

MEDIACIÓN Y FUNCIÓN MEDIADORA DE LA INSPECCIÓN EDUCATIVA: MARCO NORMATIVO, MODELOS DE INTERVENCIÓN Y PERSPECTIVAS DE FUTURO

MEDIATION AND EDUCATIONAL INSPECTORATE: MEDIATION AS A FUNCTION, LEGISLATIVE FRAMEWORK, MODELS AND ITS FUTURE

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Resumen

La mediación en los centros educativos ha pasado de ser una práctica informalmente reconocida a constituir una función explícita de la Inspección Educativa en el marco normativo español vigente. La Ley Orgánica 3/2020 de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación (LOMLOE) y, de forma determinante, el Real Decreto 68/2026, de 4 de febrero, por el que se regula la inspección educativa, consolidan esta función y la dotan de un soporte reglamentario de alcance estatal. Este artículo analiza el fundamento conceptual de la mediación en el ámbito escolar, los modelos metodológicos adaptables a la actuación inspectora, el estado actual del amparo normativo autonómico y los requisitos formativos que la nueva función demanda. La perspectiva se amplía con un análisis comparado de los sistemas de mediación escolar en distintos países de la Unión Europea, y con la evidencia empírica aportada por el informe TALIS 2024 de la OCDE sobre aprendizaje socioemocional y clima escolar. Se concluye que, si bien el inspector o inspectora no actúa en condiciones de neutralidad plena atendiendo a criterios rigurosos en el desarrollo de la mediación en otros ámbitos como el civil, mercantil o familiar, su posición dentro del sistema educativo le confiere una capacidad de intervención singular cuya eficacia depende, en última instancia, del nivel de formación específica adquirida y de la claridad del protocolo que guíe su actuación. El análisis realizado sitúa a España en un momento de transición normativa relevante, con instrumentos legales sólidos pero con una implementación formativa todavía heterogénea.

Recordemos que la inspección educativa interviene sobre todos los elementos y aspectos del sistema educativo, y formando parte de él se encuentran las enseñanzas universitarias, si bien estas se regulan por sus normas específicas.

Palabras clave: *MEDIACIÓN, inspección educativa, función inspectora, LOMLOE, Real Decreto 68/2026, convivencia, resolución de conflictos, normativa autonómica, TALIS 2024, equipos directivos, gestión de centros, perspectiva comparada europea.*

Abstract

Mediation at educational field has moved from an informally recognised practice to an explicit function of educational inspection within the current Spanish regulatory framework. Organic Law 3/2020 (LOMLOE) and, decisively, Royal Decree 68/2026 of 4 February, regulating educational inspection, consolidate this function and provide it with national-level regulatory support. This article analyses the conceptual basis of school mediation, the methodological models adaptable to inspection practice, the current state of regional regulatory protection and the training requirements that this new function demands. The analysis extends to a comparative examination of school mediation systems across European Union member states and to the empirical evidence provided by the OECD's TALIS 2024 report on social-emotional learning and school climate. The article concludes that, although the inspector does not operate under conditions of full neutrality required by mediation processes in other fields like civil, entrepreneurial or familiar mediation, their position within the educational system confers a singular capacity for intervention whose effectiveness depends, ultimately, on the level of specific training acquired and on the clarity of the protocol guiding their practice. The analysis positions Spain at a moment of significant regulatory transition, with solid legal instruments but still uneven implementation in terms of training.

Keywords: *MEDIATION, educational inspection, functions, LOMLOE, Royal Decree 68/2026, coexistence, conflict resolution, regional regulations, TALIS 2024, European comparative perspective*

1. INTRODUCTION

1.1. Introduction: conflict as a constant reality in the educational community

Conflicts are inherent to human relationships and, to a significant extent, they all are part of the normal functioning of any community. Galtung (1996) argues that conflict constitutes a crucial starting point for social change, like an steam engine that makes the institution moves and that its absence does not necessarily reflect harmony but frequently denotes the suppression of latent tensions. The educational community is no exception: it converges the diverse interests, expectations and perceptions of students, families, teachers, management teams and administrations, whose interaction regularly generates situations of tension that require active management.

Drawing on conflict theory, when tensions arising from divergent interests are not channeled constructively, the situation escalates towards dysfunctional forms that affect school climate and, ultimately, the quality of learning. Mercedes Taschetta (2000, cited in Ávila Becerra, n.d.) identifies the principal causes of conflicts as: differing objectives, divergent opinions, struggles for control, perceived encroachment on areas of competence and perceived unmet needs, including prior prejudices formed from personal experiences that condition the manner in which differences and potential conflicts are confronted. In the school setting, In this paper we would adds that 90 % of cases stem from a deficit in assertive communication between the parties. From the perspective of this article, effective communication, prevention, and ethical leadership constitute the fundamental strategies for conflict mediation and resolution (Vázquez López & Andrés, 2025).

The relevance of school climate as a systemic variable is further supported by recent international evidence. The OECD's TALIS 2024 report, which compiles data from more than fifty education systems, shows that the percentage of teachers working in schools where more than 10% of students have special educational needs increased from 30% in 2018 to 45% in 2024. This trend reflects the growing diversity of today's classrooms and, consequently, a greater likelihood of interpersonal tensions (OECD, 2025). The same report indicates that seven out of ten teachers believe they are capable of supporting students' social-emotional learning. However, supporting students' emotions, thoughts, and behavior is the classroom objective with the lowest rate of full achievement among the seven objectives assessed by TALIS (OECD, 2025). This gap between teachers' perceived capacity and the effective attainment of social-emotional goals points to a training need that cannot be addressed through teachers' goodwill alone; rather, it requires structured tools, with mediation occupying a central role.

