Transforming Community Conflict

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A Report by Mediation Hertfordshire

"The mediator was fantastic. He opened my eyes to think about things differently and how to manage any further problems. I cannot speak highly enough of him. Please pass on my sincere thanks."

"The case was always going to be difficult. We have an agreement in place which both of us are still adhering to."

"Excellent service. The intervention seemed to do the trick after putting up with the issues for years and years."

"The mediator was very professional and helpful. She listened to both sides. It is nice to know that the service is available and there are places to reach out to. I will now turn to mediation quicker as I know that it is there."

"The mediator was very helpful and advised me of other agencies who could also help me. It was nice to know somebody was listening to me."

"The Zoom session was extremely helpful. I am surprised that you have continued to offer the service during the pandemic."

"The mediator was excellent in his role in a very difficult situation. I felt safe, heard and understood."

"An extremely helpful, even though difficult, session, thank you. It was handled tactfully and sensitively to both myself and my ex-partner."

"Things have settled down. I hope a corner has been turned and we can move forward."

"I am very happy. The situation with my neighbour has improved and I am now back at work. I found the conflict coaching session very helpful."

"I live on my own and it was really helpful just to talk through things."

"The conflict coaching was really great. We talked about getting outside help through my work and GP. I realise I need further work on dealing with issues. We had two helpful sessions."

"It was so helpful to look at things differently and to have help when my ex-partner did not want to engage in mediation."

Mediation Hertfordshire

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Foreword

In a world as complex and diverse as ours, it is a fundamental requirement that every society should have an effective and efficient dispute resolution service.

We at Mediation Hertfordshire recognise that much conflict resolution is effective at a community level, particularly when it is practised independently by the community for the community. What is apparent is that while demand for community mediation is growing exponentially, community services available in the UK are drastically reduced.

Thanks to the support of the Tudor Trust and the work of Victoria Harris, our CEO, this report provides a much needed voice for community mediation, setting out some clear conclusions that will help us all to build, transform and develop community mediation as a bedrock for conflict and dispute resolution.

I came to community mediation from a background in international hostage negotiation, where frequently our casework involved a life, or lives, at imminent risk. I have learned very quickly that while community mediation might not be perceived as that dramatic, it is equally demanding and involves issues that are real and meaningful. Clients frequently refer to community mediation as "a life-changing experience".

So I commend to you this excellent work by Victoria, who has produced some ground-breaking data and conclusions which I hope will influence new thinking and a reprioritis-ation of community mediation services throughout the country.

We are incredibly grateful to all the organisations, groups and individuals who contributed to this report. Thank you.

But this report is not the end of a process: it is just the beginning. When you have read it and are ready to engage in the discus-sion, please contact us so that we can work together to raise awareness of the profound need to transform community conflict.

Duncan Jarrett OBE
Chair of Mediation Hertfordshire
transforming-conflict@mediationherts.org.uk

Preface

Several factors prompted us to produce this report, including:

- a growing awareness of the increasing needs that could be addressed by community mediation and how the sector is under-utilised in meeting those needs

- the need to raise awareness of the existence and advantages of community mediation with those who can embed its benefits, incuding elected office-holders, local and national government leaders, and senior members of public services

- recent reports from other organisations about mediation, which share a general consensus but did not specifically address the community mediation landscape [1] [2] [3]

My thanks to the Tudor Trust for supporting this project, which is a collaborative effort with community mediation services across the UK. It has been a pleasure to work with other services and to learn how we are all responding to the needs of our local communities and innovating to meet the additional demands driven by the pandemic. I hope that this report will be a useful resource for all those who provide community mediation services.

The research and writing of this report took place between April and July 2021 and in this limited timeframe much was achieved thanks to the generous sharing of information from across the community mediation sector and beyond. The result is a report which seeks to illuminate the work of community mediation providers, ignite new interest in the sector and lead to further exploration of the scope for this broad-ranging intervention.

As well as raising awareness of the benefits of community mediation, this report seeks to contribute to the national agenda around diversity and mental health. I hope that it will result in additional support for those working in the key sectors of health, community safety and housing, and, further, that it will contribute to a growing cultural shift in attitudes towards conflict, as well as promoting mediation for the benefit of the entire mediation profession.

Above all, I hope that it ultimately leads to more individuals who are suffering with conflict being able to access the support that they need.

Victoria Harris LLM
CEO at Mediation Hertfordshire,
and the author of this report

Introduction

Communities in the UK are reeling from the impact of the Covid-19 pandemic. Lockdown has exacerbated conflicts within families and among neighbours, and many people have suffered from deteriorating mental health. The consequences for the national fabric are potentially dire. When conflict escalates it can take up police time and increase pressures on the judicial system, housing agencies and the already hard-pressed National Health Service.

There is a proven way to deal with conflict at the grass roots: community mediation. Individuals locked into the misery of conflict can seek help from well-trained local mediators who often give their time either for free or for a minimal sum.

Sadly and shockingly, though, the practice of community mediation in this country has declined precipitously since its heyday in the mid-2000s. At that time it was offered by some 250 organisations – largely funded by local authorities – but as priorities changed and austerity followed on from the financial crisis of 2008, funds for non-statutory services were dramatically cut. Today the total number of community organisations in operation is down to 40 or 50. Although they range from Devon to Shetland and are in all four nations of the UK, distribution is patchy and the search for funds is never-ending.

In light of the challenging legacy of Covid-19, it really is time to turn the community mediation sector into a flourishing one that can make a real difference. It is time to equip it to meet local need, offering an accessible presence at key locations throughout the UK. This report explores the huge potential for community mediation and calls for new thinking at government level.

To illuminate the work of the community mediation sector, we undertook primary research between April and July 2021: fifteen community mediation organisations from

across the UK responded to a detailed survey of 38 questions. These organisations work among diverse populations in metropolitan, regional and rural areas. The breadth of this engagement demonstrates shared experience, challenges and aspirations, as well as the importance of local organisations being able to respond to specific local needs.

The primary research also involved more than 20 interviews with leaders and founders of community mediation organisations, and with practitioners working in the wider mediation world. Interviews also took place with individuals working in the health, housing, and community safety sectors, as well as in academic, political, religious and educational settings.

Secondary research considered the findings from existing reports, both national and international, as well as looking at speeches, newspaper articles, cabinet office guidelines, and other publications.

While the brief timescale imposed some limitations on the research, the contributions from individuals and organisations combine as a powerful voice for change at a time when new ideas are imperative to avert the risks of not responding to a fast-changing world.

Many community mediators have adapted exceptionally well to the new world of Zoom. As evidenced by the research, and notwithstanding the huge constraints imposed by lockdown, more cases were dealt with during the pandemic, April 2020 to March 2021, than in the previous year. So not only is community mediators' ability to offer online dispute resolution now clear, but working online means that they can cover much wider geographical areas.

The report considers delivery models for community mediation to include the volunteer model utilised by many, but not all providers.

Community mediation already has considerable history supporting housing and community safety partners, and how this support could be expanded is examined in the report.

The latent but extensive benefits to the health sector are also explored; a timely and detailed analysis in view of the changes that are taking place within the health economy and the potential for conflict resolution services to be available through social prescribing.

The myriad of ways that community mediation is a contributor to national wellbeing and good mental health is also observed. Being on the front line means that organisations can support vulnerable individuals and prevent conflict and ill health from escalating and requiring a crisis intervention.

How the sector contributes to diversity is reviewed. Examining how it can provide access to a form of dispute resolution for all as well as supporting a culture of conflict resolution at a time when many feel concern about increasing polarisation. The way in which community mediation can support increasing diversity within the mediation profession itself is also considered.

One of the features of community mediation is its ability to drive cultural change around conflict, modelling a less adversarial approach. A look at the peer mediation programmes delivered by many community mediation organisations in schools is also undertaken within the report detailing how the sector contributes to the important work of teaching the next generation about this form of conflict resolution.

We conclude the report with an overview of its findings and spell out a series of recommendations looking at how community mediation could be expanded and developed in a post-pandemic world.

This report argues for a new priority to be given to mediation for the benefit of individuals and the systems that serve them. The time for change has come and we hope that you will engage with us to take the conversation forward.

Join the conversation at:
transforming-conflict@mediationherts.org.uk

1

The philosophy and history of community mediation in the UK

community—people who live in a particular area; a sharing of something; a sense of belonging; interdependence

mediation—a flexible process conducted confidentially in which a trained neutral mediator actively assists people to work towards a negotiated agreement of a dispute; both parties are in ultimate control of the decision to settle and the terms of resolution; the process is voluntary, and the outcome is not legally binding

Philosophy

In 1998, when the writer Marian Liebermann was assessing the state of community mediation, she proposed that two strands of philosophy inform the subject.[1]

The first was a grass roots aim of providing a platform for people to resolve their own disputes. This philosophy was said by Liebermann to emphasise informality, volunteer help and community-based independent management of mediation services.

The second was described by Liebermann as more agency-led, dominated by local authorities and statutory agencies and having a more formalised approach with a desire for measurable outcomes.

Today it may be suggested that these philosophies sit side by side with a recognition that what can help individuals can also benefit systems and vice versa. Community mediation organisations are now often funded by statutory agencies that look to those organisations to support people who find themselves in conflict, often with volunteer help from the community.

History

The development of community mediation in the UK has not been linear or incremental. As this report shows, it experienced a period of strong growth followed by a rapid decline characterised by lack of funds and – arguably – little public awareness, insufficient formal recognition and an absence of strategic direction.

The earliest community mediation schemes in the UK can be traced back to the 1980s, when most schemes were concerned with reparation by offenders or with victim-offender issues. This sparked the interest of the Home Office, which commissioned a research paper published in 1984.[2] The research revealed that 23 of the 25 schemes in operation were concerned with victim-offender issues and that only two – both London-based, in Newham and Edgware – were concerned with a wider range of issues.

Things were changing fast, and a new edition of the report, published just one year later, showed a total of 38 schemes, seven of which incorporated community mediation. Among the seven were schemes in Reading and the London boroughs of Southwark and Bromley .

Twelve years later, in 1997, Mediation UK,[3] the umbrella organisation for community mediation, was reporting huge growth in the sector. There were now 178 organisations, of which 97 claimed to specialise in community or neighbour mediation.

This growth appears to have accelerated into the new millennium. Stephen Ruttle QC, founder of Wandsworth Mediation Service and a former trustee of Mediation UK, recalls that by 2005 some 250 community mediation organisations were operating (many as charities) and registered with Mediation UK. The growth in numbers demonstrated the value of the work of Mediation UK, whose activities included communication with government, the organisation of a national annual conference, and supporting the establishment of new community mediation services.

However, drastic change was under way. The number of organisations is down from over 200 in the mid-2000s to around 40 today.

The experience in Scotland is best described by Robert Lambden, Centre Administrator at Sacro.[4] He explains that, "In 1999 the Scottish government funded Sacro to provide a consultancy and training service to all 32 local authorities in Scotland. The service [Sacro] offered to analyse their existing need for neighbour mediation and suggest a suitable service delivery model. In the following nine years approximately 28 local authorities set up mediation services. Around half of all services were provided in-house, with the other half provided by an independent provider, Sacro."

Lambden estimates that the number of community mediation services operating in Scotland has fallen from a high point of 28 in 2008 to thirteen today.

The decline since 2008 in the number of organisations has been described by Stephen Ruttle as a "national disaster" that has changed the community mediation landscape dramatically, with the key factor, both north and south of the border, being funding. The closure of Mediation UK in the mid-2000s, due to insufficient consensus on internal issues and cuts to its own funding, further weakened the sector.

Robert Lambden comments that, "Following the stock market crash of autumn 2008, local authority funding came under increasing pressure year on year. This meant that many non-statutory services lost their funding. Mediation is a non-statutory service and so suffered as a consequence."

Stephen Ruttle, in a mediation project paper kindly shared for this report, comments that the financial model adopted by many organisations in the early 2000s made them critically dependent on local authority funding for survival. "The acute financial cutbacks over this period led to many mediation organisations going out of business, some of them overnight," he says. "This has been a national disaster. Networks of community relationships developed over many years, and the services that follow such relationships suddenly ceased to exist. What therefore is required vitally is a funding model that enables local community mediation services to thrive and grow."

Alan Sharland, the former director of Hillingdon Community Mediation Service, recalls the catastrophic withdrawal of local authority funding that led to the organisation's closure in 2011. At around that time Sharland also had a sense that focus at central government level had shifted away from community mediation towards the use of mediation within the legal sector.

Before the financial crash of 2008 a development took place that may have had a direct impact on the growth of community mediation. In May 2007 the Ministry of Justice was created, taking over some responsibilities from the Home Office. Funding streams became a source of debate at that time, with many being split or reallocated. There was public criticism over the speed with which changes were made, and minutes from the House of Commons' constitutional affairs committee in July 2007 show significant queries – such as where the responsibility for anti-social behaviour (ASB) would lie – being raised after the event.[5]

The natural focus of the Ministry of Justice in relation to mediation was to operate at the legal interface of disputes. The imperatives to reduce a backlog of cases and reduce court costs were drivers not relevant to community mediation and whose benefits would have been better felt by other government departments.

Mediation organisations struggled to articulate their case for funds in an austere environment, they lacked a national body such as Mediation UK, and the multiple benefits they could deliver were apparently not championed by any relevant government departments. Thus many local communities lost a valuable resource and, further, many of the schemes that survived beyond 2010 did so thanks to volunteer support in line with the 'Big Society' ideals of the era.

Reviewing the past helps us to examine why the sector has not progressed as it might, to highlight the challenges that it has faced, and to better understand why it is not fully utilised today.

