smith, 2009; Riddell et al., 2010). “The composition of the SEN Tribunal

membership and their lack of accountability indicates serious concerns about their claim to independence.” (Crabtree & Whittaker, 1995, p. 20)

The legislative push for independence creates a dilemma in this context because the system relies on adjudication that is both autonomous *and* expert. Clearly the adjudicators in SEN disagreements must have no ties to the defending Local Authority (SENDA, 2001). The dilemma is borne from the fact that the adjudicators must also have a clear understanding and experience of SEN policies if they are to discriminate effectively between conflicting interpretations of SEN law. This experience, it is argued, is almost invariably gained from working and training with a Local Authority (Harris & Smith, 2009). In this sense, the tribunal panel members are likely to have had far greater experience of SEN disagreements from an LA perspective than a parent’s perspective: “Independence is seen in strangely ambiguous terms in this context, since the Government acknowledged the likelihood that a mediator in a case may have had previous dealings with the school or local authority in question.” (Harris & Smith, 2009, p. 9)

2. The costs of SENDIST

For Local Authorities the resolution of disagreements about SEN through the courts (i.e. SENDIST) is costly. Telephone interviews of 27 Educational Psychologists (EPs) that had been involved in a tribunal hearing revealed that on 14 of the reported 31 tribunals, preparation time exceeded 10 hours (Bennett, 1998). This is clearly a large expense in terms of labour hours and is added to the distinct, additional state-incurred costs of further specialist tribunal preparation by LA employees (for example, Learning Support staff, Specialist Advisory Teachers), NHS employees (e.g. Speech and Language Therapists, Occupational Therapists, Clinical Psychologists) and legal representatives (Oliver, 2003).

The literature also documents significant costs to parents of resolving SEN disagreements through SEN tribunals. A survey of 41 families from across the UK that had been through the SENDIST process revealed that the average cost of pursuing their appeal through to a hearing was £4,276, though 32% paid legal costs of £6,000 or more (Williams, 2006). This is in spite of the tribunal process being made free to parents and travel expenses being provided. The costs were reported to come from private assessments, legal advice and loss of earnings. Additionally, as Runswick-Cole established through case studies of parental appellants, the emotional costs of the appeal process - in terms of stress, feelings of helplessness, etc - cannot be under-estimated (Runswick-Cole, 2007).

The costs of formal, court-facilitated disagreement resolution present a second dilemma for those involved. Since the vast majority of SEN disagreements pertain to levels of provision, the additional costs of pursuing an appeal through the courts often have the perverse effect of reducing both parental and LA capacity – in at least a financial sense – to provide for the young person at the centre of the disagreement (Evans, 1999).

Alternative Dispute Resolution (ADR):

Alternative Dispute Resolution, a term coined in the USA and exported to the UK, has been developed since the 1970s following the introduction of laws in both countries which formalised systems for out-of-court dispute resolution (Gersch, 2003). Historically ADR has found its primary use in commercial disagreements, particularly those pertaining to employment and insurance laws (Gersch, 2003). Despite sharing origins with commercial disagreement resolution, the use of ADR in disagreements about SEN provision is seen as a fundamentally different process. Since both parties involved in SEN disagreements are likely to benefit from a positive relationship during and after a disagreement, negotiated forms of disagreement resolution are likely to be more useful than arbitrary forms of resolution including SEN tribunals (Harris & Smith, 2009).

Following an overhaul of civil justice systems, ADR was given prominence in national policy. The Civil Procedure Rules (Freshfields Litigation Team, 1998) made clear that litigation through the courts should be a last resort and instead encouraged earlier, more cooperative and less expensive approaches to resolution including mediation and conciliation (Gersch, 2003; Riddell et al., 2010). And in 2001 the SEN Code of Practice (SENDA, 2001) introduced statutory minimum standards for the provision of alternative dispute resolution services for Local Authorities.

It is interesting to note in the 2001 Code of Practice the use of *disagreement* resolution as an alternative to *dispute* resolution. Commentators have suggested that, “The term disagreement has a softer connotation ... dispute conveys a major, entrenched difference more closely associated with court proceedings.” (Gersch, 2003, p. 1) It is argued that the preference for ‘disagreement’ over ‘dispute’ in the literature concerning Special Educational Needs, combined with recommendations to use negotiation over arbitration, reflects an ongoing attempt to create distance between educational and commercial disagreement resolution processes (Gersch, 2003).

National policies for alternative forms of disagreement resolution

Parent Partnership Services (PPS) were first introduced in the 1994 SEN Code of Practice (DfE, 1994). Their deployment, however, was inconsistent until the Special Educational Needs and Disability Act (SENDA, 2001) placed a duty upon Local Authorities to provide parents with the contact details of the local PPS (Wolfendale, 2002). The minimum standards for Parent Partnership Services are set out in the revised SEN Code of Practice (2001, 2: 21) and managed at Local Authority level. In this sense,

“PPS are ‘nationally given’ but ‘locally driven’⁵, thus they differ in relation to maturity, experience, funding and relationship with the LA.” (Rogers et al., 2006, p.2)

⁵ Since they are managed locally, service delivery models vary across the country. Specific theoretical and practical local approaches to resolving disagreements are discussed further in Part 2.

The objectives of Parent Partnership Services, summarised in a national evaluation, include, “to reduce conflict and minimise the number of SEN tribunals.” (Rogers et al., 2006, p.1) And the Code of Practice (SENDA, 2001) describe the PPS as the “main approach to preventing disagreements from arising” (2001, 2:22), although it is also clear that PPSs play a role in mediating between parents and the LA *during* unresolved disagreements (Harris & Smith, 2009).