It is important to emphasize that conflict is not inherently negative. Burnley (1993) defines it as a form of communication and an inevitable part of human life, arguing that its constructive management is an essential component of peace education. The key question, therefore, is not whether schools experience conflict, but how they respond to it and what tools they use to address it. Within this framework, mediation occupies a central place as a voluntary, dialogue-based method of conflict resolution aimed at reaching mutually acceptable agreements. Given its unique systemic position, the Educational Inspectorate also has a strategic role to play, one that the Spanish regulatory framework has begun to define with increasing precision.

Conflict, it should be emphasized, is not in itself negative. Burnley (1993) defines it as a mode of communication and an inevitable part of our lives, noting that its creative management constitutes an essential component of education for peace. The decisive question is therefore not whether schools experience conflicts, but what instruments they employ to address them. In this context, mediation occupies a central place as a method of dialogue-based, voluntary and agreement-oriented resolution. And educational inspection, by virtue of its privileged systemic position, has a strategic role that the Spanish legislative framework has begun to delimit with growing precision.

2. HISTORICAL BACKGROUND

Mediation as a conflict-management practice did not originate in the educational field. Its roots lie in traditions of peaceful dispute resolution present across diverse cultures throughout the centuries, although its formalization as an applied technique reached Western education systems gradually during the second half of the twentieth century.

In the school context, mediation began to gain theoretical recognition from the 1980s onwards, when researchers and educationalists started to question purely punitive models for managing coexistence. As noted above, a reference frequently cited in Spanish educational literature is Burnley (1993), who defined conflict as a mode of communication inherent to the process of change, and argued that education about conflict constitutes an essential part of education for peace with direct consequences for the quality of schooling. This perspective shifted the conception of conflict from an anomaly towards recognition of it as a natural reality of human relationships and an opportunity for learning.

From the standpoint of the causes of conflict in the school settings, Taschetta (2000) identified five recurring factors: differing objectives between parties, differences of opinion, struggles for control, perceived encroachment on areas of competence, and unmet needs. This taxonomy helped provide an analytical basis for educational interventions.

In Spain, the institutionalization of school mediation began to take shape through regulatory frameworks alongside the development of school coexistence plans across the autonomous communities. Documents such as the Decree 51/2007 of Castile and León, explicitly cited in available training materials, established a procedural framework for mediation and re-educational agreement processes in schools, constituting one of the earliest regional regulatory references in this area. Subsequent developments led to the incorporation of mediation into school improvement plans and coexistence documents, moving from a voluntary and informal practice to a structured function, with protocols, designated spaces and trained mediation teams.

This transition culminates, within the current national legislative framework, in its explicit recognition in the Organic Law 3/2020 (LOMLOE) and its consolidation as a function of educational inspection under the Royal Decree 68/2026.

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3. METHODOLOGY

3.1. Epistemological approach and positioning of the study

This article adopts an interpretive-constructivist epistemological position, in line with the tradition articulated by Guba and Lincoln (1989) and developed in subsequent revisions (Denzin and Lincoln, 2009). From this perspective, knowledge about the functions of educational inspection and mediation processes is not a fixed objective reality to be discovered, but a social construction that emerges from the intersection of legislative frameworks, professional practices and accumulated empirical evidence. This premise has direct methodological consequences: the analysis does not seek to verify preconceived hypotheses through statistical tests, but to construct a dense, contextualized and argumentatively sound understanding of a phenomenon undergoing normative transformation, namely the explicit incorporation of mediation into the competence profile of Spanish educational inspection.

The approach is, therefore, broadly qualitative (Flick, 2007; Creswell and Creswell, 2023), although it incorporates, in a complementary manner, quantitative data from secondary sources of recognized methodological rigor, such as the OECD's TALIS 2024 report. This combination does not constitute a mixed-methods design in the strict sense, given that the research does not collect primary data of its own, but rather a strategy of methodological pluralism aimed at broadening the explanatory capacity of the documentary analysis with international empirical evidence.

3.2. General design: documentary research as the core strategy

The central methodological strategy of the article is documentary research, understood as the systematic and rigorous analysis of written documents to construct knowledge about a phenomenon of interest (Bowen, 2009). Bowen defines documentary analysis as a systematic procedure for reviewing or evaluating documents, both printed and electronic, which entails searching, selecting, appraising and synthesizing document content in a manner that allows new understandings of the phenomenon under investigation to be produced. Unlike the use of documents as a subordinate technique within a broader design, documentary analysis is the primary strategy for generating knowledge in this work.

Documentary research, applied to the study of educational policies and legislative frameworks, has a long tradition in the educational sciences and in the analysis of comparative public policies. Its methodological rigor depends on three conditions: the precise delimitation of the documentary corpus, the application of systematic and verifiable analytical procedures, and the researcher's reflexivity regarding their own interpretive categories (Atkinson and Coffey, 2004, cited in Bowen, 2009). This article attends to all three conditions through the procedures described below.

3.3. Documentary corpus and selection criteria

The documentary corpus of the study is structured around four categories of sources, selected according to explicit criteria of thematic relevance, institutional authority, and currency.

The first category comprises national legislative texts: the Organic Law 3/2020 (LOMLOE), the Organic Law 2/2006 (LOE), the Law 5/2012 on mediation in civil and commercial matters, and the Royal Decree 68/2026 of 4 February regulating educational inspection, together with related subordinate legislation. These documents constitute the legal foundation of the analysis, and their selection reflects the criterion of normative authority: they are the texts that formally attribute and delimit the mediating function of Spanish educational inspection.