In 2021 the subject of community mediation remains on the margins of governmental thinking and its profile has arguably diminished when viewed alongside other forms of mediation. The value of mediation is better understood and better recognised at the legal interface of disputes, which is a clear and positive development for both individuals and an over-burdened legal system.[6] But the much broader possibilities for mediation in relation to communities and systems, as outlined in this report, remain largely untapped, minimising the unique potential of mediation to contribute to individual wellbeing and national resilience.

Participation involved the voluntary completion of 38 questions on topics dealt with in this report, with an understanding that response data would be shared on an anonymised basis.

Results are often depicted as a percentage, and so on the few occasions where there were fewer than fifteen responses to a particular question, that fact is documented.

2

Voices and statistics from community mediation

In preparing this report we sought to collaborate widely with community mediation providers to get a clear picture of the landscape for community mediation organisations today. The opportunity to participate was advertised via social media and direct contact was also made to secure as wide as possible geographic representation. Fifteen organisations, representing about one-third of known UK mediation bodies responded to a survey. The respondents included at least one organisation from each of the four nations of the United Kingdom and served regional, metropolitan and rural areas.

1   Brighton and Hove Independent Mediation Service
2   CALM (Southwark, London)
3   GLEAMED (London and East Anglia)
4   Hastings and Rother Mediation Service
5   Mediation Buckinghamshire
6   Mediation Devon
7   Mediation Hertfordshire
8   Mediation Northern Ireland
9   Newport Mediation
10 SACRO (Aberdeen)
11 SACRO (Edinburgh)
12 Solution Talk (Manchester)
13 Together North East (Sunderland)
14 Wandsworth Mediation Service
15 West Sussex Mediation Service

Figure 1 – Survey respondents

Constitution

The survey showed that while most organisations were charities, there was a marked variety in the ways that community mediation organisations are constituted. Participant organisations described themselves as limited liability partnerships, community interest companies and registered societies under the Cooperative and Community Benefits Societies Act. One respondent described itself as a service within a local authority and another as a sole trader.

Delivery model

86% of respondents use volunteer mediators in the provision of their service.

66% of respondents also use paid mediator support either as mediators or trainers to support service delivery.

Growth and case numbers

The increase in case numbers reflected over the longer term and over a more immediate period marked by the disruption of the pandemic demonstrate a consistent and growing need for these services.

Although all fifteen respondents were able to respond to the questions asked for figures 2 and 3, two were unable to specify exact case numbers. Thus figure 4 relates only to thirteen of the fifteen respondents.
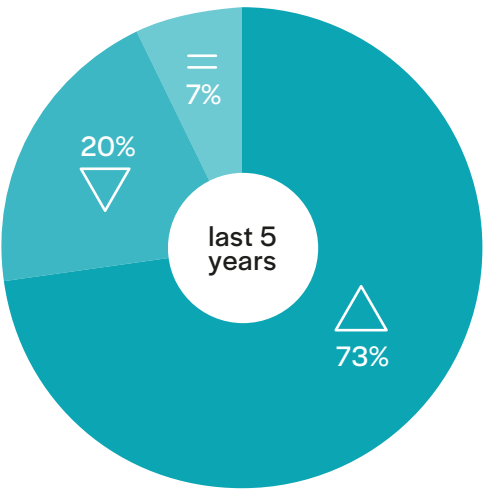
Figure 2 – Percentages of respondents saying that case numbers have increased, stayed the same, or decreased in the last five years
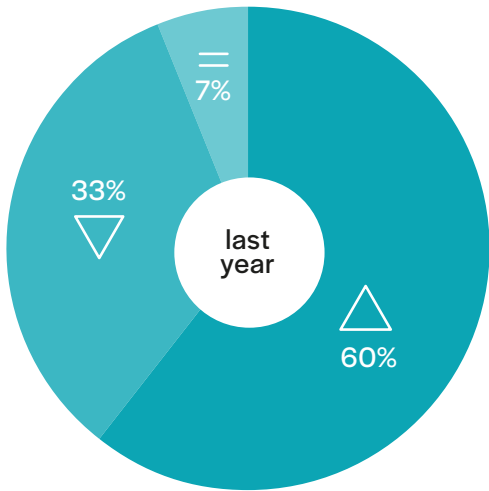
Figure 3 – Percentages of respondents saying that case numbers have increased, stayed the same, or decreased in the last twelve months

2019	1,418
2020	1,462

Figure 4 – Cases undertaken by 13 of the 15 respondents

Areas of work

Community/neighbour 100% Workplace/employment 87% Conflict coaching 87%

Training (to raise awareness of mediation) 67% Family (to include intergenerational) 53% Peer mediation in schools 20% Restorative justice 20%

Figure 5 – Types of mediation work undertaken by respondents

Most common types of dispute

Respondents were asked to describe the three most common types of dispute that they are asked to help resolve:

- 14 out of 15 cited noise disputes
- 10 out of 15 cited anti-social behaviour
- 4 out of 15 cited child contact/intergenerational disputes and differences in lifestyle

Although these answers reflect some commonality, this question also exposed the importance of local concerns, with answers such as "conflict in churches" and "respect for communal spaces" given by individual organisations.

Origin of case referrals

93% — Self-referrals

87% — Housing officers

80% — Policing and community safety

53% — Schools and family workers
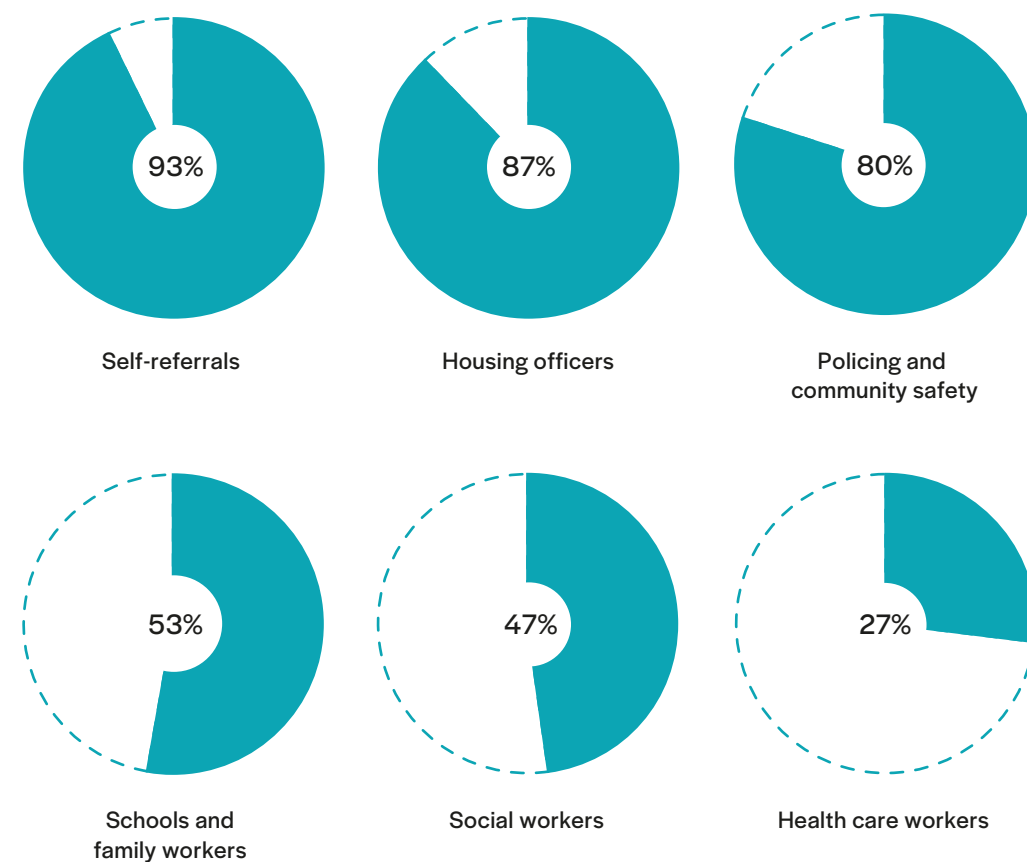
47% — Social workers

27% — Health care workers

Figure 6 – Respondents answering a question about the origin of case referrals

Volunteer mediator statistics

Twelve of the fifteen respondents said that they work with volunteer mediators to deliver their service, and provided the following further information:

The average number of volunteers per organisation was 35, with some engaging up to 70.

Over the past three years, 50% of respondents had increased the number of volunteers, 33% had stayed about the same and 17% had seen a decrease.

75% of respondents said their volunteers were checked through the Disclosure and Barring Service.

91% of respondents said their volunteers had undergone safeguarding training.

100% of respondents reported that they worked solely or partly with accredited mediators.

Then, when asked "What percentage of your mediators are accredited?", ten organisations responded with answers ranging from 100% to 30%; the average figure was 83.8%.

Finance and funding

A – income and expenditure

Ten of the fifteen respondents shared information relating to income and expenditure from their last set of audited accounts. The average figures are:
- Income £ 75,771.80
- Expenditure £69,280.50

B – average cost per case

Ten of the fifteen respondents shared information regarding their average cost per case. The figure arrived at below is achieved with the caveat that a number of organisations said the figure can vary considerably depending on factors such as case complexity and whether it is carried out face to face or online, online being more cost-effective. One organisation attributed costs per case of £1,000 for a family case, £800 for an intergenerational case and £500 for a neighbour or community case.

Overall average cost per case: £527.50

C – main sources of funding

Thirteen of the fifteen respondents shared information regarding their main source(s) of funding. Some cited a single source, others multiple sources, which is why the total exceeds thirteen:
- 8 out of 13 – local authorities
- 6 out of 13 – housing associations
- 4 out of 13 – policing/police and crime commissioner
- 2 out of 13 – grants
- 1 out of 13 – commercial and workplace
- 1 out of 13 – training income
- 1 out of 13 – EU peace programme

Online dispute resolution

Fifteen respondents answered the questions "Does your organisation utilise online dispute resolution?" and "If yes, did it do so before the pandemic? The results depict the remarkable adaptation to online working.

Thirteen out of fifteen organisations responded to the question "If you do utilise online dispute resolution, are the outcomes better or worse or about the same?"
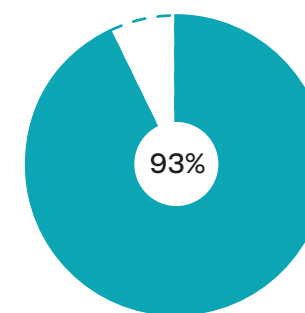

93%

Figure 7 – Respondents answering "yes" to the question of whether they use online dispute resolution

7%
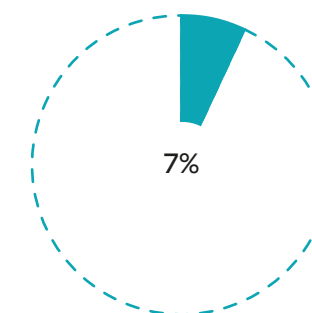
Figure 8 – Respondents answering "yes" to the question of whether, if they use online dispute resolution, they used it before the pandemic?
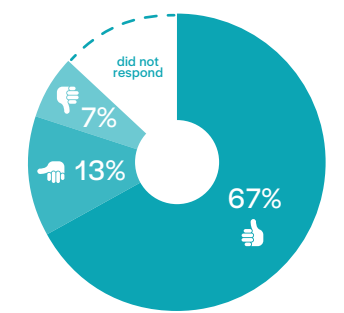
did not respond 7%

13%

67%

Figure 9 – Percentages of respondents saying that, if they use online dispute resolution, outcomes are better or worse or about the same

Challenges and opportunities

Challenges

Funding was a factor raised by a number of a respondents when asked "what are the major challenges for community mediation?" On closer analysis, a particular issue is the short duration of funding contracts, which makes it difficult to develop services or plan future resources. Operating with short-term funding makes it harder to invest in IT and social media, or to raise awareness of the value of community mediation, which then impacts on the other challenge identified, which is encouraging individuals to participate in mediation.

Comments included:

"Not having a secure income for community mediation to cover the cost of promoting services, which means that we are able to keep our profile up and keep referrals coming in. What we can charge (affordable and realistic for those seeking community mediation) does not sustain the service. We are unable to compete with services who can provide mediation free at the point of entry with volunteers."

"Funding – with many contracts being annual it is a constant effort to ensure that these are renewed and that the organisation is sustainable. Strategic planning around staffing resources and the development of the organisation is difficult due to the funding issue."

"Developing secure long-term funding that will enable us to invest in developing our service. Also, operating as such a small service presents challenges in terms of developing our IT etc."

"Persuading people who would benefit from mediation to do it, and persuading referrers to send neighbour disputes to us."

"Restructuring paid workforce in order to improve fundraising and a media presence."

"Funding and procurement – organisations just going for the cheapest price…."

"Converting approaches/enquiries into referrals (full cases)."

"Increasing core staffing levels and capacity to deliver."

"To get people to agree to a joint meeting."

"Getting people to take up mediation."

"Referrals and recruiting volunteers."

"Maintaining income levels."

Opportunities

In many ways the aspirations and opportunities expressed by respondents reflect the opposite side of the coin to the challenges. Better recognition within public policy and more secure funding would help to embed community mediation so that it can be part of a toolbox of interventions for systems outside the legal system. Greater awareness of community mediation would help encourage voluntary participation in the process and enable more people to access this form of dispute resolution.

Comments included:

"That community mediation be better resourced. That it will be recognised nationally as a benefit to both individuals and systems to include housing, community safety and health. That mediation will be better embedded due to raised awareness and shift in our response towards conflict. That it will be on the school curriculum. That there will be legislation to support mediation."

"To have community mediation and conflict services that are funded so that they are freely and easily accessible to all who need them, whether in social housing, private rented or owner-occupiers. To be able to offer conflict resolution skills training to members of the community so that people feel empowered to support each other to peacefully resolve issues."

"That local gov't/authorities across the country recognise better the real value and benefits of mediation and those authorities that do not fund it do so, and provide a proper referral mechanism."