Additionally, the SEN Code of Practice mandates that “All LEAs must provide disagreement resolution services” (DRS) (SENDA, 2001, 2: 17). Although Parent Partnership and disagreement resolution services are introduced in the same chapters of the SEN Code of Practice and share some common aims, there is an important distinction between their structural arrangements. Whereas Parent Partnership Services are occasionally described as “in-house” (2001, 2: 17), the rules for the specific process of disagreement resolution demand “independent persons” (2001, 2: 25) and the Code of Practice suggests, “LEAs could ... buy the services as they were required.” (2001, 2: 29) Service delivery of disagreement resolution services is therefore more explicitly focused on “reducing, in time, the number of appeals going to the SEN Tribunal.” (2001, 2: 26)

Critique of national policy

Throughout the literature on legislative approaches to out-of-court disagreement resolution in SEN issues, there is a clear strand of criticism. Specifically, the rules for arranging services to resolve disagreements (i.e. their minimum standards) are seen as open to interpretation, which can result in uneven provision (Rogers et al., 2006). Furthermore, the reported ambiguity of the minimum standards for disagreement resolution services (including the PPS) complicates the process of assessing these services’ performance: “although generally all the PPS were meeting the minimum standards, they were providing completely different levels of service and it was not possible to use the standards as a measure of performance or level of engagement.” (Rogers et al., 2006, p. 58)

Since Local Authorities have a statutory responsibility to provide alternative forms of disagreement resolution, it has been suggested that to measure and improve the effectiveness of Parent Partnership and disagreement resolution services, “Supplementary guidance should be issued so that it is possible to monitor the *extent* to which PPS meet these minimum standards.” (Rogers et al., 2006, p. 71)

Outcomes of alternative disagreement resolution policy in practice

Figures from the latest SENDIST annual report indicate that the total number of registered appeals to SENDIST has steadily increased over the last ten years, from 2,463 in 99/00 to 3,016 in 08/09. Of the 3,016 registered appeals in 08/09, 26% (791) were decided at a hearing, 44% (1,317) were withdrawn by the appellant and 30% (897) were conceded by the Local Authority prior to hearing (SENDIST, 2009). More often than not, therefore, disagreements over SEN provision are resolved prior to tribunal. However, this data does not tell the full story in terms of *how* disagreements were ultimately resolved. The cessation of disagreement is described in terms of concession by either appellant (parent) or defendant (LA) and there is no

evidence of the recording of negotiated or mediated outcomes. The challenge of recording cases of mediation is summarised by Tennant et al. (2008):

It is clear that LAs would benefit from aggregate information on the proportion of cases resolved via mediation, but this type of data is very difficult to collect as mediation providers use different approaches to collating evidence about the use of their service. (p. 57)

In summary, therefore, there is clear evidence of a legislative agenda to resolve disagreements prior to a potentially costly tribunal. Despite this agenda, there is very little evidence of how policy has translated into practice. What little evidence there is about the use of alternative forms of disagreement resolution suggests that services with this specific aim are under-utilised and a national survey of SEN managers reveals that in 2007/2008, 93% of LAs in England “had zero to two mediations ... [and] despite strong government endorsement of mediation, this route appears to have been used very little so far.” (Riddell et al., 2010, p.64)

As has been demonstrated, the costs of tribunals for both sides are multi-faceted and significant. Any appeal that persists until tribunal is likely to carry a cost to: finance (Williams, 2006), emotional well-being (Williams, 2006; Runswick-Cole, 2007), time (Bennett, 1998), and relationships between services and their users (Evans, 1999; Riddell et al., 2010). In terms of recent and ongoing political agenda, appeals against SEN decisions are targeted by the recommendations of the Lamb Inquiry in that they are indicative of a lack of confidence in SEN systems (DCSF, 2009). Yet despite the statutory provision of pro-partnership and disagreement resolution services, only 7% of Local Authorities facilitated out-of-court disagreement resolution more than twice in 2007/08 (Riddell et al., 2010).

Evidence from a review of the literature on disagreement resolution and SEN would suggest that in many cases in many authorities, parents and LAs are under-using alternative forms of disagreement resolution which results in significant, potentially-unnecessary cost. This finding justifies a more focused examination of the barriers and facilitators of alternative disagreement resolution processes in a local context.

Part 2 – Disagreement resolution in a local context: Structural factors

Interaction between Parent Partnership Services and disagreement resolution services

Since they are ‘locally-driven’, i.e. managed, delivered and monitored at a local level, there is a great deal of variation in how services to aid disagreement resolution are arranged and approach disagreement resolution (Rogers et al., 2006; Tennant, 2008).

Tennant et al., (2008), reporting on a national evaluation of disagreement resolution services, found that the differences between the structure of local services was the “most illuminating” factor in understanding how DRSs are used by parents and how successful they are at resolving disputes prior to a SEN tribunal (Tennant et al.,

2008, p.25). The research highlighted significant local variation in how LA officers viewed disagreement resolution services in their local context. In many cases LA officers felt that DRSs did not add anything that could not already be offered by SEN officers or Parent Partnership Officers (PPOs); a factor which was seen to reduce referrals to Disagreement Resolution Services and, therefore, the use of mediation and conciliation to resolve disagreements (Tennant et al., 2008).

Moreover, Tennant et al. (2008) propose a continuum of disagreement resolution attempts as perceived by Local Authorities. In many cases mediation and conciliation are placed on the continuum after Parent Partnership Service involvement and before a SENDIST hearing. This reflects a reactive approach to disagreement resolution and, when considered in combination with evidence of local variation in service delivery, may influence the take-up and effectiveness of disagreement resolution attempts. In terms of the Parent Partnership Service, Neil Duncan has described,

“a confusing elision of advocacy and mediation functions [which] highlighted the need for an effective fire-break between parental support and dispute resolution.” (Duncan, 2003, p.354)

In this sense, literature on LA structure – and specifically the relationship between Parent Partnership and other disagreement resolution services – reveals a significant implication for the resolution of disagreements. The consensus view is that mediation and conciliation is most effective where it happens early (Tennant et al., 2008; Gersch, 2003) and where it is explicitly differentiated from other LA services (Rogers et al., 2006; Gersch, 2003).