The second category comprises the regional legislation on the organization and functioning of educational inspection, corresponding to the seventeen autonomous communities and the autonomous cities of Ceuta and Melilla. This documentation, of considerable extent and significant heterogeneity, was classified by Racero Montes et al. (2022) through an exhaustive comparative analysis whose findings are incorporated into this article as a primary secondary source.

The third category includes academic articles published in specialist journals of recognized standing in the field of educational supervision and inspection: *Avances en Supervisión Educativa*, *Supervisión 21*, *School Psychology International*, *Revista Española de Educación Comparada* and other sources indexed in the Dialnet, Scopus and ERIC databases. The bibliographic search was conducted using the descriptors school mediation, educational inspection, school community, conflict resolution, social-emotional learning, school mediation and educational inspection, in Boolean combinations with AND and OR operators, restricted temporally to the period 2000–2025. Texts that did not directly address mediation in formal educational contexts or the inspection function in relation to school coexistence were excluded. The selection process followed a two-phase protocol: initial screening by title and abstract, followed by full-text reading in a second phase to confirm relevance. This sequence is inspired by the recommendations of the PRISMA 2020 protocol (Page et al., 2021), adapted to the context of a non-systematic documentary review with a theoretical and empirical grounding function.

The fourth category comprises reports and educational policy documents from international organizations with recognized capacity for producing comparative evidence: the OECD (TALIS 2024 report; working document on conflict resolution within the Learning Compass framework), the European Commission (European School Education Platform, 2024) and relevant publications on educational supervision systems in Europe. The inclusion of these sources responds to the need to contextualize the Spanish case within an international framework and to ground the study's conclusions in empirical evidence of transnational scope.

3.4. Analytical procedures

The analysis of the documentary corpus is structured around three complementary procedures, the combination of which constitutes the study's methodological triangulation strategy.

3.4.1. Comparative normative analysis

The comparative normative analysis is the central procedure of the article. It consists of the systematic reading and structured comparison of the legal texts regulating the mediating function of educational inspection, with the aim of identifying similarities, differences, gaps, and contradictions between the various regulatory frameworks. The comparative method in education, reviewed by Ruiz Mendoza (2023) in the *Revista Española de Educación Comparada*, operates in three phases: description of the systems under comparison, interpretation of the observed differences in light of the context of each system, and juxtaposition of findings to draw transferable conclusions. In this article, the comparison operates on two simultaneous planes: vertical comparison between national and regional legislative levels in Spain, and horizontal comparison between the Spanish normative model and school mediation approaches in different EU member states.

The categories of analysis applied to the normative corpus were defined deductively on the basis of the literature on school mediation and educational inspection and were organized around four dimensions: normative recognition of the mediating function, modes of intervention attributed to the inspector, specific training requirements, and mechanisms for monitoring and evaluating mediating action. These categories, applied systematically to all normative texts analyzed, enable a structured comparison that transcends mere description and produces an argumentatively grounded diagnosis.

3.4.2. Qualitative content analysis

Content analysis is applied to the academic texts in the corpus, with the aim of identifying the arguments, positions, and evidence that the various authors contribute regarding the mediating function of educational inspection. This procedure follows the recommendations of Mayring (2000) for qualitative content analysis, combining an inductive coding phase, derived from the material itself, with a deductive categorization phase, derived from prior theoretical frameworks. In practice, the analysis was organized following the six phases of reflexive thematic analysis described by Braun and Clarke (2021), adapted to the documentary analysis context: familiarization with the material, generation of initial codes, search for themes, review of themes, definition and naming of themes, and production of the written analysis. This process ensures that the arguments presented in the article are not projections of the researcher onto the texts, but interpretations systematically grounded in and derived from the analyzed material.

Researcher reflexivity, understood by Braun and Clarke (2021) as the explicit recognition of how the researcher's own analytical categories and theoretical positions bear upon the interpretation of data, is managed in this article through the explicit declaration of the analytical categories employed and through transparency regarding the sources consulted. No assertion is made about the positions or contributions of the analyzed authors that is not directly supported by the texts cited.

3.4.3. Secondary analysis of international empirical data

The third procedure consists of the secondary analysis of empirical data produced by international organizations, principally the OECD, in order to situate the Spanish case within a comparative context and to ground the article's conclusions in quantitative evidence of systemic scope. This procedure, described by Creswell and Creswell (2023) as a valid component of qualitative research design when the researcher lacks access to primary data but can interpret and contextualize the findings of reference studies, enables the normative and documentary analysis to be connected with the empirical reality of education systems.

The data from the TALIS 2024 report (OECD, 2025) are employed for two distinct functions. The first is to ground the problem: data on the gap between teachers' perceived efficacy in social-emotional support and the effective rate of attainment of this classroom objective provide empirical evidence of the structural deficit that mediation, as a systemic tool, can help address. The second is comparative contextualization: data on the evolution of the proportion of schools with high pupil diversity, and on the variation between education systems in the proportion of lesson time devoted to maintaining order, allow the Spanish situation to be situated within the broader context of social-emotional learning challenges in Europe.

The data from the systematic review by Turnuklu et al. (2023), conducted using the PRISMA 2020 protocol, are employed as a source of evidence on the effectiveness of school mediation, offering a synthesis of 32 studies that the article incorporates without reproducing in detail, following the recommendations for responsible use of systematic reviews in articles of broader scope (Page et al., 2021).