"That the case load will increase further and that we get cases referred to us as soon as there appears to be tension between households. Not as a last resort."

"Expansion in conflict coaching, increasing cases further and raising more funding generally but particularly from the police, whose cases are increasing."

"Governments, local and national, will continue to pay lip service to the concept, but it is an expendable service when it comes to budgetary cuts."

"That awareness is raised among housing/ASB professionals and it becomes part of a toolbox of interventions they can use as standard."

"More funding streams easily accessible for services to run sustainable services to meet the needs of the community."

"That it grows and people have a better understanding of how it works and are more willing to participate."

"Central government funding and funding directly from the police."

"Better understanding of the benefits and more funding."

"Wider understanding nationwide about the advantages and benefits of mediation."

"Better recognition."

3

Online dispute resolution

"Good communication depends on good communicators — regardless of modality"

Elizabeth Stokoe, *Professor of Social Interaction, Loughborough University* [1]

The experience of community mediation organisations

The tech revolution was bought into sharp focus by the pandemic. The statistics derived from contributors regarding online dispute resolution show that while the clear majority of providers did not practise any form of online mediation prior to the pandemic, after March 2020, 93 per cent quickly made it part of their delivery model.

Importantly, 80 per cent of respondents reported that case outcomes were "about the same" or "better" than before.

The statistics show us that cases for community mediation organisations increased overall at a time when face-to-face mediations were largely prevented by social

distancing: 1,462 cases were reported by contributors in 2020 in contrast with 1,418 cases in 2019. This is clear testimony to the adaptability and resilience of organisations responding to increased community need, but the figure also demonstrates the ease with which online dispute resolution can be assimilated into the community mediation model.

In contrast, the ninth CEDR (Centre for Effective Dispute Resolution) audit points to commercial mediations being down 35 per cent in the period from March to September 2020.[2]

At Mediation Hertfordshire cases increased dramatically from March 2020, with a growing need to support individuals challenged by noise from neighbours and issues over child contact during the various lockdowns. Cases rose from 148 between April 2019 and March 2020 to 191 for the same period in 2020-21. The need for conflict coaching services, where only one party to a dispute will engage, also saw notable growth.

Driven by community need and enabled by Covid support grants, Mediation Hertfordshire arranged Zoom licences, redrafted policies to support online working for both clients and mediators, and arranged training for mediators in online dispute resolution. Equipment was purchased to support clients on the wrong side of the digital divide.

Nick Handley, manager at West Sussex Mediation Service, advised that not all existing volunteers chose to deliver mediation online, possibly due to reticence

over the use of technology. Many did, however, and during the pandemic it was possible to recruit volunteers from further afield as there was no longer an imperative to recruit locally. West Sussex Mediation Service arranged training to support volunteers who did wish to practise online, and fewer volunteer expense claims and reduced venue hire costs (while social distancing was in effect) meant that overheads were reduced.

In Shetland, community mediator Kathryn Lomax, operating within Relationships Scotland, spoke of Shetland having a small population but a wide and challenging geography which benefited from online delivery. For example, the journey from Lerwick, where the service is based, to Unst in the north required 52 miles of travel and two ferry trips. Trips to other remote locations such as Skerries, Papastour, Foula and Fair Isle created similar travel challenges. Kathryn Lomax acknowledged that the arrival of Zoom was a huge help, reducing travel expenses and travel time, and removing the pressure of timing it right to catch a ferry home. Zoom has also assisted the Shetland team to attend online meetings with local authorities and housing officers so that, Kathryn Lomax said, "We can make ourselves known to referrers and have the chance to show our face and let people get to know us."

This example shows how online delivery can support local needs. Lomax explained that the service in Shetland has been able to deliver effective mediation online, resolving conflict between settled inhabitants and new arrivals.

Is online mediation as effective as face-to-face mediation?

The advantages and disadvantages of the online model have been widely debated, mostly from the perspective of practising mediators: 84 per cent of respondents to the survey in the ninth CEDR audit reported that "the online medium was less effective for them in terms of building rapport, reading the room and generally making connections

with individuals". This finding, if correct and applicable to community mediation, warrants further exploration.

At a Mediation Hertfordshire training event in June 2021, Richard Mullender, a former hostage negotiator,[3] shared information relevant to this topic. He noted that in the

majority of hostage negotiation and crisis situations much of the communication to build rapport is carried out over the telephone, or in some cases "by talking to someone through a letter box". Richard referred to the "body-language myth", and elaborated as follows :

"It is often quoted that 7 per cent of communication are the words spoken, 38 per cent the tone of voice and 55 per cent body language. On occasions I have heard it said that body language is even more. 85 per cent being the highest. These are patently not true and with the current pandemic it is easy to prove. Just turn off your video and you will find you can have a perfectly good conversation without ever being able to see the person. Yet according to this myth, you are missing 55 per cent of the interaction.

"The emphasis on body language is misleading and dangerous because you are attaching meaning to a 'message' based on an assumption. If the person pulls a face, it might mean they are suffering from toothache, or they don't like what you've just said, or they are thinking of someone they don't like. It could be anything and to find out you must ask them or, even better, tell them what you are thinking. Say to them, 'It looks to me that you are upset with something I have just said.' If they are, they will say yes, and if they don't expand on that, just ask why. Either way, it is important to check your assumption and gain clarity. With clarity you get understanding that builds trust. And when they trust you, you can build rapport."

The mediator experience

Body language is taken into consideration in training for most mediators, so it is not surprising that its removal from the mediation equation (in an online environment) might cause concern. It is possible, though, that fear of technology is an even greater barrier to online mediation. In the CEDR survey 19 per cent of mediators indicated a comfort level of less than one out of ten for mediating online, indicating that further training is needed to support practitioners.

Such training is offered by ADR ODR International, set up in 2016 by Rahim Shamji with a vision to "enlighten the new world of mediation". His training courses for accredited mediators support individuals to gain confidence in using available technology to support their work. In practice this can include the use of virtual break-out rooms for shuttle mediations and virtual white boards to record agreements. Training in online mediation is vital to support best practice and improve mediator skills and confidence in this method of delivery.

The client experience

It is regrettable that in this report as in many others the client voice is not fully heard, and one of our recommendations is that focus groups be set up as a priority to examine this issue in more detail. In the absence of the client voice, the comments that follow in this section of the report can tell only part of the story.

In an article posted on LinkedIn ('Is communicating in person the "gold standard"?

You're asking the wrong question'), Elizabeth Stokoe, Professor of Social Interaction at Loughborough University, writes that "People have already adapted. We are good at disregarding and letting pass odd views of people, video freezes, and distorted audio. We can treat seeing the top of someone's heads, the sides of their face, or even an icon showing their name or initials, as enough of a representation to have a conversation. We use hand raise functions or type

our names in the chat to organise speaker roles. We give thumbs up, wave, or provide overly emphatic facial expressions to communicate, pre-empting the need to use spoken language and take turns for brief contributions."

Stokoe also claims that "Video calling, with multiple channels for participation, can also reduce hierarchies and support participation and inclusion ... while reducing the carbon footprint."

If accessibility is a critical driver for community mediation, then online mediation is arguably a facilitator. However, it is important to acknowledge the digital divide and be able to offer telephone mediation or maybe even supply a laptop on loan where additional support is required.

Our research shows that case numbers increased for community mediation providers during a period when face-to-face mediation was largely unavailable, suggesting that the digital divide has had less of an impact than feared. As Nick Handley points out, "Most people these days have a smartphone." He feels that, anecdotally, more people are willing to engage in mediation precisely because they do not have to meet face to face. It can take a lot of courage to attend a mediation meeting: the opportunity

to meet online can reduce the fear factor of being physically face to face with an "opponent" and their "allies".

In a conversation for this report, the Archbishop of Canterbury, Justin Welby, reflected on the benefits of local face-to-face provision, so vital to maintaining social capital. Acknowledging the importance of environment, and how a pleasant environment can make people more collaborative, the Archbishop emphasised that it is at local level where people can meet. However, this view was balanced with an acknowledgement that in some cases the online approach may be "less threatening".

Addressing the traditional delivery model, Rahim Shamji, recalling his time as a community mediator, makes the point that having to invite a volunteer mediator into your home for an initial meeting – the model used by many community mediation providers – can present barriers for clients who don't want to reveal their living arrangements to a stranger. Attending a client's home for an initial appointment can also have an impact on impartiality. "The trouble with going to someone's house and having a cup of tea and a biscuit," he says, "is that they try to get you on their side, which can be a challenge for a mediator in their professional and impartial role."

Online dispute resolution and the future for community mediation provision

As we move away from the lockdowns arising from the pandemic, many community mediation providers will be considering the adoption of a hybrid model of working. The weight of deciding how to move forward will best be determined in each case by the needs of the individual parties. There will be individuals who struggle with technology or who have no access. An inclusive approach, sensitive to barriers to both face-to-face mediation and the online approach – will be needed.

As Rahim Shamji notes, it is likely that many organisations will adopt a hybrid model: "I think most of community mediation could go online, but where a face-to-face meeting is considered of benefit, there should be a reformulation to a hybrid model. This is where initial meetings are carried out online and the joint meeting takes place face to face at a neutral community venue. I have personally seen the value of joint meetings at neutral venues, such as places of worship or community hubs, in the sense that behaviours are moderated and there is greater respect in the room."

From a safety perspective, not having to visit the homes of parties reduces concern for the welfare of mediators. In addition, it is likely that future generations will be more at ease with technology and less inclined to travel due to environmental considerations, wondering why we ever left the comfort of our homes to travel to a community hub to benefit from an intervention that can be delivered securely online.

If this is the way forward, a whole new way of supporting geographical areas opens up for those areas that do not have good local mediation provision. The delivery of services through online and hybrid services presents an exciting and cost-effective opportunity to properly embed community mediation across the UK, and to recognise the importance of responding to local needs.

The Shetland experience shows that online work can strengthen local connections with referrers. But it could be argued that the prospect of a national system using online dispute resolution would lead to a system less familiar with local networks and local needs. In *Reimagining Britain*,[4] Justin Welby expresses a view that we must be wary of such centralisation and that government "must be committed to subsidiarity in ways that strengthen the local, enabling accountability, close relationships with the communities they serve and a sense of the local driving its own agenda."

A meaningful local presence requires premises, which involves further consideration in terms of both environment and cost. Stephen Ruttle speaks with gratitude for the peaceful space

provided at St Mark's, Battersea Rise, which houses Wandsworth Community Mediation Service, and Justin Welby has spoken of local hubs such as universities, places of worship and working men's clubs, which might be well placed to help administer a community mediation service and offer outreach to a community.

Penny Carey, Dean of the Law School at the University of Hertfordshire, has a particular view about the role that universities might play: "Law schools have a significant part to play in ensuring that law students, and thus lawyers of the future, are cognisant of, and comfortable in undertaking mediation. I think there are distinct opportunities for community mediation organisations to partner with law schools to support skillset acquisition at an undergraduate stage, and the excellent work currently going on in Hertfordshire Law School, through partnership working, is a real exemplar of practice. As Chair of the Committee of Heads of University Law Schools I am keen that law schools work together collaboratively to support both access to justice through the many excellent law clinics already established, but in innovative ways to develop understanding of, and advocacy for community mediation solutions too."

Wherever an existing local hub is available and appropriate, the ultimate goal must be to create a service embedded in its local area, with knowledge of local issues, and which is able to support online, face-to-face or hybrid delivery of mediation, according to client needs and preference.

4

Housing

The statistics

All fifteen respondents to the survey advised that they conduct mediation to help resolve community/neighbour conflict, with 87 per cent advising that they receive referrals directly from housing officers.

The value of community mediation to local authority housing teams and to housing officers working for housing associations is reflected in the statistics relating to funding. Regarding main funding sources, eight respondents cited local authorities, while six cited housing associations.

When respondents were asked to describe the three most common types of dispute they are asked to help resolve:

- 14 out of 15 said noise disputes
- 10 out of 15 said anti-social behaviour
- 4 out of 15 said differences in lifestyle

The long-standing relationship between community mediation services and the housing sector has embedded community mediation services in the consciousness of many who work in housing and who have come to rely upon support from community mediation providers. As we have seen from the survey, some mediation services are housed within local authorities.

Disputes about noise

In *Social Impact of Housing Providers*, published by HACT (the Housing Associations' Charitable Trust) in 2012,[1] Daniel Fujiwara writes that "Housing conditions, quality and tenure have far-reaching impacts on us and the quality of our lives. A wide-ranging body of research has shown evidence that housing factors can impact on a range of outcomes including health, wellbeing, worklessness and other adverse life outcomes."

The HACT report revealed neighbour noise in second position among the top five determinants of people's motivation for wanting to move home. When looking at the impact on life satisfaction, neighbour noise took the top spot; it also ranked highest when looking at the variables that impact happiness. Thus noise from neighbours was the greatest detriment to individuals in their homes, worse even than living with damp.

The author concluded that "Delving back into the psychological literature it is interesting to note that there is support for our finding that neighbour noise is the most important housing problem. This literature has shown that people tend to adapt to most things in life, no matter how severe, such as paraplegia and divorce. Hence, after some time their levels of wellbeing return to some normality. But a large body of research (eg, Diener, Suh, Lucas, & Smith, 1999; Frederick & Loewenstein, 1999; Loewenstein & Ubel, 2008) shows that there are a number of things that people do not generally adapt to and these include unpredictable negative events and annoying or aggravating noise. Noise from neighbours may or may not be unpredictable but in any case, this research would explain why neighbour noise seems to be such a big detriment to wellbeing."