Models of engagement with disagreement resolution services

In a wide-reaching evaluation for the Department for Children, Schools and Families (DCSF), Tennant et al. (2008) interviewed a range of professionals working for and with disagreement resolution services (not including the Parent Partnership Service). Thematic analysis revealed two key components associated with engagement with disagreement resolution services. These factors are seen to affect the purpose of parents' referral to DRS, their referral route, and the reported barriers they face. In this sense Local Authority policy and practice can act either as facilitator or barrier to effective disagreement resolution. The two components of engagement proposed by Tennant et al. (2008) are:

1. Understanding of the role of disagreement resolution services;
2. Promotion of disagreement resolution services

1. Understanding of the role of disagreement resolution services

Tennant et al., reporting on interviews with LA SEN professionals about disagreement resolution services, found that, “In some instances LA staff were not clear about its function.” (Tennant et al., 2008, p. 61). The implication, according to Tennant et al., is that a lack of LA understanding of the role and availability of mediation and conciliation is likely to act as a barrier to resolving disagreements prior to tribunal. Similarly, Rogers et al. (2006) found that LA understanding of the local Parent Partnership Service had a direct effect on referrals, which had a knock-on effect on their deployment as a means of attempting to support disagreement resolution.

The message from the literature is therefore that Local Authorities can best support disagreement resolution by increasing their staff's understanding of the local Parent Partnership and other disagreement resolution services. Literature on how this may be achieved is scarce but Tennant et al. (2008) suggest that the most effective LAs have improved their understanding through the establishment of good practice guides concerning the use of external disagreement resolution services including examples of how DRS has been used effectively in the past (Tennant et al., 2008). Furthermore, Evans (1998) has reported a trend for LAs to receive fewer appeals to SENDIST tribunal where they had provided "extensive training and support" (p. 62) for Special Educational Needs Coordinators (SENCOs). In this sense, SENCOs with high levels of understanding of wider SEN policy are seen to be useful both prior and during disagreements about SEN, particularly because they can foster within their schools a "willingness to support pupils at Stage 3 of the Code [of Practice]" (Evans, 1998, p. 62).

2. Promotion of disagreement resolution services

Tennant et al.'s national evaluation also showed that the "level of detail and promotion" of services to resolve disagreements varied greatly across LAs (Tennant et al., 2008, p. 61). Indeed research showed that levels of promotion of disagreement resolution services varies from a statutory 'bare minimum' to broad, multi-modal advertising campaigns (Tennant et al., 2008). Local Authorities that provide information about mediation and conciliation services only after receiving a parental appeal have been criticised. Riddell et al. (2010), for example, summarise the "bare minimum" position as follows:

In England, the legislation requires information about mediation provided to the parents by the LA when it informs them about its decision and provides the required notification of the right of appeal to the tribunal ... Not surprisingly, therefore, it appeared that written information was given to parents of children with statements, but not to other parents of children with SEN. (p. 67)

Without additional and prior promotion, therefore, many of the services that may support disagreement resolution across country are not known to parents until a disagreement has occurred. This statutory, minimum standards model of promotion is criticised for its reactive rather than preventative approach, increasing the chances that parent-LA relationships become strained to the point that mediation/conciliation is unnecessarily difficult (Tennant et al., 2010). At the other end of the scale, LAs that have promoted disagreement resolution services to all parents through schools and public websites are seen to have made more effective attempts at resolving disagreements, resulting in more positive relationships with parents: "There does appear to be a link between the nature of the websites promoting a PPS and the ratings received for impact." (Rogers et al., 2006, p. 55)

Tennant et al. (2008) conclude that Local Authority understanding of the role of services that may support disagreement resolution can affect its promotion of these services which in turn affects the take-up of these services. In this sense, LAs with a clear and positive understanding of the role of disagreement resolution services

(including the PPS and DRS) are expected to use them more often and more effectively and, therefore, resolve more disagreements (Tennant et al., 2008).

Part 3 - Disagreement resolution: Local Authority approaches

Models of SEN disagreement resolution: Mediation and conciliation

Appeals against SEN decisions fundamentally stem from disagreement between parents and the Local Authority about the appropriate provision for a child (Gersch, 2003; Runswick-Cole, 2007; Riddell et al., 2010). Although the Education Act (1996) introduced a duty for LAs to offer disagreement resolution services, no national policy has since advised on specific theoretical and practical approaches to disagreement resolution. Consequently, literature on specific service delivery models is limited (Tennant et al., 2008) and in the vast majority of cases, the theoretical and service delivery models that inform Local Authority approaches remain a mystery.

In their research into patterns of referrals to disagreement resolution services, Rowley and Gersch (2001) state that across the UK and USA, disagreement resolution in SEN most commonly takes one of two forms: mediation or conciliation (Rowley & Gersch, 2001). The distinction between these two similar approaches to disagreement resolution in SEN issues is defined by Gersch (2003) in the most comprehensive and often-cited guide to disagreement resolution for Local Authorities:

Whereas mediation involves a completely neutral facilitator who does not offer any view or evaluation, conciliation may involve an expert neutral who can explain and advise the parties to assist with the resolution of their disagreement. (p. 5)

In general in the literature on disagreement resolution and SEN, 'mediation' and 'conciliation' are used interchangeably⁶, or at least treated as equally valid forms of disagreement resolution (e.g. Riddell et al., 2010; Gersch, Casale & Luck, 1998; Rowley & Gersch, 2001; Gersch, 2003). Hence there has been no research discriminating between the effectiveness of each form of disagreement resolution. And according to the Ministry of Justice, "the development of alternatives to present ways of resolving disputes is in its infancy." (Ministry of Justice, 2007, p. 54)