3.5. Triangulation and rigor criteria

The validity of the study is guaranteed through methodological triangulation, a strategy defined by Denzin (2009) as the use of multiple methods, data sources or theoretical perspectives to analyze the same phenomenon, with the aim of increasing confidence in findings by confirming their convergence from different perspectives. Creswell and Creswell (2023) and Creswell and Plano Clark (2017) emphasize that triangulation is not simply the combination of methods, but a deliberate cross-validation strategy that requires explicit identification of the points of convergence and divergence between the different sources of evidence. In this article, triangulation operates between three vertices: comparative normative analysis, qualitative content analysis of specialized academic literature, and secondary analysis of international empirical data. Points of convergence between these three vertices, where they exist, reinforce the study's conclusions; points of divergence or tension are explicitly identified as limitations or as areas for future research.

In accordance with the criteria of rigor for qualitative research proposed by Guba and Lincoln (1989) and updated by Creswell (2013), the study attends to four dimensions. Credibility is guaranteed through consistent reference to verifiable primary sources and precise citation of the texts on which assertions are based. Transferability is ensured through the dense description of the Spanish normative context, which enables the reader to assess the extent to which the conclusions are applicable to other education systems. Dependability is guaranteed through the explicit description of the analytical process, so that another researcher with access to the same documentary corpus can follow the same steps and arrive at comparable results. Confirmability is guaranteed through explicit reflexivity regarding the theoretical positions guiding the analysis and clear distinction throughout the text between description, interpretation and evaluation.

3.6. Methodological limitations

This study presents three limitations that the reader should bear in mind when assessing its conclusions. The first is its retrospective and static character: the analysis of normative texts offers a snapshot of the regulatory framework's state at the time of writing, but cannot capture the evolution of inspection practices nor the gap between the normative text and real implementation across the wide range of casuistries and interventions characteristic of inspection work throughout the national territory. This limitation is inherent to the documentary design and could only be overcome through complementary empirical research, such as case studies or in-depth interviews with serving inspectors incorporating evidence from extended periods of application as well as real data on cases, schools and interventions that are difficult to access due to data protection constraints.

The second limitation is the dependence on secondary sources for the comparative regional analysis: the article relies on the classification produced by Racero Montes et al. (2022) without independently reviewing the nineteen regional normative texts analyzed by those authors. This decision is justified by the authority and rigor of the reference study, published in a peer-reviewed journal, but introduces a methodological dependency that should be declared. The third limitation is the absence of primary data on inspectors' own perceptions of their mediating function: the article is constructed from texts and indirect empirical evidence but does not incorporate the voice of the professionals who exercise this function in practice. That voice, gathered through interviews or focus groups, constitutes the most urgent line of research for continuing the work presented here.

4. CONCEPTUAL FOUNDATIONS: WHAT MEDIATION IS AND WHAT IT IS NOT

4.1. The LOMLOE: mediation as an explicit function of inspection

Prior to the 2020 legislative reform, the mediating function of inspection was grounded in Article 151 of Organic Law 2/2006 of 3 May (LOE), albeit in indirect terms. Organic Law 3/2020 of 29 December (LOMLOE) amends that provision and introduces in Article 151 of Title VII a new function of educational inspection, formulated in the following terms: to guide management teams in the adoption and monitoring of measures that promote coexistence, community participation and conflict resolution, promoting and participating, when necessary, in mediation processes.

Marrodán Gironés (2021), in his thorough analysis of the innovations and continuities introduced by the LOMLOE with respect to the LOE, notes that the changes incorporated in the provisions on inspection were not part of the initial legislative draft but resulted from the parliamentary process and the amendments tabled. This analysis is illuminating: the mediating function is not a technically planned concession from the outset of the law, but the product of a process of legislative pressure and negotiation that ultimately elevates it to the status of an explicit function. This implies that its practical development depends, in large measure, on the willingness of regional educational administrations and of the inspection services themselves to give it real operational content.

Montero Alcaide (2021) analyses the LOMLOE legislative process from a technical perspective, observing that the changes introduced in the regulation of inspection during the parliamentary debate responded to political negotiation logic that was not always accompanied by sufficient pedagogical reflection on the practical implications of the new functions attributed. His reading of the legal text invites caution regarding the generic formulations of the law, which require subsequent regulatory development to have practical effectiveness. The Royal Decree 68/2026 represents precisely that development.

This legal formulation has three distinct components that Romero Ureña (2024) analyses in detail: guidance to management teams on coexistence and conflict resolution, the adoption and monitoring of specific measures, and the direct promotion and participation in mediation processes when necessary. The third component is the most novel from a normative standpoint, although inspection practice had already incorporated it *de facto* in many autonomous communities.

4.2. Royal Decree 68/2026: consolidation and regulatory development

On 5 February 2026, the Royal Decree 68/2026 February 4, regulating educational inspection (BOE-A-2026-2622), was published in the Official State Gazette. This royal decree represents a historic milestone in the regulation of Spanish educational inspection: it is the first national basic regulatory instrument to address, in a comprehensive and integrated manner, the organization, functions, attributions, training and professional development of the Education Inspectors' Corps from a perspective that is both updated and consistent with the LOMLOE.

With regard to mediation, article 6 of the Royal Decree 68/2026 includes, amongst the functions of educational inspection in sub-section (i), the literal transposition of the LOMLOE text on guidance in coexistence matters and participation in mediation processes. Equally significant is Annex II of the Royal Decree, dedicated to the professional competences of the Education Inspectors' Corps, which expressly includes mediation strategies amongst the management competences, and also the effective management of communication and advisory techniques directed at the various sectors of the educational community in the exercise of their rights and fulfilment of their obligations, particularly in the area of school coexistence and in conflict situations such as school bullying.

These references in Annex II are of fundamental importance because they place mediation strategies on the same level as pedagogical competence, normative knowledge or digital competence. Training in mediation thereby ceases to be a voluntary option and becomes a requirement of the inspector's competence profile. Likewise, Article 27, dedicated to training plans and activities, establishes the framework within which educational administrations must develop the continuing professional training of their inspectors, a space that, in the light of Annex II, must include specific mediation modules.