Other more recent studies report similar findings. A Danish investigation into the health effects of neighbour disputes[2] reported in 2019 that "6.7% of adult Danes living in multi-storey housing reported being very annoyed by neighbour noise during the past two weeks, whereas 28.9% had been slightly annoyed. The results from the present study suggest neighbour noise annoyance to be significantly associated with eight different physical and mental health symptoms such as pain in various body parts, headache, fatigue, depression and anxiety."

So time spent dealing with frequent complaints about neighbour noise must be a factor in the benefit analysis that housing providers make when purchasing mediation services. Noise complaints can escalate to serious anti-social behaviour, and can impact safety and wellbeing.

"Community mediation is the first line of support for residents where a neighbour dispute is having an impact upon their quality of life," says Layna Warden, group manager for communities at Dacorum Borough Council and previously group manager for tenancies and leaseholders. "We mustn't underestimate the impact of a noise dispute and how it permeates into someone's life. People need help to communicate, and failure to resolve a problem can lead to poor mental health and people not feeling safe or happy in their homes."

Mediation can help by supporting neighbours to develop an empathetic understanding of the impact that noise is having. Parties can find solutions including simple changes like wearing headphones or advising a neighbour of a special occasion that will result in extra noise. Where noise results from poor housing construction, the introduction of a rug on wooden flooring or a joint approach to a housing provider to see what can be done can help reduce neighbourly conflict.

A case at Mediation Hertfordshire involved an older couple who were disturbed by the noise caused by a young child in the flat above. After a joint mediation meeting, they heard how the child's mother was struggling with the child's diagnosis of ADHD and offered to babysit and provide support to her. In cases like this mediation can foster tolerance and understanding, making issues like noise easier to cope with as people grow aware that noise is not necessarily targeted at them or created by others in an unthinking way.

Of course, while noise is the largest cause of neighbour conflict, it is the issue at the heart of only one type of housing/neighbour dispute. Others can involve parking, bins, boundaries, communal areas, building work and the positioning of CCTV cameras, to name just a few.

Statutory responsibilities

Community mediation can also help support local authorities with statutory responsibilities flowing from legislation such as the Homelessness Reduction Act, which gained royal assent in 2017. Community mediation providers can help resolve intergenerational disputes where conflict has arisen between parents and adult children who reside together and where parents want a child to leave the family home. It can assist in facilitating communication, and in supporting individuals and familial relationships, so that the conflict can be resolved or at least managed until a planned move can take place, thus helping to reduce homelessness and preventing a crisis intervention from becoming necessary.

Among community mediation organisations who responded to the survey, 53 per cent support the delivery of family/intergenerational mediation. Family breakdown is the leading cause of youth homelessness[3] and a number of organisations specialise in this type of mediation, often working with younger people. These include Cyrenians, based in Edinburgh; Herts Young Homeless, in Hatfield; The Bridge, in Loughborough, whose 'talk²sort' mediation project takes referrals for 11–19 year olds in Leicester, Leicestershire and Rutland; and The Wallich, in Wales, whose conflict resolution and mediation service supports residents in Wrexham, Flintshire, Conwy and Denbighshire.

Training

In addition to mediation and support for statutory responsibilities, the survey reveals that 66 per cent of community mediation organisations deliver training to help raise awareness of mediation and to prepare others to employ conflict-resolution skills. An example is Wandsworth Mediation Service, which delivers conflict-awareness skills workshops to housing officers to help equip them to manage early stages of conflict.

Looking ahead

It is encouraging to hear Layna Warden reflect that "Local authorities have such a wide remit, but the focus is shifting from looking purely at the statutory responsibilities to looking afresh at things that it was previously considered 'nice to have'. These things are vital to wellbeing and community safety."

The continued value of community mediation to the housing sector and to individuals is broad-ranging. While the pandemic may have exacerbated inequality, it also arguably provided an opportunity for a growing sense of neighbourhood and a greater appreciation of the work carried out by community mediators.

Many respondents to the survey referred to cuts to local authority budgets and the uncertainty of annual contracts, so the question remains: to what extent will community mediation organisations be valued by and invested in by local authorities and housing associations in the years ahead?

5

Community safety

Statistics

Supporting community safety is a growing area of work for many community mediation organisations: 80 per cent of respondents to our survey report receiving referrals from policing or community safety partners.

Only a third of respondents report that funding from policing, a police and crime commissioner or a peace programme is a main source of income.

As Dave Newsome, community safety lead at Dacorum Borough Council has commented, "Policing resources are stretched. Demand is higher than ever. Local authority budgets are the same. In a climate of recession and stretched public resources the benefits of diverting cases from escalation is massively important."

Detective Chief Inspector Pete Frost of Hertfordshire Constabulary's Safeguarding Command, when approached on the topic of mediation, clarifies a view from a policing context: "As part of a 'prevention first' approach and problem-solving medium to long-term problems, we absolutely need to find innovative ways to resolve disputes." This shows the potential for a greater role for community mediation in preventing crime and de-escalating tensions.

The image below shows the way conflict can escalate, often starting with something small and then gaining momentum as "allies" and issues are added.
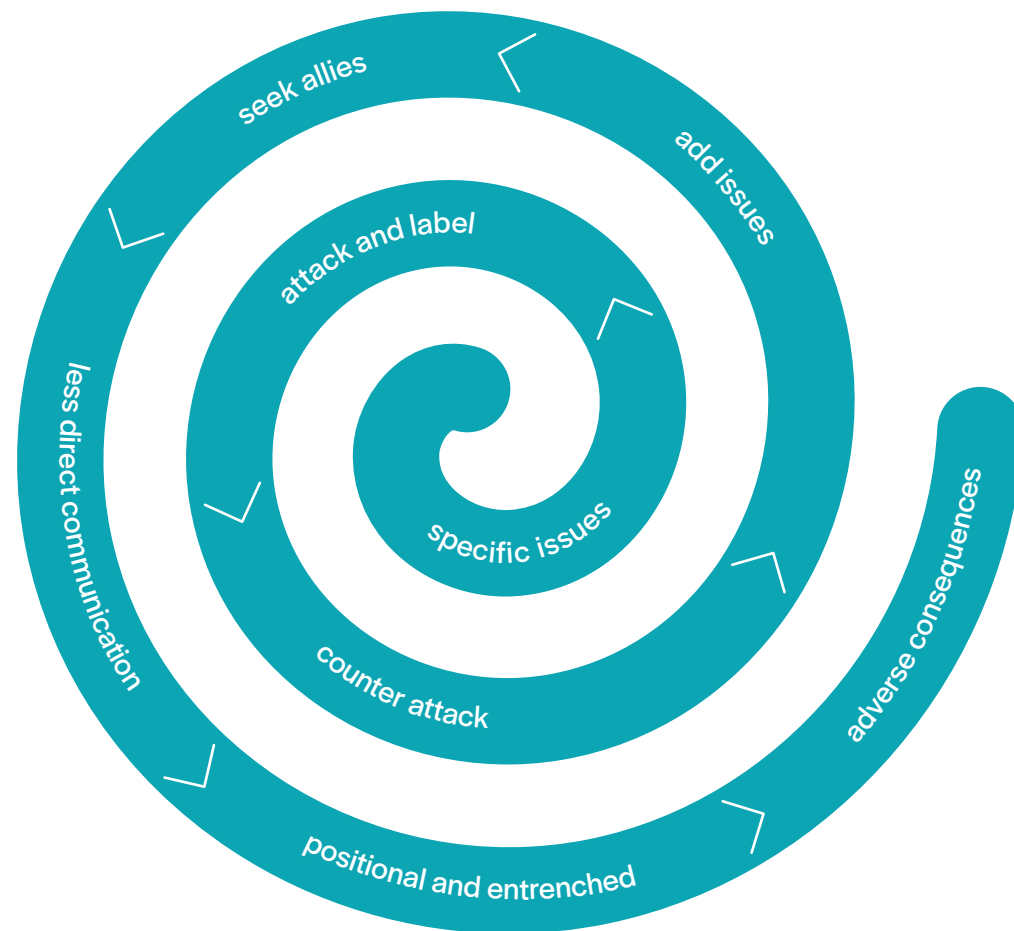
Figure 10 – Conflict spiral

The spiral, from outer to inner, reads:
seek allies · add issues · attack and label · less direct communication · adverse consequences · counter attack · positional and entrenched · specific issues

Focus on anti-social behaviour

Anti-social behaviour (ASB) has been defined as encompassing "a wide range of behaviours that cause nuisance and harm to others. Local authorities, the police and social landlords share responsibility for tackling ASB at a local level. These public bodies have a range of powers, set out in Parts 1 to 4 of the *Anti-social Behaviour, Crime and Policing Act 2014*. Local public services may also tackle ASB with informal remedies."[1]

When respondents were asked to specify their top three commonly referred disputes: ten out of fifteen cited ASB.

ASB is extremely subjective. ASB Help, an ASB charity, advises that the key words in the relevant legislation are "harassment, alarm, distress, nuisance and annoyance". They advise victims thus: "It is important that on reporting anti-social behaviour to your local authority, police or housing provider that you detail the impact that it is having on your health and wellbeing. For example, have you had to change your routine, your living arrangements (move bedrooms, furniture etc), has it affected your sleeping patterns and employment, as well as explaining how the behaviour has made you feel, are you more tearful, are you scared."[2]

Joint agency working and safeguarding

By working together with local policing and community safety partners, community mediators are able to obtain a greater understanding of what is happening and, where appropriate, can work to facilitate dialogue and de-escalate tension.

There may be occasions when ASB is happening without an appreciation by the perpetrator of the impact of their behaviours on others. At the other end of the scale

ASB could be an indicator of a serious crime taking place.

Mediation is part of a toolkit of interventions to promote community safety in this area. It may also present an opportunity for mediators to make a safeguarding referral for those who are vulnerable and experiencing abuse, promoting safety for individuals who are in a perilous situation.

When is mediation appropriate?

There are many clear-cut cases where there is a victim and a perpetrator, and the perpetrator has committed a criminal act. In those cases mediation is not appropriate and recourse to the criminal justice system, and possibly a restorative justice intervention, will be more suitable.

In many cases, though, the situation is less clear. Behaviours that fall short of the threshold to enter the criminal justice

system can still have a significant impact and the potential to escalate, so they must not be ignored.

The case of Fiona Pilkington, who in 2007 killed herself and her 18-year-old disabled daughter Francesca after agencies failed to investigate her complaints about harassment, highlights the toll on individuals of living with fear and feeling unsafe in their homes and communities.

Prevention of serious crime

Home Office data released in July 2021[3] shows that hate crime hit a new high in 2020, with race hate and hate based on sexual orientation, disability and transgender all showing percentage increases for the year ending March 2020. While improvements in levels of reporting and a better understanding of what constitutes a hate crime may contribute to the increasing numbers, a total of 105,090 offences were recorded last year, an overall increase of 7 per cent on the previous year and 47,414 up on 2013.

In responding to these figures Diana Fawcett, CEO at independent charity Victim Support, commented via the Press Association that "We have seen victims who not only live with pain and suffering after facing horrendous abuse, but who also have had their sense of safety, wellbeing and self-worth damaged."

Brexit, the murder of George Floyd, terrorist incidents, the pandemic and even the 2021 European Championship final, when three English footballers were racially abused

online, have all been referenced as catalysts for this type of crime. They demonstrate how varied and often unforeseeable the triggers for hate crime can be, which provokes a suggestion that if community mediation were better embedded, it could assist with the de-escalation of tension and support future crime prevention.

The scope for community mediation to provide a safe space for discussion and dialogue, and for individuals and communities to come together and resolve their differences, is broad and, once again, brings into sharp focus the importance of responding to local needs.

The 2011 Census reports that 39 per cent of Southwark residents were born outside the UK, making the borough both ethnically and culturally diverse. Dave Walker MBE, founder of Southwark Mediation (now Calm Mediation), has observed that "When there is an international incident related to extremism, hate crime goes up. Communities need mediation and a place to facilitate dialogue. I often hear the phrase 'there's no talking to these people', to which I respond, 'have you tried?'"

Exceptionally, neighbour disputes can result in the most serious crimes taking place. In February this year a woman from Welwyn Garden City in Hertfordshire was sentenced to 21 years in prison following the murder of her neighbour.[4] The death resulted from an unresolved neighbour feud spanning several years, which had involved bins, boundaries, mess, the cutting back of plants, allegations of trespass and the painting of a fence panel. We don't know whether an early intervention would have made a difference in this case, but as Dave Newsome comments, "Most homicides are committed by someone the victim knew. A friend, a partner, a neighbour. Early intervention in conflict can avert risks a serious as homicide."

The economic and social costs of crime, a report commissioned by the Home Office in 2018,[5] reported that an estimated 570 homicides that year would cost, in terms of consequence and response, £3,156,660 per crime, totalling £1.79 billion. "There is a huge cost to not addressing conflict early, both emotional and financial," says Dave Walker. "Conflict also damages people's feelings about their own communities and how happy and safe they feel walking the streets and being in their own homes."

Increasing awareness – government tenders

There appears to be a growing appreciation of the benefits of mediation in the field of community safety. It is notable to see tenders being advertised on the gov.uk Contracts Finder web pages, such as the one published by Staffordshire Police on 30 April 2021 for "The provision of a Hate Crime, Anti-Social Behaviour and Mediation Service".

There is a broad scope for policing and local authorities to use the services of community mediation providers to support community safety and cohesion: full national coverage by mediation services would clearly have the potential to reduce the number of victims of

crime by supporting early intervention and preventing conflict escalation.

The embedding of community mediation within community safety partners' triage processes would also help to raise awareness within agencies such as police and local authorities, so that early referrals to mediation can be made, supporting better outcomes.

As evidenced by the conflict spiral, early intervention in conflict is vital. As Frederick Way, head of the CEDR Foundation, succinctly puts it, "Mediation should not be a distress purchase."

