



Civil Mediation Council (CMC) Response to Justice Select Committee:

Access to Justice Inquiry

Introduction : This is the response of the CMC to the Justice Select Committee, Access to Justice Inquiry. The CMC is a registered charity, with a mission to promote and encourage the use of mediation in the resolution of conflicts and disputes. Established in 2003, CMC liaises with government, the Civil Justice Council (CJC), different mediation organisations, employers and other stakeholders to promote mediation as an effective means of conflict resolution and address issues of concern within the mediation process. With 1000 registered individual members and over 80 organisational members including registered service providers and registered mediation training providers, the CMC is the largest registering and regulatory organisation for practising non-family mediators in England and Wales. The largest mediation providers, trainers and mediation organisations are members of the CMC, including Centre for Effective Dispute Resolution (CEDR), Chartered Institute of Arbitrators (Ciarb), and The Royal Institution of Chartered Surveyors (RICS). The CMC provides the public with a trusted directory of mediators across various practice areas including civil and commercial, workplace, community and education. It also supports the administration of the SEND mediator panel and keeps members and the public abreast of developments in mediation, the mediation process and its place in the settling of disputes in a constructive, non-confrontational manner.

Executive Summary : Mediation is known to be a cost-effective method to support dispute resolution. Mediation provides access to conflict resolution both within and outside the justice system. Mediation also helps to prevent disputes from escalating into the justice system and adding to court backlogs. The CMC advocated for automatic referral to mediation for small claims and now advocates for automatic referral to mediation to be expanded to higher value claims.

Free and low-cost mediation is provided by community mediation services who support access for individuals and organisations to resolve conflict. These organisations commonly rely on pro bono support from qualified mediators who volunteer for their local service. The CMC supports access to justice by providing a platform for community mediation services across England and Wales. The CMC has also created standards for community mediation providers.

The grass roots development of community mediation in the UK has resulted in patchy but improving service provision. Community mediation services in England and Wales are currently funded largely via local authorities, the office for the Police and Crime Commissioner, Housing Associations, and philanthropic funds.

In November 2025 CMC will launch a digital map of community mediation services to support the public to access their local community mediation service.

The impact of conflict upon individuals and communities is well documented, as is the cost of conflict to the public services related to justice, health, housing, community safety and education. (1) . Government departments that work to support these areas would benefit from members of the public being able to access free or low-cost mediation.

There is wide scope for future innovation in the sector of community mediation (funding and technology) to help support effective access to justice in England and Wales.

Please see CMC's response to five relevant questions from the Inquiry below :

QUESTION 2. What is the role of supplementary advice services in supporting access to justice?

Supplementary advice services are critical in bridging the gap between the need for dispute resolution and formal legal representation. Community mediation services do this in the following ways :

- Empower individuals by helping them understand possible non-court avenues for resolution.
- Democratised access to support by offering a professional dispute resolution service in an approachable and often free or low-cost format.
- Support marginalised and vulnerable groups who may not qualify for legal aid yet cannot afford private legal services
- Act as preventative services, helping to de-escalate disputes before they evolve into full-scale legal issues, which can be both time-consuming and costly for individuals, the justice system and other public services.
- Work in partnership with other local services enabling where appropriate signposting of members of the public for additional help.

Community mediation specifically helps people resolve civic and interpersonal disputes in their own neighbourhoods. Examples of such disputes are: anti-social behaviour, noise disputes, housing disrepair, building disputes, small debt claims, tenant-landlord issues, some family disputes, intergenerational disputes, relational workplace disputes and disputes within schools.

QUESTION 5. If limited funds were available, what would be the priority areas for spending?

If funding is limited, resources should prioritise:

- a. Promotion of the existing community mediation sector
 - Public awareness campaign
 - Online navigation to local services
- b. Locality specific funding for existing community mediation services:
 - Needs analysis by area resulting in place-based investment for existing services who are mobilised to support their local communities
- c. Training and capacity building for mediators and advice providers:
 - Funding for volunteer mediator training to build a greater and sustainable network of local support.
 - Ensures high-quality service delivery and public confidence in alternative justice routes.
- d. Expansion of automatic referral of mediation within the civil justice system for higher value claims.