4.3. The regional normative landscape: uneven provision prior to the Royal Decree 68/2026

Racero Montes et al. (2022) conducted a comparative analysis of the legislation of the seventeen autonomous communities and the autonomous cities of Ceuta and Melilla, producing conclusions that offer a precise diagnosis of the state of affairs prior to the Royal Decree 68/2026. The quantitative result is clear: 61 % of educational administrations had expressly regulated the mediating role of the Education Inspectors' Corps in their legislation governing its organization and functioning, compared with the remaining 39 % that had not. This means that, before the Royal Decree 68/2026, approximately four in every ten Spanish inspectors lacked explicit regional normative grounding for their mediating action.

In qualitative terms, the analysis reveals substantial differences. Andalusia developed the function in greatest detail, distinguishing the scope of intervention, the mode of initiation and the non-binding character of mediating advice. Aragon introduced the preventive dimension of mediation in an innovative manner, establishing that inspectors may mediate to prevent conflicts before they arise. The Canary Islands, the Basque Country and the Valencian Community broadened the catalogue of alternative methods attributable to inspection, including conciliation and arbitration. Catalonia adopted a two-stage model: prior guidance to schools and direct intervention only when necessary. The Valencian Community presents the paradox identified by Racero Montes et al. (2022): it expressly trains its inspectors in mediation techniques but does not include mediation among the methods expressly attributed to them by its legislation. Communities such as Cantabria, Asturias, Murcia, Ceuta and Melilla made no reference whatsoever to the mediating role in their legislation regulating inspection.

With the Royal Decree 68/2026, this regional normative disparity receives, for the first time, a common national baseline. However, normative uniformity does not in itself guarantee uniformity of practical implementation, which will continue to depend on the training and organizational decisions of each educational administration.

4.4. School mediation in the European Union: diversity of models, convergence of objectives and representative cases

From a brief comparative perspective, school mediation in Europe does not follow a single model. The diversity of administrative structures of European education systems, described in the comparative literature as a continuum between centralized models such as those of France or Italy and decentralized models such as those of Germany or the Scandinavian countries, generates equally diverse approaches to the management of school conflicts. Nevertheless, the European School Education Platform has documented a growing convergence in recent years around peer mediation programs and social-emotional learning as key strategies for improving school climate (European Commission, 2024).

Belgium has developed officially recognized peer mediation programs, such as those implemented at Go! Atheneum Ekeren, a secondary school that provides certified mediation training for students alongside team-building activities under teacher supervision. Rather than serving as an occasional response to conflicts, mediation is embedded as an integral part of the school's culture of coexistence (European Commission, 2024).

Portugal has also developed documented experiences at both the primary and secondary levels, supported by official guidelines for implementing school mediation. The systematic review by Turnuklu et al. (2023) includes studies conducted in the Portuguese context that report improvements in the social-emotional competencies of students participating in peer mediation programs.

Germany, owing to its decentralized education system organized by *Länder* (federal states), displays considerable variation across regions. School mediation programs are more widely implemented in schools that have adopted democratic school models or cooperative learning approaches, both of which are rooted in the conflict resolution tradition developed by Morton Deutsch and the American school of conflict resolution.

Despite its traditionally centralized education system, France has increasingly incorporated school mediation into its school climate policies, linking it to anti-bullying initiatives promoted by the Ministry of National Education. In several respects, the role of *Éducation Nationale* inspectors in overseeing these programs is comparable to the role assigned to the Spanish Educational Inspectorate under the LOMLOE, although the degree of formal regulatory development remains less extensive than that established by the Royal Decree 68/2026.

Finland represents a singular case: it abolished school inspection in 1990 and opted for institutional self-evaluation as the principal supervision mechanism. This means that the mediating function attributed in Spain to educational inspection falls, in the Finnish case, to the schools themselves and their management teams, supported by the educational guidance system and local authorities. The high level of institutional trust in Finnish teachers, repeatedly documented in OECD comparative analyses, makes this model possible, though it is difficult to replicate in systems with lower levels of trust and professional teacher autonomy.

4.5. The European framework for social-emotional learning and its relationship with mediation

The OECD's TALIS 2024 report places social-emotional learning, often referred to as 'soft skills', as one of the four central contemporary themes of the cycle, alongside diversity and equity, educational technology and environmental education (OECD, 2025). Data collected from more than fifty education systems show that 88 % of teachers consider attending to pupils' social and emotional needs to be a natural part of their practice, and that 86% feel comfortable providing explicit instruction in social-emotional competences. However, support for social-emotional learning is consistently the classroom objective with the lowest rate of full attainment, indicating a structural gap between recognition of the value of these competences and their effective integration into daily practice.

This finding has direct implications for school mediation: if teachers do not succeed in systematically integrating social-emotional support into their ordinary practice, the presence of external mediation structures, including the mediating function of inspection, acquires a compensatory value that should not be underestimated. The inspector who promotes mediation in the schools they supervise not only improves the climate of those schools: they contribute to building a culture of democratic coexistence that reduces, in the long term, the frequency and intensity of conflicts requiring external intervention.

The European Commission (2024) has documented, through its school education platform, that conflict resolution programs based on mediation and restorative practices produce safer and more inclusive school communities, and improve learning outcomes by reducing the time devoted to behavior management. This conclusion connects directly with TALIS 2024 data, according to which teachers in participating education systems devote an average of 15 % of lesson time to maintaining order, with significant variation between countries (OECD, 2025). Mediation, by addressing the structural causes of conflict rather than merely its manifestations, offers a preventive instrument whose systemic effectiveness surpasses that of individual punitive responses.