6

Health

The most overlooked area where community mediation can benefit individuals and society is health. As we have seen, only 27 per cent of survey respondents reported receiving referrals from health professionals. Yet GPs are often the first port of call for individuals who are experiencing the adverse effects of conflict.

Patients might present to their GPs with depression or insomnia or anxiety, and they could have physical health complaints resulting from exposure to long-term conflict. GPs can prescribe medication to help patients cope with the symptoms of their condition, but they have neither the time nor the skills to help patients get to the root cause of their suffering.

Social determinants of health

Fortunately, there is an emerging awareness of the "social determinants of health" identified 30 years ago by Dahlgren and Whitehead.[1] The graphic below demonstrates the broad social and economic circumstances that together, they argue, determine the quality of the health of the population.
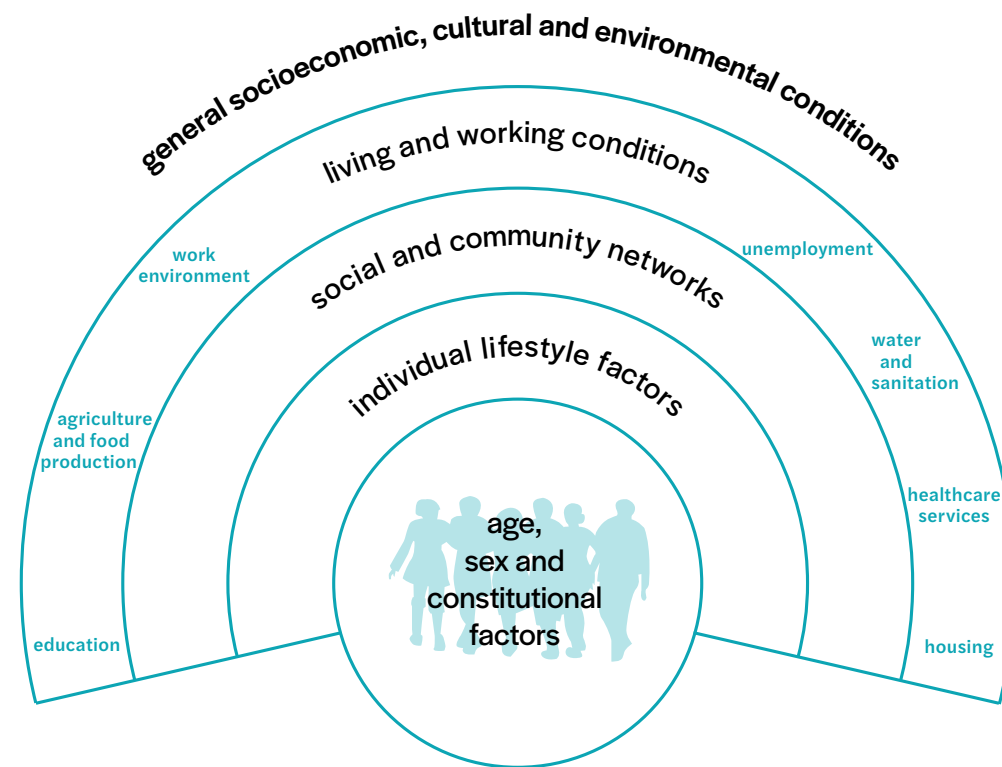
Figure 11 – Social determinants of health.
Source: Dahlgren and Whitehead (1991)

The model incorporates social and community networks, including family and wider social circles, as well as living and working conditions.

Conflict impacts social and community networks as well as living and working conditions. For example, GPs will often hear of these difficulties:

- the impact of noise nuisance
- distress arising from workplace conflict
- family breakdown
- loneliness due to family estrangement following conflict

Few people would look to a court to help them resolve these types of issues, but most see their GP as a safe figure they can confide in and with whom they can discuss their distress and the symptoms arising.

In November 2008, Professor Sir Michael Marmot was asked by the Secretary of State for Health to chair an independent review to propose the most effective evidence-based strategies for reducing health inequalities in England from 2010. The resulting review, *Fair Society, Healthy Lives*,[2] states that action on health inequalities requires action across *all* of the social determinants of health. Professor Marmot commented in the review that "health inequalities that could be avoided by reasonable means are unfair. Putting them right is a matter of social justice."

Community mediation contributes to social and community networks as well as helping to improve living and working conditions. A key way to drive the delivery of conflict resolution services to individuals via healthcare is through "social prescribing".

Social prescribing and the role of link workers

A report produced in 2017 by the University of Westminster,[3] gave this description and rationale for social prescribing in its opening paragraph: "The bio-psycho-social model of illness encourages healthcare practitioners to think beyond anatomy and physiology to consider how the interplay of mind, body and social circumstances affect health and wellbeing. Medicine has much to offer in treating the biological aetiology of illness and recent commitments to parity of esteem are expected to give equal priority to addressing social, psychological and physical aspects of health. To date, however, the capacity for healthcare practitioners to address the social problems that precipitate and perpetuate ill health have been limited. Social prescribing is a means by which healthcare professionals seek to address the non-medical causes of ill health with non-medical interventions".

Mediation Hertfordshire is currently contracted by West Herts Clinical Commissioning Group to support primary care patients in Watford and Three Rivers in Hertfordshire. Case studies from this contract demonstrate clearly the benefits to individuals, families and systems: interventions have included an intergenerational dispute among adult siblings over the care of an elderly relative, a child contact dispute, a contentious probate dispute, noise issues with a neighbour, and isolation following family estrangement, exacerbated after a bereavement. The programme has also resulted in a safeguarding referral for a vulnerable adult at risk of suicide.

The resolution of these disputes has also brought to an end the involvement of police, council and social services, showing that community mediation can benefit systems as well as individuals.

During a visit to a social prescribing hub in St Austell in Cornwall, HRH the Prince of Wales said how heartening it was to see healthcare professionals prescribing "non-medical treatments to help treat common lifestyle conditions". The team, he said, were "living proof, if it was ever needed, that beyond our conventional medicines and procedures there are so many other interventions that can contribute to our health and healing". He went further in a video message to the Social Prescribing Conference in 2021, where he observed that "community collaboration and compassion in equal doses can support a person in ways that medicine on its own is unable to achieve. Social prescribing has the power to make a major contribution to some of the most important issues of our time". The Prince reserved particular praise for link workers and social prescribing schemes across all aspects of healthcare, from community projects to primary care: "Your efforts to identify and help people in your communities have been truly extraordinary. In the most difficult of circumstances, you have continued to provide support wherever possible and this has no doubt saved lives."[4]

While the NHS is no stranger to adopting mediation internally and in disputes with patients,[5] few GP practices refer patients to local community mediation providers. The reasons are clear: first, services need to be commissioned, and second, awareness-raising of the benefits of this intervention is needed within primary care.

On this second point, investing in link workers – employees of the NHS who connect it to the voluntary sector – is a vital component. As Alyson MacGregor MBE, the founder of Altogether Better, has noted, "40-55 per cent of visits to a GP are for a 'non-medical' need. The voluntary sector which mostly supports those needs is a wide and forever changing universe, making it difficult for busy GPs to keep up to date with local services to whom patients could be signposted. The role of the link worker is vital to support and facilitate that connection."[6]

The roll-out of the conflict resolution service by Mediation Hertfordshire to primary care patients in Watford and Three Rivers has required intensive referrer awareness

training to GP practices via link workers and other health workers. Such training will need to be factored into any bids to healthcare commissioners.

As clinical commissioning groups (CCGs) become integrated care systems, greater thought should be given to the social determinants of health and how they can be supported by the community mediation sector, and how the community mediation sector can be better utilised and recognised to support the health of the community.
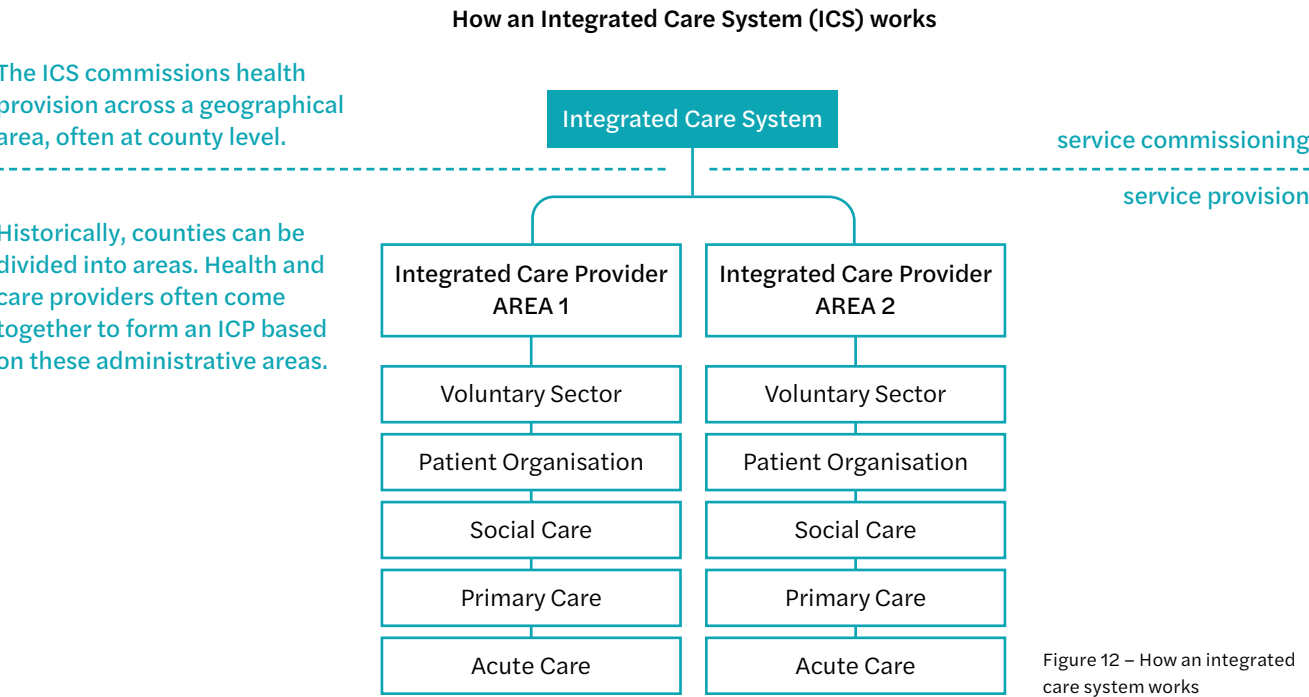
Integrated care systems and the scope for funding community mediation

Since the launch of the NHS Long Term Plan in January 2019, the way that services are commissioned and delivered in the National Health Service has undergone a period of change. One outcome is that integrated care systems (ICSs) will become responsible for ensuring the provision of the health and social care services that local populations need. The question now is whether this provides any or better scope for community mediation services to be further acknowledged and utilised by the new ICSs, and whether it could result in increased funding opportunities.

What is an integrated care system?

Joanna Jackson, accredited mediator and programme manager at East Kent Integrated Care Partnership,[7] shares the infographic below, which explains how ICSs will work in practice.

How an Integrated Care System (ICS) works

The ICS commissions health provision across a geographical area, often at county level.

Historically, counties can be divided into areas. Health and care providers often come together to form an ICP based on these administrative areas.

Figure 12 – How an integrated care system works

The *NHS Long Term Plan* confirmed that all parts of England would be served by an integrated care system from April 2021. The stated aim is to ensure that the way NHS services are commissioned meets "health and care needs across an area, to coordinate services and to plan in a way that improves population health and reduces inequalities between different groups. It removes traditional divisions between hospitals and family doctors, between physical and mental health, and between NHS and council services. Since 2018, they have been deepening the relationship in many areas between the NHS, local councils and other important strategic partners such as the voluntary, community and social enterprise sector. They have developed better and more convenient services, invested in keeping people healthy and out of hospital and set shared priorities for the future."[8] The inclusion of voluntary sector and local authority commissioned services seeks to ensure that services benefiting health are commissioned from all the public and private organisations capable of delivering them within geographic boundaries.

Public policy has concerned itself with integration and refocusing commissioning of services since 2018, but it is important to understand whether or not mediation services have a confirmed place at the table with health and care providers, and what can be done to ensure that mediation is represented consistently as part of public policy.

Is mediation relevant to public policy on health?

"Promoting and ensuring good mental health is now urgent business for the maintenance of population health across the country," says Joanna Jackson, speaking in a personal capacity. "As such, a focus of the new integrated care systems (ICS) and integrated care provider (ICP) bodies in the NHS has to be the promotion of psychological safety for both individuals and social groups in the communities in which we live. Mediation, whether it is community mediation, family mediation, interpersonal or workplace mediation has a crucial role in this regard."

As mediators know, the magic of mediation is that it can enable a party to develop a tolerance, if not an understanding, of an alternative point of view in what has felt an intractable situation. Mediation provides groups and individuals at the heart of conflict with the possibility of moving past a barrier and focusing on progress and the future. This approach and emphasis on change in mindset can lead to greater community cohesion and an environment in which good physical and mental health can flourish.

While mediators have always known of the ability of mediation to make a difference to the health of individuals and communities, this has not to date been recognised consistently across the country by commissioners in the NHS. The question is, why it is that mediation is not traditionally thought of as a solution to population health?

Jackson believes that there are three principal reasons (see panel) why mediation is not routinely considered by commissioners at present, and that all of these reasons can be overcome by the mediation profession collectively.

It is likely that the new commissioning arrangements will provide an opportunity for mediation organisations to collect evidence to use as a means to start to engage commissioners while the commissioning changes bed in.

Jackson advises that community mediation organisations would be well advised to carry out the following actions, if they are not already:

- Look at their local joint strategic needs assessment (JSNA)[9] and understand where their service can make a difference. This will enable mediation providers to start to identify where *evidence* of the effectiveness of their services can be gained and presented to commissioners.