Psychological models of disagreement resolution: Gersch, Casale and Luck's landmark research

Since studies of specific attempts to manage/resolve the SEN disagreements that lead to tribunals are limited (Tennant et al., 2008), it is useful to consider the

⁶ For the purposes of this review, the terms 'mediation' and 'conciliation' are not interchangeable and in fact reflect the differences described by Gersch (2003). The term 'mediator' is used, as it is in the literature, to mean the individual responsible for assisting negotiation in both mediation *and* conciliation processes.

application of a particular model of resolution that was effective in resolving 14 disagreements before appeal reached tribunal (Gersch, Casale & Luck, 1998). This approach to resolving disagreements, an application of the work of Acland (1990) to disagreements about SEN, “focuses on the problem or situation as the reason for the dispute, rather than the people involved” (Gersch et al., 1998, p. 13) in order to “help draft agreements which solve current problems, safeguard relationships and anticipate future needs.” (Acland, 1990, p. 18)

Within the broader models for mediation and conciliation, various specific negotiation techniques were found to be particularly useful in resolving disagreements about SEN, including 'win-win negotiation' and 'negotiation jujitsu' (Gersch et al., 1998). These techniques, adopted by the Waltham Forest LEA Conciliation Service and delivered by a mediator with certain 'key skills' (discussed later), contributed to the resolution of all 14 disagreements referred to the service during the study period (Gersch et al., 1998).

Reflecting on the establishment of the Waltham Forest Conciliation Service and on parent and professional evaluations of the service's approach, Gersch et al. identified a number of 'key' personal skills that can improve a mediator's ability to assist with resolving disagreements about SEN. These skills include: “the ability to defuse tension and aggression, listen actively and empathise, enable others to define and clarify, work to build trust and respond professionally.” (Gersch et al., 1998, p. 14) Such personal skills were seen by parents and professionals alike as being crucial ingredients during attempts to mediate and conciliate. Gersch et al., concluded, therefore, that “the evaluation study shows clearly that any mediator/conciliator would need considerable training and support in developing appropriate skills.” (Gersch et al., 1998, p. 19)

Literature describing specific psychological approaches to SEN disagreement resolution is rare.

In this sense, Gersch et al.'s evaluation of the Waltham Forest Conciliation Service (1998) stands out as a flagship example of research into disagreement resolution and SEN. It provides a clear rationale for applying existing models of conflict resolution to Special Educational Needs disagreements and encourages future researchers to embark on the same process, with the aim of creating an evidence base within the field of SEN disagreement resolution. It is also the only document in the field that discusses specific negotiation techniques and personal skills that may improve the effectiveness of attempts to resolve disagreements. Ultimately, Gersch et al.'s evaluation (1998) demonstrates the potential positive outcome of applying evidence-based approaches to SEN disagreement resolution, a factor that could have – but did not – encourage further research along the same lines.

The case for involving children in the disagreement resolution process

The SEN Code of Practice (2001) places an emphasis on children's involvement in decisions that affect their education. As a minimum standard, the views and wishes of young people should be sought prior to disagreement resolution attempts (DfES, 2001). This process, typically the responsibility of educational psychologists, is seen to be central to positive outcomes of mediation (Soar, Burke, Herbst & Gersch,

2005). Additionally, the case has been made that children ought to participate in 'live' mediation or conciliation meetings (Kelly, Richards & Norwich, 2003). There is consensus agreement that in some cases children may not be able to participate but recent calls are for, "professionals [to] adopt a starting position whereby children are included (as far as possible) in the mediation process," (Soar et al., 2005, p. 40). By encouraging children to take an active role in attempts to resolve disagreements about their provision, it is envisaged that parents and professionals will be more likely to put aside their differences and work toward a common purpose (Soar et al., 2005).

However, interviews with LA SEN officers has revealed that in some cases there is resistance to involving children in disagreement resolution and opinions are divided along the lines: children's attendance is damaging to their emotional health; or, children can be a real asset (Soar et al., 2005). Differences in opinion on this specific point have implications for the personnel involved in disagreement resolution and, potentially, on the appropriateness of its outcomes.

Part 4 – Disagreement resolution and the individual: Parents' experiences of the disagreement resolution process

Marketised Local Authorities

Literature on parental factors associated with disagreement resolution suggests that schools' funding arrangements impact on parental attitudes and behaviour. Riddell et al. brought this issue into focus in 1994, concluding in their report on parental power that a range of Government measures in the early 1990's had paved the way for parents "to behave as critical consumers in the educational market-place." (Riddell, Brown & Duffield, 1994, p. 341).

Evans (1998) also considered the link between consumerism and education using a Local Authority's proportion of grant-maintained (GM) schools as a measure of how 'marketised' it had become. On this basis, Evans predicted that LAs with a relatively high proportion of grant-maintained schools would receive more appeals against SEN decisions since parents are "more likely to view education as a 'commodity' which can be obtained by putting pressure on the LEA to release more resources." (Evans, 1998, p. 19) Overall, and taking account of numerous exceptional LAs, Evans found "a slight trend" (p. 20) towards more appeals in LEAs with greater numbers of GM schools. (Grant-maintained school status was eradicated shortly after Evans' review in 1998. Insofar as they also receive direct Government funding, it may be useful in the present to consider schools with Academy status as equivalent to the now-abolished grant maintained schools in any measure of LA marketisation.)