5. A MODEL OF MEDIATION FOR EDUCATIONAL INSPECTION

5.1. The specificities of the inspector-mediator

The education inspector who intervenes in a conflict does not do so under the same conditions as a private mediator or a school-based mediator. Their role differs in at least three key respects (Romero Ureña, 2024; Velasco, 2024). First, inspectors are public authorities who exercise both formal authority and *auctoritas* over the parties involved in the conflict. This institutional position may affect the perception of neutrality that is fundamental to mediation and, if not managed carefully, may inhibit the parties from expressing their views openly. Second, the conflicts that reach the Educational Inspectorate are typically highly escalated. They usually involve adults—such as disputes between families and schools, among teaching staff, or between school leadership teams and teachers—and are referred to the Inspectorate precisely because the school's internal mechanisms have proved insufficient to resolve them. Finally, inspectors may also be required to act as arbitrators or regulatory authorities when legal or procedural violations have occurred, placing them in a role that differs fundamentally from that of a mediator. Moving between these roles within the same process requires a high degree of professional expertise and transparent communication with the parties regarding the role being assumed at each stage.

Velasco (2024) notes that school mediation has been established in schools as an instrument for improving institutional climate. The mediator, he recalls, is not the protagonist nor a negotiator, though they are sometimes placed in the spotlight. It is the parties who put forward the possible agreements. This characterization of the mediator is particularly relevant for the inspector, whose institutional tendency is to provide solutions and direct parties towards normative compliance, requiring a deliberate role adjustment when acting in a mediating capacity.

5.2. The structure of conflict: the Lederach model

To intervene in a conflict with appropriate guarantees, the inspector must understand its structure. Racero Montes et al. (2022), following Lederach (1992), identify three elements on which action must be taken. People are the affected parties: their emotions, feelings, need for justification and manner of perceiving the problem. The process is the way in which the conflict manifests and develops, including language, communication and the balance between parties. The problem is the content of the conflict in its specific context, distinguishing whether it is real, because the satisfaction of one party precludes that of the other, or unreal, because it is sustained by relational dynamics independent of the declared object of the conflict.

This triple analysis avoids the tendency to focus exclusively on the declared problem, that is, what each party says it wants, and requires exploration of the underlying needs and relational processes that condition the conflict. For inspection, this approach is especially valuable in long-standing conflicts between management teams and teaching bodies, or between families and schools, where the declared problem is frequently a rationalization of deteriorated relational dynamics whose causes are more deeply rooted.

A model of intervention adapted to inspection: the Circular-Narrative model Velasco (2024, at mediacionescolar.org) proposes an adaptation of Sara Cobb's Circular-Narrative model, systematized by Marinés Suares (1996), to the specific profile of educational inspection. The model contemplates five distinct phases.

The preliminary phase comprises individual acceptance meetings in which the process begins when one of the parties' requests mediation or accepts it when offered, a confidentiality agreement is signed and the process rules are communicated.

The first joint meeting introduces the mediators, establishes a context of hope, defines the conflict as shared and explains the process rules; Velasco (2024) recommends co-mediation, that is, two mediators, given that conflicts reaching inspection are generally of high emotional intensity.

Individual meetings allow each party to present their version of the problem in the absence of the other, in an emotional discharge phase in which the aim is to clarify facts, feelings and needs. The internal analysis meeting allows the inspector-mediators to take a recess to analyse everything heard: the relationships between the parties, conflict styles, feelings, values and potential difficulties.

The second joint meeting offers an alternative account of the conflict from a perspective different from that of each party, works through common interests, generates proposals for resolution and, if the parties agree, drafts and signs the agreement.

5.3. The phases of conflict and the inspector's role at each stage

Romero Ureña (2024) proposes an articulation of the inspector's actions according to the phase in which the conflict is situated. In the latent conflict phase, the inspector's action is oriented towards environmental analysis with the management team, review of school documents such as the Internal Regulations and the Coexistence Plan, active listening and prevention. In the confrontation phase, the inspector studies the case, analyses the applicable legislation, identifies the parties' positions and explores possible avenues of resolution. In the negotiation phase, the inspector facilitates discussions around possible solutions and supports shared decision-making. In the resolution phase, the inspector verifies compliance with agreements reached or, where none exist, applies the norm-based arbitrated solution.

This framework demonstrates that inspection does not intervene only once conflict has erupted: it also has a relevant preventive role in the latent conflict phase, which is precisely the phase in which early intervention yields the greatest systemic return.

6. TRAINING IN MEDIATION: A NECESSARY CONDITION, NOT A SUFFICIENT ONE

6.1. The state of affairs prior to the Royal Decree 68/2026

The normative analysis by Racero Montes et al. (2022) detects that, at the regional level, only the Valencian Community expressly regulated the training of inspectors in mediation techniques, though, paradoxically, it did not include mediation amongst the methods attributed to them by its legislation. The authors conclude that educational administrations must make an effort to deepen this type of training, establishing action protocols that facilitate the mediating role (Racero Montes et al., 2022, p. 20). The Royal Decree 68/2026 responds to this diagnosis by incorporating mediation strategies amongst the inspector's management competences in Annex II, transforming training in mediation from a discretionary option into a competence requirement.

This normative transformation has academic precedents that Spanish inspection was beginning to build. Marrodán Gironés (2021) warned that the new functions attributed to inspection by the LOMLOE required specific normative and training development to avoid remaining as statements of intent without effective implementation. His analysis of the continuities and novelties of the LOMLOE with respect to the LOE in the inspectorate domain points precisely to this tension between the normative recognition of new functions and the availability of resources, training and protocols to exercise them with technical rigor.