- Begin dialogue with their local authorities and public health teams about how mediation can improve population health. This will help change the *perception* among public health practitioners

and local authority commissioners of mediation as a justice-based activity.

- Call for a national regulator in order to promote best practice, professional recognition and professional accountability. The national regulator could also represent the mediation profession in discussions with the Department of Health and the Ministry of Housing, Communities and Local Government. This will provide the *regulation and accountability* that will reassure commissioners.

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1 Evidence

"Providers of mediation services know the difference that mediation can make and will have collated numerous pen portraits of when mediation has made a positive impact to mental health. However, quantitative research on the sustained outcomes of users of mediation has been more difficult to find. Evidence of a quantitative or qualitative nature of the benefits of mediation would benefit from collation, prioritisation, agreement and presentation to the mediation profession, local commissioners of health and care and national government to make the case for mediation in a health setting."

2 Perception

While mediation is widely supported in community, workforce and judicial settings, it has yet to reach the same parity of esteem (to borrow health care terminology) for health and social care. The use of mediation as way of avoiding protracted civil disputes or interaction with the criminal justice system has meant that it is not traditionally considered as a health or social care service. It will be useful for mediation providers to consider whether a publicity campaign or partial rebranding of mediation would allow it to be perceived as something other than a justice-related activity in order to focus on the positive health benefits it can bring.

3 Regulation and accountability

This, Jackson argues, is the most significant barrier for mediation organisations to overcome in order to appeal to commissioners of health and social care. "Many, if not all, professional health and social care disciplines are overseen by a professional regulator," she comments. "Health and social care regulators undertake a number of functions, to include minimum professional standards, competency refresh through continuous professional development, and accountability for practice standards that can result in withdrawal of membership if standards fall below a minimum requirement. This provides assurance for the service commissioners that the service provision is professional and, above all, safe."

The challenge

The challenge for government and health commissioners in the new ICSs across England is to take the courageous first step to considering mediation as a long-term solution to promoting good health and to providing a climate in which maintaining population health is a challenge that can be met with greater ease than at present.

Joanna Jackson argues that having a minister responsible for mediation at national government level would also engage the Department of Health to look closely at the benefits of conflict resolution services in a health context.

She concludes that "COVID-19 has taught us that long-term investment will provide long-term results that benefit us all. Investment for long-term, strategic wins must be a focus as we move into a future where good mental health and strong communities support our ambitions for a healthy population."

Mental health

As increasing numbers of people need help to support their mental health, a couple of additional aspects warrant further examination.

According to Adrian Hosford[10], the Adult Psychiatric Morbidity Survey commissioned by NHS Digital said that even in the more normal times of 2014 one in six people in England had a common mental health disorder. According to Public Health England's National Covid 19 Surveillance Report, the pandemic has increased this by a third. Demand for mental health services outstrips supply, with the Department of Health and Social Care estimating that 75 per cent of people with mental health problems may not be getting access to the treatment that they need.

Of course, not all mental health problems arise from conflict. But some will do. The absence of conflict promotes healing and an ability to look ahead.

Common mental health ailments do not lead to a conclusion that an individual lacks capacity to engage in mediation or conflict coaching. Some community mediators have benefited from training that can help support individuals whose mental health condition contributes added complexity to their case. Examples include mental health first aid courses and Spot the Signs suicide prevention courses. Among the community mediation organisations that responded to the survey conducted for this report, 91 per cent reported that they provide safeguarding training to mediators.

Safeguarding and signposting

The reference made by HRH Prince of Wales to saving lives is no exaggeration. Community organisations on the front line, working with individuals in their local communities, see first-hand the distress and abuse and in some cases self-neglect being suffered by individuals who are experiencing conflict. Mediators have the ability to alert authorities by making a safeguarding referral. Community mediation providers, whether in an independent community setting or within a local authority, will have a designated safeguarding lead to support this process.

The voluntary sector often works in partnership with, or has an awareness of, alternative services offered by voluntary sector partners in their local area. This local knowledge can support individuals whose requirements go beyond those that can be offered by a conflict resolution intervention. This signposting aspect of the work of community mediation once again highlights the importance of community mediation being delivered at a local level.

7

The volunteer model

In the survey that forms part of this report, twelve out of fifteen organisations reported working with volunteer mediators. One of the questions that this report poses is whether the volunteer model for community mediation is sustainable, particularly if community mediation is to become valued as a national resource with a wider application.

The majority of providers who responded to the survey were heavily reliant upon volunteers. As we have seen, the average number of volunteers per respondent is 35, although one organisation reported 70 volunteers. Over the past three years, 50 per cent of organisations reported an increasing number of volunteers, 33 per cent reported staying about the same and 17 per cent had seen a decrease.

Figure 13 – Mediation providers reporting numbers of volunteers increasing, decreasing or staying about the same over the previous three years
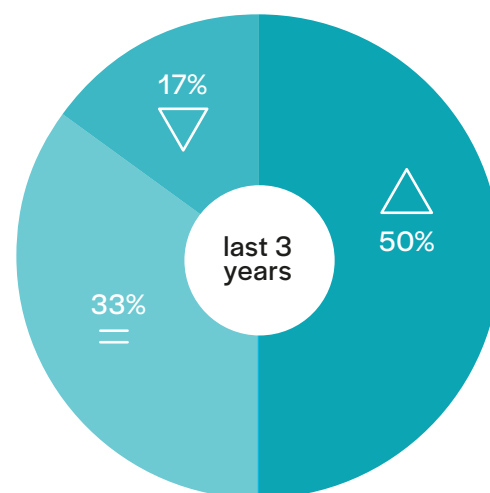
Benefits of the volunteer model

A clear benefit of the volunteer model is the cost-effective way that mediation can be delivered. That is not to say that there isn't a cost. As we have seen, the average cost per case identified from the survey is £527.50, reflecting in many cases the cost of premises, a small staff team of caseworkers and a manager, IT support, insurances, venue hire, DBS checks, volunteer expenses and so on. Volunteer retention also requires support through social events, training provision and supervision.

A particular feature of the volunteer model is the ethos of services provided by the community for the benefit of the community. The fact that volunteers give their time to help others often leads to respect for the service from its beneficiaries.

In terms of the efficacy of mediation, arguably the greatest benefit of the volunteer model is its independent nature. John Allison, chair of the London Community Mediation Council and of a working group at the Civil Mediation Council for Community Mediation, agrees. When reflecting on his work as a community mediator, he says that perhaps the greatest outcomes from the point of view of personal satisfaction and outcomes for clients came when he was commissioned on behalf of a local authority to provide support to people leaving care. Here the fact that mediation was delivered by an independent provider, and not directly by social services, helped to foster trust between mediator and client. The argument for independent rather than in-house provision could also be made for local authorities, social housing staff and police officers in relation to neighbour disputes.

Kathy Whitestone, manager of Brighton and Hove Mediation Service, captures the essence of this benefit thus: "An independent mediation service is more empowering to individuals."

The local aspect of the volunteer model is another positive factor: volunteers understand their local community better as they are part of it. Justin Welby, the Archbishop of Canterbury, writes that "intermediate institutions . . . are essential to a society's capacity to reinvent itself. They require a benevolent ecosystem of regulation and encouragement. They interact with every level of government, which itself, if it is to be virtuous in its values, must be committed to subsidiarity in ways that strengthen the local, enabling accountability, close relationships with the communities they serve and a sense of the local driving its own agenda."

That local needs can be supported by local people who are best placed to understand, respond to and anticipate them is a key benefit of the volunteer model.

Motivations for volunteering

If the volunteer model is to be emulated, volunteers' motivations and the benefits to volunteers must also be understood. Interviews with volunteer mediators for this report made it clear that volunteers themselves benefit just as much as their clients. The comments that follow offer an insight into why volunteers choose to put themselves at the heart of conflict belonging to others.

"It was unusual to find a volunteering opportunity that is flexible and social and stimulating."

"I would never have met the incredible and diverse group of people I now know, were it not for volunteering as a community mediator."

"It fulfils my desire to be useful."

The local connection was also an important factor, implicitly warning that the volunteer model might not be as effective on a larger geographic scale.

> "I wanted to offer my time to a local smaller charity, to connect with my local community."

> "I continue to volunteer because of allegiance to our group and a cadre of people."

> "If it becomes too big, it will lose something."

During the interview process the importance of achieving good outcomes was acknowledged, but there was a further dimension: the results-driven approach was matched by a desire to be present, to support others and to encourage dialogue.

> "It can be difficult to measure outcomes, as benefits may sometimes only be seen months and years down the line, but whatever happens at the mediation,

the whole process gives a sense that the community cares."

> "There is a lot of anger and angst out there, but mediation puts the key in the lock to enable people to have conversations about how they feel."

> "Mediation always makes a difference. It has the potential to change people's view of themselves and their situation. Even if the process is only partly successful, people do appreciate being listened to and having their concerns taken seriously, and mediation can sow the seeds for later change and growth."

There is no doubting the value of the volunteer model and how it has carried many community mediation organisations through the lean years since 2008, when funding and support for community mediation have been limited. It is impossible to fully acknowledge the debt of gratitude owed to these individuals, who give up their time to help support people affected by conflict.

Disadvantages of the volunteer model

Those who volunteer as mediators are often older, possibly retired, possessing experience and the scope to volunteer because of a degree of financial security. If this is correct, then the volunteer model may impact upon the ability of younger people to become community mediators, unless a paid-for community mediation model is introduced.

When comparing the relationship between an organisation operating with volunteers and an organisation operating with employees, another potential disadvantage can be exposed. The employer-employee relationship which can be applied to a paid workforce cannot be applied to volunteers. It is not

possible to require volunteers to train in online dispute resolution, for example. Volunteer-based organisations rely on goodwill and a degree of flexibility from their volunteer cohort. As Kathy Whitestone, manager at Brighton and Hove Mediation, acknowledges, the volunteer model "makes it harder to plan for the deployment of resources."

An ethical question also raises its head in relation to the volunteer model: should those who work in this field be paid for their efforts? It is not inexpensive to train as an accredited mediator, with costs – typically between £1,000 and £6,000 – usually met privately by individual volunteers.

Alternative models

Other models also operate in the UK, each with its own advantages and disadvantages:

The Wandsworth model
Wandsworth Mediation relies upon commercial mediators donating a percentage of their fees to the service, which helps fund the provision of free mediation to residents. This model, reliant on local talent and the services's own connections, appears to have served the organisation well. As noted previously by Nick Handley, manager of West Sussex Mediation, local talent may be less vital in an age of online dispute resolution. But seeking mediators from a wider geographical pool would diminish the value of local individuals serving their local community, as is the position in Wandsworth.

In-house mediation
There are also models of community mediation that work within a local authority. Some organisations employ in-house mediators as a way of managing the resource directly and in those circumstances, according to Robert Lambden, centre administrator at Sacro, it is possible to set up effective systems to ensure that there is no conflict of interest or breach of confidentiality. The fact that local authorities are investing in a mediation service is certainly to be welcomed and it fosters referrals from within the agency itself, as the individuals who deliver it are essentially work colleagues which may assist with both trust and awareness. As Kathy Whitestone has identified, the potential downside of the in-house model is that it can affect the independence of the mediator in the eyes of the client and can influence the level of trust and rapport necessary between client and mediator to secure an optimum outcome.

Online dispute resolution
We have already considered the possibility of the wider use of online dispute resolution (ODR), which, whether delivered by volunteers or not, would certainly enable a fast roll-out of community mediation to areas where no service currently exists. Such a delivery model would not of course require geographical proximity, which, in enabling the provision of a national scheme, would be its benefit as well as its drawback. Local provision does more than identify local need: it is also easier for local organisations to develop relationships with those who would refer in to the service. Any advance in ODR that does not have geographic ties to an area would need to be accompanied by a high-profile awareness-raising campaign and a concerted effort to support the development of local relationships with would-be referrers.

In looking at community mediation services which have survived and are thriving following a period of austerity and a pandemic, it is important to note that there is not a "one size fits all" community mediation model. Some services have relied on volunteers, some have evolved and been sustained due to the passion and abilities of their founders, and others have been embedded within statutory agencies where the benefits of mediation have been seen at close hand and have encouraged referrals. With ODR arriving on the scene there is scope for broader and more cost-effective coverage, and there are options for how, where and by whom it is delivered.

8

Diversity

As well as seeking to provide access to dispute resolution for all, community mediation provides scope for greater diversity within the mediation profession.

The mediation profession

The report published in 2020 by the All-Party Parliamentary Group for Alternative Dispute Resolution has this to say about diversity: "More people from a diverse range of backgrounds – both legal and non-legal – should be encouraged to pursue a career in dispute avoidance, management and resolution, bringing their expertise to bear in a way that allows the parties to break out of traditional ways of operating and builds upon the culture of innovation that has been the bedrock of non-court dispute mechanisms for centuries."

Diversity within the commercial branch of the mediation profession was considered in CEDR's ninth audit, which noted that in terms of professional background, 44 per cent of respondents to its survey were lawyers and that the marketplace remained "dominated by a select few, with a group of around 200 individuals involved in around 85 per cent of all ad hoc commercial cases". Being selected for mediation opportunities and obtaining early experience were considered the two greatest barriers to making progress with a career in mediation.

In one way, the volunteer model of community mediation promotes diversity within the profession: it has historically provided training that enables locally trained people to support their local community. Of the 49 volunteers currently mediating with Mediation Hertfordshire, although 100 per cent have undertaken accredited mediation courses, 80 per cent have no legal training and come from diverse vocational backgrounds.

As noted above, the volunteer model has the potential to act as a barrier for younger mediators, which provides fuel for the argument for paying mediators to support their local community mediation organisations. This would not prevent those who can afford to do so from waiving their fee and redirecting funds back into the organisation, but this in turn could generate division within an organisation which relies on a lot of altruistic intent.