The 'value' of children with SEN

Duncan (2003) extends the education-marketplace analogy, suggesting that children and young people have become the 'products' of education, each with their own value. In this sense, children with SEN are 'less valuable' to schools. Duncan (2003) suggests a possible reason for this:

Pupils with SEN are, rather than valued and sought after, devalued and avoided by schools, who fear that their inclusion would lower their position in the various performance tables vital to the school's success. (p. 342)

The logical extension of this argument is that a parental perception that a school devalues or avoids a pupil with SEN is likely to lead to greater number of disagreements about SEN which are harder to resolve. "There was a strong belief amongst several parents that the head of their child's school just didn't like SEN pupils being in the school." (Duncan, 2003, p. 346)

Literature on the marketisation of education suggests, therefore, that Local Authorities that are seen to value their students exclusively according to academic outcomes create a barrier to resolving disagreements. This, it is inferred, is due to parents feeling that their children with SEN have been devalued, leaving them with no option but to pursue legal routes to access more resources (Duncan, 2003).

Parental confidence in schools' understanding of SEN:

Evans, in producing national evaluation titled, 'Getting it right: LEAs and the Special Educational Needs Tribunal' (Evans, 1998) describes the effect of a lack of parental confidence in school teachers and Special Educational Needs Coordinators (SENCo) on relatively high numbers of appeals to SENDIST (Evans, 1998). Parental perceptions of school staff's expertise is therefore implicated as being influential on their willingness to make an initial appeal. Evans suggests that parents' perceptions of schools' understanding of SEN depends on the quality of communication between both parties. Where communication is more frequent and school staff have been trained in specific Special Educational Needs, parents were seen as less likely to report disagreements with schools about SEN (Evans, 1998). The link between school staff understanding of SEN and parental satisfaction with their child's provision (and, in turn, their propensity to disagree with schools) is replicated across the literature on parental confidence and disagreement resolution (Duncan, 2003; Griffiths, Norwich & Burden, 2004).

In cases where parents perceived that they had a 'key contact' in the Local Authority with a strong understanding of their child's needs, disagreements were resolved more satisfactorily for both parents and professionals (O'Connor, McConkey & Hartop, 2005). "The value of key workers and home supporters is well attested in the literature on early intervention, and these data further support the value of this personal approach." (O'Connor et al., 2005, p. 266) The notion that early intervention is important for both parental and professional outcomes (Duncan, 2003; O'Connor et al., 2005) may reflect attempts by researchers and policy-makers to draw parallels between the relatively young field of disagreement resolution literature and the more established literature on SEN assessment and planning.

Parents and independent specialists and support groups

Across the literature on formal and alternative forms of disagreement resolution, various support groups and independent professionals are cited as having contributed to parental approaches including, amongst others, independent educational psychologists and solicitors, the Advisory Centre for Education (ACE),

the Independent Panel for Special Educational Needs Advice (IPSEA), the British Dyslexia Association and the National Autistic Society (Bennett, 1998; Evans, 1998; Gersch et al., 1998; Runswick-Cole, 2007). The functions of these independent groups and individuals have included advice, advocacy, specialist assessment and legal representation (Evans, 1998).

While parents value the role of support groups in registering and pursuing a disagreement about SEN (Griffiths et al., 2004; Runswick-Cole, 2007) they have also been described as 'pressure groups' (Evans, 1998). In this 'pressure group' context it has been suggested that their involvement in disagreement resolution processes, along with lawyers and independent psychologists, creates a situation where "parents appear more likely to refuse to negotiate with the LEA and to take their case all the way to the Tribunal." (Evans, 1998, p. 64). Similarly, Riddell et al. (2010) quote, in their study of Local Authority perspectives on dispute resolution, a SEN officer as saying, "solicitors actively advise parents against disagreement resolution." (Riddell et al., 2010, p.63)

In this sense, support groups and independent professionals create a dilemma for disagreement resolution processes. Whilst parents have been reported to feel that they are useful in creating a strong case for their disagreement (Runswick-Cole, 2007), Local Authorities have been reported to see them as an impediment to disagreement resolution, motivated by personal and political interests which are often beyond those people involved in the initial SEN disagreement (Evans, 1998; Riddell et al., 2010). The conflicting descriptions of the role of support groups is an interesting aspect of research into disagreement resolution which may reflect both differences in parental and professional views as well as differences in the aims of the researchers. In fact the only two studies reporting exclusively on parental experiences of disagreement resolution (Duncan, 2003; Runswick-Cole, 2007) are published in the same journal: *Disability and Society*. This journal has an explicit aim to challenge traditional models of disability and advocate for families with children with disabilities and SEN. It is possible, therefore, that these accounts of parental experiences were written with a specific agenda that extends beyond the impartial description and analysis of data. This political factor may go some way to explain the vastly different perceptions of support groups by advocacy-driven researchers (e.g. Duncan, 2003; Runswick-Cole, 2007) and their counterparts that are ostensibly more neutral (e.g. Evans, 1998; Riddell et al., 2010).

Parents and disagreement resolution: Themes in the literature

Many parents referred to battles, enemies and aggressive conflicts, frequently militarising the adversarial relationships between family and school. (Duncan, 2003, p. 346)

The preceding quote from Duncan's qualitative exploration of parents' experiences of SEN disagreements with local authorities (2003) epitomises a common theme that runs through all of the available literature (Riddell, Brown & Duffield, 1994; Duncan, 2003; Runswick-Cole, 2007). The metaphor for disagreements becoming *wars* between parents and Local Authorities is a striking and significant factor in their resolution (Duncan, 2003). Since parents often feel, particularly in more marketised

LAs, that they must 'fight' for their children's rights, it is assumed that they will be less likely to engage in collaborative forms of disagreement resolution including mediation and conciliation (Duncan, 2003; Riddell et al., 1994). This may be due to the fact that, having accepted that they are fighting a war, parents feel that their only option is to attack LA systems and individuals: "Any other good practice within the LEA offices the parents attributed to their pressure and threats." (Duncan, 2003, p.347)

Conclusion: Analysis and interpretation of the literature

Although literature on the resolution of disagreements about SEN is scarce, there are some clear messages about factors that may act as facilitators or barriers to resolving disagreements prior to a potentially costly tribunal. These facilitators and barriers include: LA structure (Tennant et al., 2008), the application of specific theoretical approaches to resolving disagreements (Gersch et al., 1998), the promotion of disagreement resolution services (Tennant et al., 2008), the individuals involved during disagreement resolution (Evans, 1998; Duncan, 2003), and the marketisation of Local Authorities (Evans, 1998; Duncan, 2003). The literature describing these factors has been drawn from a variety of distinct fields, including parental advocacy, parental confidence, civil justice, national reviews and professional journals.

