

MEDIATION PROJECT SUMMARY

1. OVERALL OBJECTIVE

- The establishment of a Community Peace Service (CPS).
- The establishment of local Community Peace Centres (CPCs).
- CPCs backed, primarily, by panels of Mediators competent to mediate different types of dispute.

Note: The project is not just mediation – it is a Peace Service rather than a Mediation Service – but is based primarily on mediation.

2. THE SOCIAL STATUS QUO

- An increasingly rights-focussed culture.
- A culture in which relationships, families and communities are under increasing stress with high levels of emotional intelligence required to cope.
- Increasing, more widespread, and less frequently resolved conflicts.
- Resolution of conflict, at whatever level, requires conversation.
- Increasingly, at all levels of our society, these conversations are not happening.
- The effect, at the most basic social level, is like a dropped stitch in a fabric or a vacuum, an empty space, between two individuals.
- “Things fall apart, the centre cannot hold ...”.

3. THE MEDIATION PHENOMENON

- Extraordinary surge of interest in mediation of all types at all levels of society.
- The current relational breakdown is being matched by a parallel increase in enthusiasm for mediation.

- Mediation is “helping people have difficult conversations”; with mediators and mediation operating, at a societal level, a bit like a social “antibody”.”.

4. THE UNTAPPED RESOURCE

- Interest in community mediation has boomed (community mediation covers a wide variety of areas: neighbour disputes, boundary disputes, work place problems, victim offender mediation, schools mediation, work with gangs, homelessness issues etc).
- Thousands of individuals from all walks of life and from all backgrounds would willingly commit to acting as trained voluntary **community** mediators within their communities. This is a truly remarkable resource.
- Interest in mediating civil, commercial and family disputes has also boomed. There are now hundreds, probably thousands, of trained mediators, particularly in the **commercial** field, who are desperate to use their skills but who are unable to get started. The bulk of the larger commercial disputes are mediated by a small number of mediators.

5. MOBILISING THE RESOURCE

- Local community/peace centres are needed in order to train local **community** mediators and thereafter to supervise, manage and support them.
- The problem is not shortage of willing available community mediators but lack of functioning organisations to support them.
- Historically (for the last 25 years) these mediators have been supported by local community mediation organisations most of whom are registered charities and supported primarily by local authorities.
- The current financial climate means that many of these organisations are going to the wall; and taking with them many years of accumulated wisdom and profound community involvement and impact. **This is a national disaster.**
- The funding required by such organisations, in order to enable them to manage, is not large. Office space can be shared with other voluntary organisations, faith groups and the like thus minimising overheads.

- Historically funding has been made available by local authorities, foundations and the like. This is inherently unpredictable and in the current financial climate largely non-existent.
- In order to survive, let alone to be efficient, local peace centres require a funding stream; which may not meet the entire budget but will at least provide basic security.

6. A POSSIBLE FUNDING MODEL

- The model involves the creation of local commercial panels of commercially accredited mediators (many of whom will be lawyers but many will not).
- Each panel supports one (possibly more) local peace centres.
- Each peace centre receives an accreditation from a central body (currently the Civil Mediation Council) that it (and its commercial panel) is competent to mediate the legal disputes.
- Legal disputes are mediated by these local panels.
- These disputes are referred by local solicitors, local County Courts, local authorities and local businesses.
- There is particular scope for legal departments of local boroughs or councils to build mutually beneficial relationships with the local centre.
- There is no ceiling on the size or value of these disputes though most of them will probably be towards the lower end; in principle all legal disputes that affect a particular community should be available for mediation by a panel that serves that community.
- The mediators are made available by the local peace centre who charges a fee to the (litigant) users for the service.
- The fee charged is based upon a tariff introduced by the Government some time ago to support the National Mediation Helpline. The tariff provides “layers” of fees depending on the sums involved. Tariff fees are currently much lower than “market” rates. If the dispute involves a sum higher than the highest tariff rate then a one-off fee is negotiated.
- Commercial mediator panel members agree with the peace centre to do, say, 1 mediation a month without making any charge.

- This enables the peace centre to charge the fee and use it for its own charitable, non-income generating, community mediation purposes.
- For most local peace centres arranging two such mediations per week, with the mediator waiving his/her fee, would go a long way to covering its annual budget.

7. BENEFITS OF THE MODEL

- Commercially accredited mediators, currently inactive, begin to use their skills as mediators.
- The local peace service supervises and monitors the new mediators thus developing their skills.
- In return for this supervision the mediators “give back” by waiving fees; not across the board but reasonably and in accordance with their respective needs.
- The fees charged for the mediation are extremely reasonable.
- The fees paid by litigants are recycled into the community through the charitable work of the peace centre.
- Solicitors, who might otherwise be obliged to refuse on costs grounds to represent the particular client, are able to accept instructions from the client to represent the client up to and including the mediation.
- Statistics show that more than 75% of such cases settle at mediation. Satisfied clients.
- Efficient mediation at a local level should assist the Ministry of Justice in meeting its objectives significantly to increase the use of mediation at County Court level in order to deal with the financial constraints under which the Courts service is operating.
- These objectives are met without any significant spend of public money. On the contrary the scheme involves the recycling into the community of the fees payable for the mediation service.
- At Governmental/national level this can be seen as a seamless example of “Big Society”; utilising a *currently untapped resource* (inactive **commercial** mediators) to enable peace centres to mobilise *another untapped resource*

(those who wish to act as **community** mediators) in order to create an *active national resource*, a Community Peace Service.

8. CURRENT ACTION

- The model proposed has been operated by Wandsworth Mediation Service (WMS) for the last three years. Progress, although slow, has been steady. WMS's survival is because of income generated in this way.
- A funding application to the Nuffield Foundation has been made by a Working Party of the Civil Mediation Council to fund research into the current state of the community mediation in England and Wales; to consider particular funding options (including the above) and options for a possible re-structuring of community mediation.
- Approaches have been made to other organisations, think- tanks and the like to promote and to gain support for this project.

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