It is worth reflecting on the challenge of getting early experience as a newly qualified mediator. Finding observation opportunities without a helpful network is a test for many newly accredited mediators, but the community mediation sector can help to provide these opportunities to those starting out. This represents a chance not only for the mediation profession to support its individual members, but also to encourage diversity. As Paul Adams of the Civil Mediation Council comments, "It can be a two-way street, with community mediation supporting commercial mediators who are starting out, and commercial mediators giving their time to help the community sector."

Access to a form of dispute resolution

In its 2019 report,[1] the National Association for Community Mediation, based in Louisville, Kentucky, reminds us that "mediation within the United States was embedded within the 1964 Civil Rights Act in an effort to address racial, ethnic, class and gender inequality throughout the courts and legal action. In an effort to provide neighborhoods with localized conflict resolution services, multiple organizations sprouted nationwide and community mediation began to take public and sustainable root."

Mediation is not a substitute for court processes intended to promote justice or expose inequality or scrutinise power. For many disputes, however, mediation is a valid and positive option, which is why – together with the ability of mediation to reduce court costs and case backlogs – it is being integrated to an incasing degree into the court system itself. Just as access to justice is considered a crucial feature of a civilised society, so is access to an effective form of dispute resolution.

It is timely to consider how the benefits of mediation for individuals and communities can also be facilitated *outside* the court system. We have seen earlier in this report the profound impact that conflict can have upon lives and how it is neither necessary nor desirable for all disputes to come to the attention of the legal system. Community mediation provides an opportunity for everyone to access a positive, self-determining form of dispute resolution.

Digital inclusion

It is important to ensure that a digital divide does not create its own form of discrimination, preventing those without tech facilities or access to technology from being able to access a community mediation service. One solution could be to lend or provide laptops or other devices to support participation. Another might be the provision of safe civic

spaces to enable access to technology that goes beyond what libraries currently provide, for example. Such spaces would need to offer a confidential and uninterrupted environment in which to take part in online mediation.

Peace Direct, a London-based charity which supports grassroots peacebuilders in areas of conflict around the world, comments in its report *Digital Pathways to Peace*,[2] that "technological innovation has been a powerful democratising force which has opened new avenues and spaces for civic participation ... empowering marginalised voices and enhancing local accountability."

The authors also note that "the increased connectivity has led to the development of powerful online communities who are reshaping the social contract between state and citizenry and are providing key opportunities to build more inclusive and equitable societies."

Promoting dialogue around difference

The scope for community mediation to provide a central space for inter-community discussion and for communities to come together and resolve their differences is broader than that offered by a standard mediation process. Once again, the importance of responding to local needs comes into sharp focus.

As we conducted the research for this report, the importance of dialogue around conflict surfaced as a strand of work that is not "pure" mediation, but which facilitates an understanding of difference and can promote community cohesion. Work funded by four separate EU peace programmes over many years and delivered by Mediation Northern Ireland, in a historically fractured community, is a case in point.[3]

Stephen Ruttle QC, the founder of Wandsworth Mediation Service, sees an increasing polarisation in British society more generally, a view arguably supported by recent hate crime statistics, which reveal an apparent growing inability to engage with difference. He ventures that the demise of community mediation organisations has led to a "civic deficit" and that mediation has the potential to be a "social antibody".

It is important that mediators continue to scrutinise the way that they approach their work, recognising that an issue presenting as conflict, such as a clash of lifestyles, may in fact cloak prejudice and discrimination. Unconscious bias training and having the ability to accurately review the suitability of a case for support from an impartial mediator may be part of the approach to getting this right.

The potential for community mediation to contribute to contemporary society is huge, but this will only happen if it is widely available, if the public are aware of its existence, and if the providers are attuned to diversity.

Public awareness

Raising awareness of mediation is vital to the future development of the mediation sector, a fact acknowledged in the Civil Justice Council Report of 2018.[1] However, the public might well already know quite a lot about the subject, as noted by Sir Mike Penning, MP for Hemel Hempstead: "I know from my postbag the value of community mediation. The public 'get it' too." Many people by now will have experienced mediation following attendance at a mediation information and assessment meeting in the context of a family dispute headed for the courts.

However, careful consideration will need to be given to how mediation is "marketed". It is often thought of as the easy option, but anyone who has participated in mediation will appreciate that this is rarely the case. It can take a lot of courage to attend a mediation meeting where individuals voluntarily strive to take ownership of a dispute. There is no opportunity in community mediation to be supported by lawyers or have an outcome imposed by a judge. So in devising an awareness campaign, as well as extolling the virtues and benefits of mediation, of which there are many, thought must be given to how to best prepare and support individuals for a mediation process.

Cultural change and consensus

Dave Walker explains that conflict between human beings is everywhere: "It's a cultural thing. There is conflict all around us, on the news both international and local, in soap operas, and in our own parliament ... There needs to be a different model for the next generation."

Perhaps the impact of the pandemic – including the technological developments and the mental health crisis that has been diagnosed – could combine with the already problematical level of polarisation in society to precipitate positive cultural change and a greater appreciation of community mediation.

There is certainly growing consensus from within the mediation profession that awareness-raising needs to take place. In the report of the All-Party Parliamentary Group for Alternative Dispute Resolution 2020 the authors state that "policymakers and institutions in the UK . . . should foster a paradigm shift whereby disputes are not viewed solely through a legalistic lens. In part, this will be

achieved through the pursuit of an ever wider and ever deeper range of dispute resolution options."

This comment, while directed towards commercial disputes, also arguably hints at the interdisciplinary nature of mediation and the scope for its broad application outside the legal system.

Similarly, the Civil Justice Council report referred to the importance of public education, applauding peer mediation programmes and initiatives such as Mediation Awareness Week. The report also supported continued efforts to raise the profile of mediation in social and broadcast media.

A Mediation Act?

A particular problem for the entire mediation profession in the UK is that mediation lacks "status". Legislation is one of many approaches that could raise awareness and give a huge boost to the profile of mediation.

In 2017 the Republic of Ireland passed a Mediation Act, whose preamble defines it as "an Act to facilitate the settlement of disputes by mediation, to specify the principles applicable to mediation, to specify arrangements for mediation as an alternative to the institution of civil proceedings that have been instituted; to provide for codes of practice to which mediators may subscribe; to provide for the recognition of a body as the Mediation Council of Ireland for the purposes of this Act and to require that Council to make reports to the Minister for Justice and Equality as regards mediation in the State."

The Irish act deals with the voluntary nature of mediation, the role of the mediator, confidentiality (and its limits), the enforceability of agreements, and the setting up of a Mediation Council. It also looks at issues more relevant to the legal interface; for example, the relationship between mediation and costs. The act provides clarity, light-touch regulation, flexibility and definitions, and overall the

simple fact of state recognition could be said to promote public awareness and to contribute to public confidence.

There is a case for saying that making mediation the subject of legislation would better formalise mediation as a process in the eyes of the judiciary and legitimise it in the eyes of both the public and potential funders.

It is worth noting that an attempt by Margaret Mitchell MSP in 2019 to bring a private members' bill to the Scottish Parliament failed for lack of time. The crux of the proposed bill was the introduction of a new mandatory process which would stop well short of mandatory mediation but would involve the parties attending a court action meeting with a mediator for a "mediation information session".

As a declaratory device to provide status and recognition to the mediation process, legislation need not impact the flexibility of the process itself. With the advent of the Civil Justice Council's report published in July 2021, stating that in principle ADR can be made compulsory within the legal system, there is arguably an imperative to move forward with such legislation.[2]

A Mediation Council?

Historically the various sectors of the mediation profession in England have worked separately to advance the interests of those who specialise in particular mediation disciplines. For example, community mediation was supported through the now obsolete Mediation UK, family mediation through the Family Mediation Council, and civil and commercial mediation through the Civil Mediation Council. This separation has undoubtably strengthened the individual sectors (with the exception of community mediation), but it has also made it harder for the profession to speak with one voice; for example, when lobbying government for shared aims.

A central mediation council with representatives from the various sectors could contribute significantly to raising awareness for the benefit of mediation within and outside of the legal sector.

The establishment of a governing body that speaks with a coherent voice for the various sectors within the mediation profession is something that could be included within a mediation bill. This body could also act as a regulator for the profession, improving confidence in standards and working to raise awareness of the benefits of mediation.

Standards in mediation

Mediation is an unregulated profession and to promote confidence in it as a form of dispute resolution, this situation needs to change. As a minimum, those practising in the field of *community* mediation should have access to the following:
1. accredited training
2. continuing professional development
3. supervision
4. a code of practice that incorporates a complaints process
5. a check by the Disclosure and Barring Service (DBS)
6. safeguarding training

Due to the vulnerable nature of individuals who might access their local community service, this list is perhaps more stringent on safety issues than is needed across the wider mediation profession.

If mediation work is to be regulated, the costs of practising are likely to increase, which brings us back to the issue of the volunteer model. Those who practise as volunteers in a community mediation setting would need to be supported to be able to comply with the rules and to continue to provide their services on a voluntary basis.

Building awareness with the next generation

Nowhere will a cultural shift be better felt than if younger people experience the positive impact of mediation. The benefits of peer mediation programmes to awareness-raising have been recognised by the Civil Justice Council.

10

Peer mediation

Peer mediation is usually delivered in schools and colleges, but can include other youth settings. It seeks to develop a young person's understanding of how conflict arises and how to manage it when it does.

The delivery of peer mediation programmes in schools has been driven largely by community mediation groups, benefiting children, schools, communities, and the entire mediation profession. The programmes teach children to handle disputes between peers and embed a culture of conflict resolution within an establishment.

Skills such as active listening are taught, and as part of learning about the mediation process, children are exposed to a number of concepts, including how conflict can spiral, the importance of empathy, and the importance of not making assumptions about what someone else is thinking. These life skills can go some way to enabling children to avoid

conflict in later life or at least to be aware that mediation is an effective form of dispute resolution.

The mediation process is taught at age-appropriate levels, highlighting concepts such as impartiality, self-determination and ownership of disputes. Becoming a peer mediator may also be a child's first experience of volunteering and of giving something back to their community. Being a peer mediator within a school or college can contribute to a sense of self-worth.

A key component of the success of the project is the enthusiasm with which the recipient establishment supports the

continued fulfilment of the programme and the peer mediators in their roles.

Schools and colleges report huge benefits once a programme has been delivered. "It's great to see how self-motivated the peer mediators are," says one teacher of nine and ten-year-olds at Micklem School in Hertfordshire. "It has helped them develop co-operation and teamwork skills, they look forward to the opportunity to work with others, and they are starting to develop empathy for others. Often I see them playing or developing positive relationships with the younger children, but this could be seen as them pre-empting the need for peer mediation of problems. I also notice that the class as a whole – that includes the peer mediators – are growing in responsibility and strategies for sorting their own disagreements and problems."

Kate Rawson, the early years foundation stage and mental health lead at the same school, reports a similarly positive experience. "The children and I enjoyed our day of training, and the children were very keen to get started in their new role straight away. They are effectively supporting the younger children on the playground, and when I have met with them they report that it is going well and they feel able to help resolve conflict. We are all excited as we have ordered a special outdoor seating area paid for in part by some funding we secured through Feeling Good Week, a week in which we focused on mental health. This will be our special peer mediators' area on the playground so younger children know where to find them."

At Bacon's College in Rotherhithe, London, the programme is delivered to older children in both year 10 and the sixth form. Dave Walker MBE, founder of Southwark Mediation and a director at CALM Mediation, reports how pupils there have gone on to become peer mediators, and in one case a trustee, for their local community mediation organisation.

Peer mediation programmes support youth engagement and promote diversity and sustainability within the community mediation sector. The peer mediation programme at Bacon's College is delivered over four

days and involves an independent assessor attending to evaluate the pupils' progress and "accredit" them as peer mediators. The video at www.youtube.com/watch?v=eVsT-OSEDqrE shows the project in operation.

As we have seen, 20 per cent of organisations who responded to our survey deliver peer mediation programmes in schools, and more than 50 per cent receive referrals from schools and family workers. This last statistic illustrates a growing awareness of the benefits of mediation within the education sector. Conflict is distracting for schools, and disputes between children can disrupt classrooms and sometimes spill over to become community disputes between parents at school gates.

In 2019 Mediation Hertfordshire delivered peer mediation training to twelve schools and 121 children. The pandemic made 2020 a more difficult year to access schools, but the programme was adapted for delivery online and in the eight months from November 2020, 148 children received conflict awareness training, of which 77 children went on to receive the full peer mediation programme. This work was funded by philanthropic grants and local councillors' locality budgets.

Peer mediation programmes delivered by community mediation organisations support the entire mediation profession by raising awareness of the value and efficacy of mediation with the next generation. The final report from the Civil Justice Council Working Group on Alternative Dispute Resolution contains a recommendation relating to peer mediation where the authors advise that "Peer mediation in schools and colleges should be promoted."[1]

To support this recommendation, it will be necessary to consider how that promotion could take place and by whom the work would be funded. Direct funding from the Department for Education for community mediation providers to deliver this project is one option.

Community mediation providers who are interested in expanding their work into this area might benefit from contacting the Peer Mediation Network, which describes itself

as a "group of organisations, professionals and educators collaborating to foster best practice in conflict resolution for young people."[2]

The importance of peer mediation merits further recognition, and the success of recent projects shows how the vitality of the community mediation sector can benefit the entire mediation profession by raising awareness of mediation with its next generation of clients. The last word on peer mediation goes to a group of nine and ten-year-old children in Hertfordshire who have benefited from having peer mediation training:

What are some of the main things you learned?

"How to listen."
"Don't interrupt when someone is speaking."
"Don't give solutions."
"How to position the chairs."
"I learned that I can help other people."
"Don't take sides."