The justification for resolving disagreements away from the courts is clear. Tribunals have been associated with significant inter-related costs to parents and Local Authorities and it is therefore reflected in national policy that alternative, earlier forms of disagreement resolution are to be encouraged. This review serves as an example of the relative scarcity and diversity of sources associated with literature on disagreement resolution. If future research can synthesise what is known about Local Authority factors relating to the success of disagreement resolution with what is known about parental factors it is likely that provision may become more heterogeneous at a national level. The aim of such a process should be to develop a holistic understanding of disagreement resolution (that can account for national, local and individual approaches) and reveal effective, evidence-based practice. This process could result in more balanced outcomes of disagreement resolution attempts across the country. In turn, it would be easier to compare and evaluate local approaches to disagreement resolution and, hence, improve services for all stakeholders.

REFERENCES

- Acland, A. F. (1990). *A Sudden Outbreak of Common Sense. Managing Conflict through Mediation*. London: Hutchinson Business Books Limited.
- Bennett, P. L. (1998). Special Educational Needs Tribunals, *Educational Psychology in Practice*, 14:3, 203-208.
- Bhaskar, R. (1979). *The possibility of naturalism*, Brighton: Harvester Publishing.

- Buswell-Griffiths, C., Norwich, B. & Burden, R.L. (2004). Parental agency, identity and knowledge: mothers of children with dyslexia. *Oxford Review of Education*, 30(3), 417-433.
- The British Psychological Society. (2009). *Code of Ethics and Conduct: Guidance Published by the Ethics Committee of the British Psychological Society*. Leicester: British Psychological Society.
- Council of Europe. (1950). *European Convention for the Protection of Human Rights and Fundamental Freedoms*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3b04.html>
- Crabtree, C. & Whittaker, J. (1995). How independent are the independent special needs tribunals? Report for the Action Research Centre for Inclusion: online. Retrieved November 21, 2010, from <http://www.inclusion-boltondata.org.uk>
- Dawe, A. & Neathey, F. (2008). ACAS conciliation in collective employment disputes. ACAS Research and Evaluation Section: Online. Retrieved November 28, 2010, from <http://www.acas.org.uk/index.aspx?articleid=2056>
- Department for Children, Schools and Families (2009). Lamb Inquiry: Special educational needs and parental confidence. DCSF: Online. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8553-lamb-inquiry.pdf>
- Department for Children, Schools and Families (2010). Improving Parental Confidence in the Special Educational Needs System: an Implementation Plan. Nottingham: DCSF. Retrieved November 21, 2010, from <http://www.dcsf.gov.uk/lambinquiry/downloads/8623-DCSF-ParentalConfidence.pdf>
- Department for Education. (1994). *The Code of Practice on the Identification and Assessment of Special Educational Needs*. London: HMSO.
- Department for Education (2011). *Support and aspiration: A new approach to special educational needs and disability: A Consultation*. Norwich: The Stationery Office.
- Department for Education and Employment. (1996). *Education Act 1996*. London: HMSO.
- Department for Education and Skills. (2001). *Special Educational Needs: Code of Practice*. Nottinghamshire: DfES.
- Department of Education and Science. (1981). *Education Act 1981*. London: HMSO.
- Department of Education and Science. (1993). *Education Act 1993*. London: HMSO.

- Desforges C., & Abouchaar, A., (2003). The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Review, Research Report 433, London: DfES
- Duncan, N. (2003). Awkward Customers? Parents and Provision for Special Educational Needs, *Disability & Society*, 18:3, 341-356.
- Evangelou, M., Taggart, B., Sylva, K., Melhish, E., Sammons, P., & Siraj-Blatchford, I. (2008). What Makes a Successful Transition from Primary to Secondary School? Research Report DCSF-RR019, London: DCSF.
- Evans, J. (1998). *Getting it Right: LEAs and the Special Educational Needs Tribunal*. Slough : NFER
- Evans, J. (1999). The impact of the Special Educational Needs Tribunal on local authorities' policy and planning for special educational needs, *Support for Learning*, 14, 74-79.
- Freshfields Litigation Team. (1998). *The Woolf reforms in practice: Freshfields assess the changing landscape*, London: Butterworths.
- Gersch, A. (2003). Introduction. In Gersch, I.S. & Gersch, A. (Ed) *Resolving disagreement in special educational needs*, London: Routledge Falmer.
- Gersch, I. S., Casale, C., & Luck, C. (1998). The Waltham Forest SEN Conciliation Service: One approach to reducing tribunal appeals, *Educational Psychology in Practice*, 14:1, 11-21.
- Giorgi, A., & Giorgi, B. (2009). Phenomenology. In Smith, J. (Ed.). *Qualitative Psychology: A practical guide to research methods* (2nd ed.). (p.26-52). London: Sage.
- Harris, N., & Riddell, S. (2011). *Resolving disputes about educational provision*, Surrey, Ashgate Publishing Limited.
- Harris, N., & Smith, E. (2009). Resolving disputes about special educational needs and provision in England, *Education Law Journal*, 10:2, 113-132.
- Kagan, P. (2008). *Feeling Listened To: A Lived Experience of Humanbecoming*, *Nursing Science Quarterly*, 21(1), 59-6.
- Knill, B. & Humphreys, K. (1996). Parental preference and its impact upon a market force approach to special education, *British Journal of Special Education*, 23, 30-34.
- Miles, M. B. & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*, London: Sage Publications.