6.2. Minimum content of training for the inspector-mediator

The training proposal set out in Ávila Becerra (n.d.) for school mediation programs offers a guide to the minimum content that inspector training should cover. Adapted to the inspector's profile, these would include: introduction to conflict with emphasis on types, causes and response styles; the mediation process with its principles, phases and specific tasks; cases that are and are not amenable to mediation from an inspection standpoint; conflict analysis with diagnostic tools; effective communication techniques including active listening, assertive messages, appropriate questioning and other effective techniques and social skills in conflict contexts; co-mediation, its advantages and the management of a two-person intervention; strategies for overcoming blockages in the process; the ethics of the mediator, with special attention to the tensions specific to the inspector-mediator; and the implementation protocol in the context of educational inspection, including referral, documentation and follow-up.

This training, which in the context of peer mediation programs in secondary schools typically has a minimum duration of eighteen to twenty hours (Ávila Becerra, n.d.), must be adapted for inspectors to a longer duration and to a profile of conflicts of greater complexity and emotional intensity.

6.3. Emotional intelligence: an indispensable transversal dimension

From this perspective, particular emphasis is placed on the development of skills that are essential throughout the entire conflict management process. Daniel Goleman defines emotional intelligence as the ability to recognize one's own feelings and those of others, to motivate oneself, and to manage relationships effectively (cited in Ávila Becerra, n.d.). For the inspector-mediator, this dimension is especially demanding. They must remain calm in situations of high emotional intensity, recognize the emotional states of the parties involved, regulate their own responses to conflict, and foster empathy between those in dispute. As discussed previously, assertive communication techniques—such as using first-person statements instead of accusatory language—and active listening are practical tools that strengthen these competencies and have direct application in the Educational Inspectorate's mediation practices (Ávila Becerra, n.d.). Evidence from TALIS 2024 further reinforces the importance of this dimension: teachers' ability to support students' social-emotional learning is closely associated with their own emotional competence, and this principle applies even more strongly to inspectors acting as mediators in high-intensity conflicts (OECD, 2025).

6.4. Discussion: structural tensions and future prospects. The tension between authority and neutrality

The central tension running through the entire reflection on the inspector-mediator is that between the exercise of public authority and the neutrality that genuine mediation demands. This tension is not resolved by negating either pole, but by recognizing it explicitly and designing action protocols that manage it transparently. One viable approach is that suggested by the Velasco (2024) model: the inspector acts as mediator, facilitating dialogue and constructing a space for listening, but also retains the capacity to move, when the parties agree or when legislation requires, towards roles of conciliator or arbitrator. This flexibility of roles requires clear communication with the parties about which role is being adopted at each moment in the process.

Romero Ureña (2024) argues that the inspector-arbitrator is no less valuable than the inspector-mediator: when the solution lies in the applicable legislation, the inspector who explains it pedagogically, not as an imposition but as normative instruction, renders a service of great utility to the conflicting parties, who often come to inspection without knowing the legal framework governing their situation. This pedagogical function of legislation, characteristic of inspection, is in itself a form of mediation in a broad sense, even if it does not coincide with the strict technical definition of the term.

Not all conflicts are amenable to mediation by inspection. When there is a flagrant violation of fundamental rights, when there are indications of serious bullying, or when one of the parties does not voluntarily accept the process, inspection must activate control mechanisms rather than persisting with mediation. Romero Ureña (2024) points out that these are situations in which the inspector may be forced to propose or even impose solutions—contexts in which mediation may be impossible and steps must be taken toward proposals more suited to other procedures within the usual scope of the inspector's role. If the inspection confuses the mediating role with the obligation to mediate under any circumstances, it runs the risk of trivializing serious conflicts or implicitly protecting those who violate rights, under the pretext of maintaining the impartiality of the process.

6.5. Inspection as a promoter of mediation culture in schools

Beyond its direct role as mediator or arbitrator, educational inspection has a first-order strategic function: promoting the development by schools themselves of internal mediation systems, strengthening their coexistence plans and training their educational communities in conflict resolution. Gómez Castro (2006, cited in Romero Ureña, 2024) anticipated that inspection actions should be directed at promoting the shift away from punitive models, supervising the Tutorial Action Plan and the Internal Regulations, identifying training needs and activating the introduction and mainstreaming of mediation systems.

This promotional role connects with the European comparative perspective: education systems that have achieved greater penetration of mediation culture in their schools, such as Belgium and Portugal, have done so through combinations of external institutional support, specific teacher training and normative recognition of mediation as an ordinary tool for managing coexistence, not as an exceptional resource. Spanish inspection, endowed since 2026 with explicit normative backing, is well-placed to drive this process of institutionalizing mediation culture with a technical and legal authority that no other agent in the system possesses to the same degree.

6.6. The challenge of the inspector-to-school ratio

A variable that academic reflection on the mediating function of inspection tends to underestimate is the workload ratio. Marrodán Gironés has stated publicly, in his capacity as national president of USIE, that the number of inspectors in Spain remains at around 1,600, a figure similar to that of the previous fifteen years, whilst the number of schools and teachers has increased significantly (Actualidad Docente, 2023). Given this ratio, the individual and sustained attention that a mediation process requires, which may involve several individual and joint meetings, is difficult to reconcile with an inspector's standard workload. The mediating function requires not only specific training, but also genuine availability of time, which implies a reflection on resource allocation that educational administrations cannot evade if they wish the mandate of the Royal Decree 68/2026 to have practical effectiveness rather than remaining a normative declaration without operational support.