How will peer mediation make your life better in school?

"It will make people more calm."
"It will give the teachers a rest and help children solve their own problems."
"Make play better."
"It will stop arguments from spreading."

What are you looking forward to most about being a peer mediator?

"Having an important role in the school."
"Help my class learn that it's not about winning."
"Helping people to be happier."

Conclusions

Twentieth-century British history tells us that major periods of painful social upheaval can lead to positive change. The trauma of two world wars led to fresh expectations in terms of female emancipation, free health provision and universal education. Maybe that is in part because individuals who suffered so much looked for more from those who led them. Perhaps the peacetime trauma of the Covid pandemic will also create fresh expectations.

The increasing polarisation of society, arising from divisive political change and a growth in extremism, seems to have affected our ability to navigate difference. Calls for increased inclusion and diversity, and a need to support declining levels of mental health, are a consequence of recent division and may lead readers of this report to the conclusion that a new contract between state and citizenry is required to support individuals and communities to flourish. The recommendations contained in this report are capable of being supported by any and all political parties.

Volunteer mediators

The continued operation of community mediation over the past fifteen years in England is in large part testimony to the work of individuals, many of them volunteers, who have chosen to use their skills to support people in conflict. The volunteer model has been vital to enable much of the delivery of community mediation, and yet it has limitations in terms of diversity and resourcing.

Funding

Many independent community mediation organisations who have survived austerity and the pandemic report the struggle of working with uncertain and short-term funding streams. This has a serious impact on the ability of services to develop.

The impact of online dispute resolution

A particular aspect of the pandemic is the fast forwarding of the use of technology for what were previously largely face-to-face interventions, such as mediation. This development has potentially far-reaching consequences for the delivery of community mediation, making the service more cost-effective and accessible. Online dispute resolution also creates a possible dilemma between the potential of a national roll-out of community mediation for the benefit of many, and the potential for this to be detrimental to local intelligence and connections.

Public policy

The time to prioritise mediation more broadly within public policy is now. Community mediation has the potential to provide greater support to the systems of housing, health and community safety, and should be better integrated into public policy to maximise the benefits to these systems and the individuals they serve. The interdisciplinary nature of community mediation means that the Home Office, the Ministry of Housing, Communities and Local Government, and the Department of Health and Social Care ought to consider staking a claim to the benefits of mediation within their planning.

The mediation profession

There has been discussion within the profession about how it should organise itself to speak with one voice to government, something that has not happened to date. Community mediation is not a commercial service, nor is it part of the legal process. Its ability to have an impact on society is broader than that. There is, however, a helpful and growing consensus within the profession as a whole about the multitude of things needed to support mediation, including better recognition of the status of mediation, the importance of raising awareness of mediation, and the importance of standards. The need for research is also part of the consensus[1] and the profession should work together where necessary to bring about greater recognition for this form of dispute resolution.

A mediation council to support the shared aims of all branches of the profession would be welcome.

Research

At a time of budgetary restraint, clear justification for expenditure to put community mediation at the centre of public policy will need to be made available. To move forward, research is urgently required.

Community mediation in the UK has historically suffered from a lack of research for two reasons. First, mediation organisations themselves have neither the time nor resources to carry it out, and second, save for notable examples such as Strathclyde University (and some others), universities have not historically appreciated mediation as a stand-alone discipline. This may change as the value of interdisciplinary research gains favour.

DW Owen from Pengaron Mediation kindly shared for the purposes of this report countless examples evidencing the financial and other benefits of mediation.

From a government perspective it is likely that social return on investment will be at the forefront of research motivation. Although, as John Allison noted in a discussion paper for the London Mediator's Day in 2014, "When mediation succeeds there is no doubt that the risk of costly statutory interventions is removed or significantly diminished. We know that it costs about £40,000 per annum to keep a person in prison, about the same to provide state-funded care for a child, and that such costs are among those that can be avoided by successful community mediation. But if mediation succeeds these negative outcomes do not occur and it cannot be stated with certainty what would have occurred if mediation had not taken place … Evaluation approaches such as social return on investment can be used but are resource intensive, can be criticised for being subjective, and until now have lacked a set of comparable and objective proxies to calculate social impact."

The discussion paper goes on to note that an alternative research approach is the "wellbeing valuation" technique. This is a body of research that was sufficiently rigorous for HM Treasury's Green Book to identify it as a technique that could be developed to provide a reliable and accepted method for assessing financial return on social investment.[2]

John Allison goes on to suggest that a conservative application of the published data in the context of community mediation suggests that the London Community Mediation Council member organisations alone generate community benefits of at least £2 million per year from the mediation services that they provide within Greater London.[3]

The client voice

It is important to hear from individuals about their experience of community conflict and mediation, and from those who have yet to experience it. This may present a research challenge in relation to those with experience, as the mediation process is confidential, meaning that details of what took place and the outcomes are rarely made public. However, a better understanding of the experience is necessary to help shape the right model of service delivery.

Do future users like the idea of a national community mediation service? What might that look like? How many people know about mediation? How many understand how it works? How is mediation perceived? What support do people want from a conflict-resolution service? These are the types of questions that will help to build

an inclusive system. It was not possible to convene large-scale focus groups in the three-month period of this project, but creating them is a vital next step to hear clearly for the first time the client voice in relation to community disputes.

A new system of dispute resolution

In recognition of the founding work that would be required to support the embedding of community mediation and in cognisance of the importance of national resilience at this time in our history, the Cabinet Office may be best placed to oversee and carry out this research prior to any decisions being made about departmental funding streams.

A new system of dispute resolution that is embedded within social systems and incorporated within public policy is no small undertaking. It will not happen overnight. And yet it is not of itself a groundbreaking idea. In some European countries the societal and monetary value of community mediation is officially recognised and receives national backing. For example, in Norway, the national mediation service, Konflictradet,[4] administers a national network of accredited community mediators who are paid by the government's Department of Civil Affairs.

One of the longer-term recommendations in this report is the implementation of a national community mediation service that supports organisations to deliver locally, raising awareness of the benefits of mediation and helping to fill gaps in geographical coverage by offering online dispute resolution. The independence of community mediation services from statutory agencies is desirable to support the impartiality and trust that best underpins the relationship between the mediator and the parties.

None of the recommendations that follow are groundbreaking, but they would be transformative. Just as the National Health Service was hard to imagine for those born in Victorian times, so too a nationwide community mediation service may seem strange to us, but in due course it could be as vital to our identity and philosophy as the NHS is today.

Recommendations

1 Legislation

That legislation be introduced for mediation. This would help to legitimise mediation as a profession, acknowledging its growing importance and raising awareness of mediation both within and outside the legal profession.

2 Research

That a dedicated think tank be set up to review the evidence relating to the benefits of community mediation, to include: (a) qualitative analysis of the benefits of mediation to individuals and systems that goes beyond traditional "social return on investment" models, (b) the convening of large-scale public focus groups, to learn from individual experience around conflict and to assess public attitudes and awareness, to help shape a future system of community mediation, and (c) analysis of gaps in provision in relation to geographical coverage and type of dispute.

3 Governance

That a mediation council be created to support every branch of the mediation profession, with activities to include liaison with government, oversight and regulation, and awareness-raising. Further, that government consider the allocation of ministerial responsibility for mediation, which acknowledges the breadth of the benefits of this form of dispute resolution, beyond the legal process, to support departments with responsibility for health, housing and community safety.

4 National Community Mediation Service

That, following on from the research initiative, a National Community Mediation Service be set up to support gaps in provision across the UK. The service would support geographical areas that have no current provision with an online mediation service, while supporting the setting up of local hubs to benefit specific communities.

5 Standards

That all mediators who provide services to community mediation providers or via a new National Community Mediation Service comply with standards relating to accreditation, undertake continuing professional development, have access to supervision, abide by a code of conduct that incorporates a complaints process, complete safeguarding training, and are checked with the Disclosure and Barring Service.

6 Online dispute resolution

That online dispute resolution (ODR) be incorporated within future accredited training courses, and that existing mediators who wish to practise in this format undertake training to support their professional development and promote confidence in the delivery of ODR.

7 Awareness-raising

That (a) the new National Community Mediation Service sets up a website promoting community mediation to include a "find your local community mediation service provider" portal which defaults to the online scheme where no local provider exists, (b) a social and broadcast media campaign be devised to promote community mediation, and (c) the creativity of the arts also be used to raise the profile of mediation.

8 Peer mediation and education

That peer mediation be promoted to all schools and colleges to raise awareness of mediation and support cultural change around conflict.

9 Setting up new local hubs

That in areas lacking a current community mediation service, communities be consulted for appropriate hubs for new service providers in their local area, to include but not limited to universities and places of worship.

10 Sustainability of existing community mediation services

That current funders, where possible, offer contracts to their local community mediation services of more than one year, enabling the services to plan for strategic development, supporting both standards and service delivery.

11 Health

That health commissioning bodies are approached to recognise the value of conflict resolution to the social determinants of health and to incorporate the provision of conflict resolution services into patient pathways.

12 Supporting mental health around conflict

That community mediation providers invest in the provision of a conflict coaching service for individuals, so that in the absence of both parties being willing or able to engage in mediation, support can be offered to individuals who are suffering from the adverse effects of conflict.

Notes

Preface

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2. *Securing the UK's position as a global disputes hub: best-practice lessons between Singapore and the UK* (All-Party Parliamentary Group for Alternative Dispute Resolution, 2020)
3. *9th Mediation Audit – A survey of commercial mediator attitudes and experience in the UK* (Centre for Effective Dispute Resolution, 2021)

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1. Marian Liebermann, *Community and Neighbour Mediation* (Cavendish Publishing, 1984)
2. T. Marshall, *Reparation, Conciliation and Mediation: Home Office Research and Planning Unit paper 27* (HMSO London, 1984)
3. The genesis of Mediation UK, commonly referred to as an umbrella organisation for community mediation, can be traced back to the National Association of Victims Support Schemes (NAVSS). In the early 1980s NAVSS held meetings attended by probation officers, academics and victim support workers, and the name 'Forum for Initiatives in Reparation and Mediation' (FIRM) was adopted. The basis for FIRM was largely in victim and offender work, but the growing interest in community mediation showed the balance of interest shifting and in 1991 FIRM changed its name to Mediation UK.
4. Sacro supports community mediation services throughout Scotland, irrespective of provider, by resourcing the Scottish Community Mediation Network. This is a voluntary network of community mediation services that meet to share best practice and provide accreditation schemes for mediators, services, and trainers.
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   Daniel Fujiwara is currently a visiting fellow at LSE in the Department of Psychological and Behavioural science and runs a research consultancy into wellbeing, economics, and social value analysis. He has extensive experience in the UK government, where he led wellbeing strategies for the Department of Work and Pensions, the Ministry of Defence and the Cabinet Office.
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3. *Young and Homeless* (The Homeless Link Research Team, 2018)

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2. www.asbhelp.co.uk
3. 'Hate crime, England and Wales, 2019 to 2020' (Home Office, London, 2020)
4. *Hertfordshire Mercury* (2 February 2021)
5. Matthew Heeks, Sasha Reed, Mariam Tafsiri and Stuart Prince, *The economic and social costs of crime*, second edition (www.gov.uk, 2018)

6 Health

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3. *A review of the evidence assessing impact of social prescribing on healthcare demand and cost implications (*University of Westminster, London, 2017)
4. 'HRH Prince Charles and Manchester Mayor Andy Burnham address Social Prescribing Conference' (College of Medicine and Integrated Health, London, 2021)
5. www.cedr.com/commercial/mediationschemes/nhsmediationscheme/#:~:text=The%20National%20Health%20Service%20Mediation%20Scheme%20follows%20a,resolved%20in%20a%20way%20which%20allows%20for%20
6. Alyson Macgregor, National Director of Altogether Better, received an MBE in the New Year's Honours List 2021 for services to "Collaborative Practice and Service Development in the NHS"

7. Jackson is an accredited mediator and has over 20 years' experience working in the public sector: in a mental health trust, in a local authority in England, and in a large community health NHS foundation trust
8. www.england.nhs.uk/integratedcare/what-is-integrated-care/
9. Local JSNA's can be found on local authority websites. These are usually held at a county level or at a unitary level depending on the way in which local government is organised in a particular area.
10. *RSA Journal* issue 1 of 2021, p.42
    Adrian Hosford is Chair of Moodscope and sits on the advisory Board of Talk for Health. He is a campaigner for better interpersonal communication.

8 Diversity

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Conclusions

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Acknowledgements

What if ...?

If 2020 saw 1,462 cases being delivered by about one-third of known community mediation organisations, then we can speculate that almost 4,500 cases took place in that year. To have mediation you need to have at least two parties, but there are often two people representing each party, and sometimes multi-party disputes involve entire streets, so if we ventured that there were 3.5 participants to each dispute, that would provide a direct annual benefit to 15,750 people.

And if we acknowledge that for each party there may be five people in their wider circle who indirectly suffer the impact of conflict, to include children whose life chances are affected, then we could say that 78,750 people benefited from having access to a conflict resolution service. That figure relates to the diminished sector that today comprises just 40–50 organisations. So imagine that there are 250 organisations, as there were at the sector's high point in 2005. We are talking about supporting almost 400,000 people.

Now imagine that we at least double the awareness of mediation for individuals and referrers, and provide a publicised community mediation service. Community mediation could be supporting almost a million people each year. How many GP appointments would that avert? How many evictions would no longer be required? How much homelessness could be avoided? How many crimes would not be committed? How many victims of crime would that save? How many suicides would that prevent? Proving the absence of a negative is difficult. So imagine: how much happier, safer and healthier would people feel?

Community Mediation

Building happier, safer and healthier communities

Mediation Hertfordshire

the Tudor trust