- Ministry of Justice. (2007). *The Tribunals, Courts and Enforcement Act (TCEA)*. London: HMSO. Retrieved December 1, 2010, from: <http://www.legislation.gov.uk/ukpga/2007/15/contents>
- Morgan, D. L. (2007). Paradigms lost and pragmatism regained, *Journal of Mixed Methods Research*, 1(1), 48-76.
- O'Brien, D. (2006). *An Introduction to the Theory of Knowledge*, Cambridge: Polity Press.
- O'Connor, U., McConkey, R., & Hartop, B. (2005). Parental views on the statutory assessment and educational planning for children with special educational needs, *European Journal of Special Needs Education*, 20:3, 251-269.
- Oliver, S. (2003). The SEN tribunal. In Gersch, I.S. & Gersch, A. (Ed) *Resolving disagreement in special educational needs*, London: Routledge Falmer.
- Power, E. (2010). *Guerrilla mum: Surviving the special educational needs jungle*, London: Jessica Kingsley Publishers.
- Reybold, L. E. (2002). Pragmatic epistemology: ways of knowing as ways of being. *International Journal of Lifelong Education*, 21(6), 537-550.
- Riddell, S., Brown, S., & Duffield, J. (1994). Parental Power and Special Educational Needs: the case of specific learning difficulties, *British Educational Research Journal*, 20:3, 327-344.
- Riddell, S., Harris, N., Smith, E. & Weedon, E. (2010). Dispute resolution in additional and special educational needs: local authority perspectives, *Journal of Education Policy*, 25: 1, 55-71.
- Robson, C. (2002). *Real world research: A resource for social scientists and practitioner-researchers* (2nd ed.), Oxford: Wiley-Blackwell.
- Rogers, R., Tod, J., Powell, S., Parsons, C., Godfrey, R., Graham-Matheson, L., Carlson, A. & Cornwall, J. (2006). Evaluation of the special educational needs parent partnership services in England RR719. Nottingham: DfES.
- Row, S. (2005). *Surviving the special educational needs system: How to be a velvet bulldozer*, London: Jessica Kingsley Publishers.
- Rowley, J., & Gersch, I. (2001). SEN Conciliation: Is there a pattern to referrals?, *Educational Psychology in Practice*, 17:4, 361-374.
- Runswick-Cole, K. (2007) "The Tribunal was the most stressful thing: more stressful than my son's diagnosis or behaviour": the experiences of families who go to the Special Educational Needs and Disability Tribunal (SENDisT), *Disability & Society*, 22:3, 315-328.

- SENDA. (2001). Special Educational Needs and Disability Act 2001. London: HMSO.
- SENDIST. (2009). Annual Report 2008/2009. Retrieved November 7, 2010, from http://www.sendist.gov.uk/Documents/FormsGuidance/AnnualReports/AnnualReport_08_2009.pdf
- Soar, K., Burke, K., Herbst, K., & Gersch, I. (2005). Pupil involvement in special educational needs disagreement resolution: some perceived barriers to including children in mediation, *British Journal of Special Education*, 32:1, 35-41.
- Tennant, R., Callanan, M., Snape, D., Palmer, I. & Read, J. (2008). Special educational needs disagreement resolution services. National evaluation research report DCSF-RR054. London: DCSF.
- Todd, L. (2003). Disability and the restructuring of welfare: the problem of partnership with parents, *International Journal of Inclusive Education*, 7:3, 281-296.
- UN General Assembly. (1948). *Universal Declaration of Human Rights*. Retrieved November 11, 2010, from <http://www.refworld.org/docid/3ae6b3712c.html>
- Williams, M. (2006). SENDIST: Challenge or opportunity? Report for PEACH (Parents for the Early Intervention of Autism and their families). Retrieved November 21, 2010, from <http://www.council-on-tribunals.gov.uk/adjust/item/sendist.htm>
- Willig, C. (2001). *Introducing Qualitative Research in Psychology: Adventures in Theory and Method*. Buckingham: Open University Press.
- Wolfendale, S. (2002) *Parent Partnership Services for Special Educational Needs: Celebrations and Challenges*, London: David Fulton Publishers.

Appendix 19 - Results tables indicating the frequency with each sub-theme was mentioned

Study One

Super-ordinate themes and sub-themes

Figure 5: Super-ordinate theme 1 (emboldened as main heading) and related sub-themes

Super-ordinate theme: Poor communication			
Emergent Theme	Sources*	References**	Example Quote
2. No one listening	5	14	I had no support as a parent whatsoever and it's like 'how many times do I have to say this before someone takes me seriously?' (P4)
3. Perceived criticism of parent	3	7	Our problems have been continually dismissed as being elderly grandparents who couldn't look after him. (P3)

* Sources: Number of parents referring to the theme

** References: Total number of references to the theme

Figure 6: Super-ordinate theme 2 (emboldened as main heading) and related sub-themes

Super-ordinate theme: Lack of confidence in SEN systems			
Emergent Theme	Sources	References	Example Quote
4. Professionals lacking independence	7	12	I felt yeah [the mediators] ultimately work for the authority and the authority fund them to a certain degree. (P2)
5. Lessons have not been learnt	3	6	[Having been through a tribunal regarding an older son] And it's just like Groundhog Day y'know. It's the same faces making the

			same mistakes and giving the same apologies. (P7)
6. Over-emphasis on CYP's views	2	4	C3 is incapable of making logical decisions about anything beyond <i>now</i> but they kept asking him of course because they knew he'd say he wanted to stay with his friends. (P3)

Figure 7: Super-ordinate theme 3 (emboldened as main heading) and related sub-themes