These priorities allow for a high return on investment by boosting existing resources and promoting early, informal resolutions and reducing the need for expensive court-based interventions to be commenced or continued.

QUESTION 7. How is pro bono work and free legal advice being used to support access to justice and what reliance is placed on it?

Pro bono work and free legal advice play an increasingly important role in filling the gaps left by reductions in legal aid funding. They are especially relied upon in areas such as :

- Housing and eviction defence
- Welfare benefits and debt advice
- Domestic disputes

Community mediation plays a complementary role by resolving many issues without the need for legal representation, thereby easing the burden both on legal aid and the justice sector.

For individuals or small businesses without the funds to access paid for legal advice the importance of pro bono or free legal advice is paramount. Because a mediator in a civil dispute cannot advise a party on the contents of a settlement agreement so parties are placed in the unenviable position of agreeing to settle the dispute between them without legal advice unless they can access it at low cost or for free.

CMC offer a fixed fee scheme for mediation which whilst not free or pro bono offers mediation at a reduced rate.

QUESTION 8. How can advice, legal support or non-court dispute resolution, such as mediation and restorative justice, help the early resolution of disputes?

Non-court dispute resolution mechanisms are essential tools in facilitating the early, effective, and amicable resolution of disputes. Specifically:

- Mediation has the scope to prevent all disputes from escalating to the point of issue of legal proceedings.
- Mediation fosters dialogue, encourages mutual understanding, and enables parties to craft solutions tailored to their needs—often leading to more durable agreements than court orders.
- Community mediation is particularly effective in local and interpersonal disputes (e.g. neighbour disputes, tenancy conflicts, and family disagreements), many of which are not well suited to adversarial court processes, and would progress to be conducted by litigants in person, where legal representation is not readily accessible.
- Mediation also has scope to end proceedings that have already been commenced. We have seen an introduction of automatic referral to mediation for small claims. We advocate for automatic referral to be increased for higher value claims.

Mediation services:

- Reduce court backlogs,

- Improve satisfaction and compliance with outcomes,
- Promote fairness and access for people who may otherwise avoid formal legal systems due to cost, complexity, or distrust.

Public investment in mediation should be a central part of any access to justice strategy.

QUESTION 9. What role is there for digital innovation and data collection in supporting access to justice?

Digital innovation could support access to justice by :

- promoting mediation through locally targeted social media campaigns
- support the digital mapping of community services, a project already commenced by the CMC
- online navigation to services via central and local government websites and other advice portals.
- A government led research project for nationwide or pilot area data collection to quantify the social return on investment for mediation services
- Monitor the resolution rates and levels of satisfaction for users.

Summary Recommendations: Enhancing Access to Justice through Supplementary Services

1. Strengthen and Sustain Community-Based Dispute Resolution

- Recognise community mediation as a vital, low-cost alternative to court, especially for interpersonal and neighbourhood disputes.
- Invest in preventative services that reduce pressure on courts and public services by resolving disputes early.

2. Target Funding Where It Delivers the Most Value

- Fund public awareness campaigns and create user-friendly online navigation tools to improve access to existing mediation services.
- Direct place-based investment informed by local needs assessments to strengthen mediation in areas of greatest demand.
- Support mediator training and capacity building, particularly volunteer-based models that ensure service sustainability and quality.
- Expand automatic mediation referrals to higher-value civil claims.

3. Harness Digital Innovation and Data for Smarter Justice

- Promote mediation and advice services through targeted digital campaigns and government advice portals.

- Support mapping of local services to help the public and professionals locate appropriate mediation support.
- Invest in impact data collection to measure the social return on investment (SROI) of community mediation.

Government Consultation Response: Access to Justice

Submitted by: Civil Mediation Council

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Notes

1. *The Cost of Community Conflict* – A Report by Mediation Hertfordshire - 2023