7. CONTRIBUTION OF THE ARTICLE TO THE FIELD OF MEDIATION IN RELATION TO EDUCATIONAL INSPECTION⁴

The contribution of this article to the existing literature on mediation and educational inspection does not lie in the recording of isolated normative facts, but in the articulation of an analysis that, for the first time in academic production on this field, systematically combines four planes of analysis previously treated separately: the national legislative framework in its most recent form, the comparative regional map, the European perspective and international empirical evidence. The reference studies on the mediating function of inspection of great value by Racero Montes et al. (2022) and Romero Ureña (2024), offered rigorous analyses of considerable value but confined to a single segment of study: the former focused on the regional normative dimension prior to the Royal Decree 68/2026; the latter provided practical reflection on the professional exercise of mediation from an inspection standpoint. This article incorporates the European comparative perspective and the empirical evidence of international organizations. Rodríguez Bravo and Camacho Prats (2018) argued that mediation had become a *de facto* function of the Educational Inspectorate, but not yet a *de jure* one. With the enactment of Royal Decree 68/2026, however, that distinction disappears. This article is among the first to examine the mediating function in its full regulatory and professional scope now that a comprehensive national regulatory framework is in place. The incorporation of the OECD's TALIS 2024 report, particularly its findings on the gap between teachers' perceived effectiveness in supporting social-emotional learning and the actual achievement of classroom objectives, provides a system-wide empirical foundation that no previous study on mediation and educational inspection has drawn upon. This evidence shifts the justification for the Inspectorate's mediating role from one based exclusively on legal or pedagogical arguments to one supported by high-quality comparative quantitative evidence at the international level. Likewise, the inclusion of the systematic review by Turnuklu et al. (2023), conducted in accordance with the

PRISMA 2020 guidelines and synthesizing evidence from 32 studies, places this article in dialogue with the strongest available evidence on the effectiveness of school mediation. To date, the Spanish literature on educational inspection has not engaged with internationally indexed research to this degree of specificity and methodological rigor. Taken together, these contributions position the article as a work of critical synthesis that does more than compile the existing literature; it reorganizes it through its own analytical framework, offering a more comprehensive and empirically grounded understanding than previous studies on the subject.

The second element that distinguishes this work from prior production is its explicit identification of unresolved structural tensions that the previous literature had avoided or addressed only tangentially. The tension between public authority and mediating neutrality, noted by Romero Ureña (2024) and Viñas i Cirera (2006), is here analyzed not as a role design problem, but as a constitutive contradiction that no normative instrument, including Royal Decree 68/2026, can resolve on its own, and whose effective management requires intervention protocols that the literature has not developed with sufficient operational precision. The structural limitation of the inspector-to-school ratio, publicly identified by Marrodán Gironés in his capacity as USIE national president but absent from the prior academic analysis of inspection mediation, is incorporated here as a first-order explanatory variable conditioning the translation of the normative mandate into real professional practice.

The identification of non-mediabile conflicts as a category with specific protocolary consequences, distinct from mediable conflicts but equally urgent to delimit, adds a dimension of technical caution that earlier works, focused on legitimizing the mediating function, had not developed to the same depth. The comparison with European models of school mediation and inspection, absent from all prior works analyzed, provides a mirror in which the Spanish system can recognize both its advances, since Royal Decree 68/2026 places it normatively ahead of several comparable European systems, and its pending shortcomings in specific training and protocolization of mediating action. This set of contributions not only extends available knowledge on a specific topic: it constitutes a new way of reading the inspection function from the intersection of educational law, comparative policy, conflict theory and international empirical evidence, and thereby traces a future research agenda whose necessity the literature reviewed here had not previously articulated in explicit terms.

8. CONCLUSIONS

As developed throughout this article, mediation has become an explicit and competentially recognized function of Spanish educational inspection. The Royal Decree 68/2026 of February 4, regulating educational inspection, constitutes the basic national regulatory instrument that, for the first time, unifies this recognition and links it directly to the competence profile of the inspectors.

The regional normative provision prior to this Royal Decree was uneven: 61 % of educational administrations expressly regulated the mediating function of the Inspectors' Corps, compared with the 39 % that did not (Racero Montes et al., 2022). This disparity required a basic national framework that the Royal Decree 68/2026 provides, though normative uniformity does not in itself guarantee uniformity of implementation.

Inspection cannot act as mediator in the strict sense in the majority of cases, owing to its status as a public authority, the nature of the conflicts in which it intervenes and the frequent need to apply legislation. Its most appropriate role is that of technical arbitrator, informed conciliator and agreement facilitator, complemented by preventive guidance actions directed at management teams.

International empirical evidence, particularly the systematic review by Turnuklu et al. (2023) and TALIS 2024 data (OECD, 2025), supports the effectiveness of school mediation as an instrument for improving school climate and developing social-emotional competences, and reinforces the scientific justification for incorporating this function into the inspector's profile.

The European comparative analysis shows that education systems that have achieved greater institutionalization of mediation culture have done so through combinations of normative backing, specific teacher and inspector training, and organizational structures that make mediation possible without exclusive dependence on individual goodwill. Spain now has the normative backing; training and organizational structures remain the pending challenge.

Specific training in mediation becomes, with the Royal Decree 68/2026, a competence requirement rather than a training option. Educational administrations have the responsibility to incorporate this training into their inspector qualification plans, with content addressing both the techniques of the mediation process and the specificities of the inspector's role, including the management of the tension between authority and neutrality.

The inspector-to-school ratio, identified by Marrodán Gironés as a structural limitation of the Spanish inspection system, imposes real constraints on the effectiveness of the mediating function that no normative instrument can resolve without an adequate allocation of human resources.

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