Super-ordinate theme: Uncertainty about future			
Emergent Theme	Sources	References	Example Quote
7. Expecting broken promises	4	8	...how can anything that you go into where you know it's not legally binding be helpful to me as a parent? (P5)
8. Unresolved fears about transition	3	5	...for her son [the freedom at secondary school] was like a rag to a bull and he went off the rails and got himself excluded and I just thought 'that's exactly where we will be if I don't keep going with this.' (P4)

Figure 8: Super-ordinate theme 4 (emboldened as main heading) and related sub-themes

Super-ordinate theme: Battle Metaphor			
Emergent Theme	Sources	References	Example Quote
Battle metaphor	7	33	I had to do all the fighting, and it was a fight. You didn't have to be unpleasant but you had to be persistent and they have to know you're ready for war. (P1)

Figure 9: Super-ordinate theme 5 (emboldened as main heading) and related sub-themes

Super-ordinate theme: Positive experiences			
Emergent Theme	Sources	References	Example Quote
9. Feeling 'listened to'	3	5	The mediation was the most positive day in the whole process. That's not to say I enjoyed it because I got what I wanted but I felt someone was actually taking me seriously for the first time. (P4)
10. A legitimate decision-maker	3	4	The big difference was that [name removed; LA employee] actually had the power to sign off on one-to-one, whereas everyone up until then had been saying "Oh I don't know about that but we could try an application." (P6)
10. Better informed	2	4	[PPS member] got me the relevant bits of educational law and I pored over them which helped me 'get it' which by that I mean it helped me know my rights and responsibilities, as well as the county's. (P1)

Study Two

Super-ordinate and sub-themes

Figure 13: Super-ordinate theme 1 (emboldened as main heading) and related sub-themes.

Super-ordinate theme: Parental factors		
Emergent Theme	Sources	References

Searching for breakdowns on the diversion routes from SEN tribunals:
An exploration of disagreement resolution processes

1. Weak understanding of SEN systems	4	5
2. 'Black and white' cases	5	5
3. Low confidence	2	4
4. Parental 'allies'	5	9

Figure 14: Super-ordinate theme 2 (emboldened as main heading) and related sub-themes.

Super-ordinate theme: Timing of intervention		
Emergent Theme	Sources	References
5. Late intervention	3	4
6. Early intervention	4	5

Figure 15: Super-ordinate theme 3 (emboldened as main heading) and related sub-themes.

Super-ordinate theme: Communication between LA and parent		
Emergent Theme	Sources	References
7. Face-to-face meetings	4	4
8. Unfriendly mediators	2	3

Appendix 20 - REFLECTIONS ON THE RESEARCH PROCESS

The most significant challenge as a researcher has been to evaluate and maintain neutrality within the research design and the interpretation of findings. It has been claimed that researcher neutrality is an unachievable ambition (e.g. Willig, 2001; Robson, 2002) and reflections stored in an ongoing research diary (appendix 5; appendix 9) indeed indicate that neutrality was not always ensured despite best efforts.

In particular I reflect that from the outset of the research I assumed that all disagreements over SEN could - and should - be prevented from reaching a tribunal hearing. This assumption was partly informed by research literature and policy (e.g. Gersch, 2003; Runswick-Cole, 2007; and DfE, 2011) and also by my own experiences within a Local Authority where there appeared to be a consensus that all tribunals ought to be avoided.

Through the research process I have come to recognise that certain types of disagreement do not lend themselves to standard disagreement resolution attempts as naturally as others. Disagreements over 'black and white' placement decisions, for example, appear to be particularly unsuitable for mediation. Such disagreements may indeed be intractable, although at the same time it may be possible that through better information-sharing with parents such disagreements do not develop in the first place. In either case, the present study provides a basis for future research into the specific *types* of disagreement parents and Local Authorities have.

I also reflected that, especially during interviews with parents, my non-verbal communication (including body language, facial expressions, and whether or not I made notes) may have influenced participants' responses. More specifically, I have noted that my natural tendency to empathise with participants encouraged me to mirror their non-verbal communication. And so, for example, when parents described unfavourable treatment I tended to express surprise and annoyance - in line with the

parents' reactions - which may have encouraged them to dwell on the more negative aspects of their experiences.

Furthermore, it was evident during interviews with parents that some of them held pent-up emotions in relation to their experiences. I believe that, in some cases, I was the first person parents had been able to talk openly to without risking a bad working relationship or some perceived knock-on effect on their child. As a result some parents appeared to "let it all out" during our interviews. My response to this was difficult. I reflected that I felt a strong pressure either to agree that the treatment was unfavourable or to try and offer a different interpretation of events. On reflection, more often than not I tacitly supported parents by shaking my head. In turn this may have encouraged parents to extend their stories, focusing on the negatives.

Perhaps the most significant challenge in terms of the aims of the current studies was to retain a focus on the research authority's response to formal disagreements registered with SENDIST. When meeting with parents it often felt difficult not to focus on what had happened *prior* to their disagreement (i.e. the background information) rather than their experiences of LDRS responses to the disagreement. Even though I reminded participants that my focus is on how the research authority responds to appeals, they seemed almost compelled to provide me with the chain of events prior to their appeal to SENDIST. This reflection has clear parallels with the sub-theme from Study One, summarised as 'no one listening'. Parents wanted me to listen, to sympathise - and this may have had its own effect, for example encouraging them to dramatise their accounts. In any case, I feel that my perception that parents wanted to "let it all out" is a finding in itself, revealing many parents' sense of isolation.

Similarly, when discussing the research authority's response to formal disagreements with Parent Partnership advisors, it became evident that these professionals had been involved in numerous disagreements that were *not* ultimately registered with SENDIST. It is not possible to establish on the basis of these studies alone whether the PPS played a role in preventing these disagreements reaching the level of a formal appeal to SENDIST. However, this finding paves the way for future

research into the contexts and mechanisms by which the Parent Partnership Service is able to resolve disagreements before they are registered formally with SENDIST.