



A Look at Community Mediation in the UK

I. Introduction

At present the Young Foundation is working on a project known as Taskforces, looking at how best to alleviate entrenched neighbourhood conflicts in two London communities. In order to better understand the process of initiating and guiding community discussions the Young Foundation investigated both the principles behind community mediation and the approaches of organisations working in the UK which offer communities such support. Findings that have emerged from this review will be used to inform the Young Foundation's approach to conflict resolution at both one-to-one and community Taskforce meetings.

The UK has experienced a variety of entrenched social problems and tensions at community level in most major urban areas. The UK is also one of the most ethnically, religiously and socio-economically diverse countries in the world, a status which although is not necessarily a cause of conflict, has been cited in many instances as contributing to community-level tension. Disagreements can arise between and within different ethnic groups, between local business leaders and residents, between residents and housing providers and around age, gender, and social class identities.

Community mediation is a dialogue-based method used for resolving inter-personal disputes at community-level among residents, neighbours or other major stakeholders. Common issues dealt with in such mediation include; noise, parking problems, harassment, boundary disputes, anti-social behaviour, dogs and other animals, and the appropriate use of contested public space.¹ Most community mediation approaches are processes designed to support and promote community-based conflict resolution by encouraging people to engage in discussion whilst coming to a better understanding of each others' needs. Significantly the methods seek to avoid apportioning blame.² Mediators are expected to remain impartial and non-judgmental in order to promote positive strategies for responding to conflict. From this dialogue-based approach to community conflict some strategic principles of mediation can be identified.

¹ www.bristol-mediation.org

² www.eynsham.org/mediation.org.uk

2. Strategic principles of mediation

If conflict is considered to be contextually bound, and therefore different from one situation to the next, it would seem inappropriate to apply a rigid formulaic approach to resolution. However, there are some strategic principles that are important to apply to any situation of community mediation, for example:³

- i. **Non-partisan mediators** - absolute impartiality is unobtainable, however it is important to declare to all involved parties a commitment from the mediator to deal with the situation in an even-handed manner.
- ii. **Parties must consent to the mediator** - failure of all parties to consent will lead to a general reluctance to engage in the process
- iii. **Conflict cannot be resolved quickly and easily** - simple solutions and rapid progress are not realistic when psycho-political dynamics are at work in conflict.
- iv. **Parties must own the settlements** - if a mediator forces resolutions on involved parties he or she may be considered partisan and non-effective
- v. **Mediators should not resort to punitive action** - punishment will certainly undermine the mediator's credibility as a peace-broker
- vi. **Mediation is a specialised activity** - personal attributes and skill are vitally important and can be learned through training.

While adhering to these well established principles community mediation may take on a variety of process-based forms. Usually these processes adhere to a general framework that has become well-established.

3. The process of mediation⁴

- **Referral** - in most cases parties contact the service directly
- **Initial assessment and visit** - intake staff at mediation assess whether the case is appropriate for mediation, if so a meeting will be scheduled with the mediators
- **Meeting with mediators** - individual meetings identify and establish each parties' perspective
- **Joint mediation meeting** - if agreed by both parties, a chance for parties to hear each others' side and to work on a resolution that they both find acceptable.

³ Nathan, L. (1999) *When push comes to shove: The failure of international mediation in African civil war*, Vol. 8(2).

⁴ www.ardnow.org.uk

4. The mediation session

The mediator first identifies a neutral meeting place agreeable to all parties. Mediators should always be responsive to the needs of the various parties, and shape the session according to the desires of all those involved. A typical mediation session can last up to two to three hours, but the mediator will gauge the atmosphere and rapport being established between the involved parties and will tailor the process to suit the situation at hand. If requested, representatives of the various parties can bring supporters who simply provide moral support but do not take part in the process on a formal level.⁵ If parties are able to come to a consensus, they then decide whether a verbal or written, binding or non-binding, agreement is most appropriate.

If a joint meeting with the parties in conflict is considered to be unhelpful or risky, then a technique called 'shuttle mediation' is available, in which mediators go back and forth between parties in separate locations.⁶ Mediators in this arrangement pass on messages, exchange information and negotiate a solution. The overall goal of the mediation session is not only to advocate for a solution to a given problem, but to encourage those in dispute to learn how to talk to each other in productive and practical ways.

5. Other considerations⁷

- **Pre-mediation activities** - it is essential to spend time with clients prior to mediation to assure mutual understanding and commitment; non-mediator assessment at times more appropriate
- **Children in mediation** - participation of children is encouraged if they are part of the problem or solution; children can understand and take part constructively in mediation; parents should always be consulted first
- **Criticisms of mediation** - the inability of community mediation to reach out to whole communities and heal community rifts; a lack of success in reducing state control and empowering individuals, tendency to reinforce inequalities between disputants- mediators rhetoric of equality conceals the ability of the more powerful disputant to coerce an agreement that is more in their favour, not enough focus on root psychological or social causes of problems, over-emphasis on cathartic effect of mediation and communication

6. Models

Confidence Building Approach

The following considerations have been derived from a critique of mediation techniques employed in recent African civil wars by various international actors. The 'Confidence Building Approach' grants special attention to various psycho-political dynamics at play. Key principles include:

⁵ www.admow.org.uk

⁶ Gray, J. (2002) *Responding to community conflict: A review of neighbourhood mediation*, Joseph Rowntree Foundation.

⁷ Gray, J. (2002) *Responding to community conflict: A review of neighbourhood mediation*, Joseph Rowntree Foundation.

- understanding, managing, and transforming the “psycho-political dynamics”, which make adversaries resistant to negotiations
- resistance to conflict resolution derives from group concerns that are both psychological and political in nature
- importance of remaining sensitive to the emotional content of conflict and attentive to the procedural dimensions of mediation
- orientated toward raising the parties’ confidence in each other through facilitating dialogue and joint problem solving

These principles are equally relevant at a comparatively small scale-community level.

Transformative Model⁸

The Activist Mediation Network is a UK based conflict resolution volunteer organisation offering mediation services to individuals and groups involved in radical social change by aiming to supporting rather than direct those in conflict. The Transformative Model advocated by this organisation is based on several key principles which include:

- conflict is primarily an aspect of human interaction as opposed to ‘violations of rights’ or ‘conflicts of interests’
- conflict is part of the basic dynamic of human interaction in which people struggle to balance concern for self with connection with others
- conflict tends to destabilise the parties’ experiences of both self and other so that each party feels more vulnerable and self-absorbed
- transformation of the interaction itself is what matters most to parties in conflict
- people have the capacity to regain their footing and shift back to a restored sense of strength or confidence in self (empowerment)
- focus on inter-party perspective taking and shifting toward strength, responsiveness, and constructive interaction

Framework-Based Approach⁹

The Conflict and Change organisation is a voluntary group dedicated to promoting community based conflict resolution based on flexible framework-based approach, in order to help people in dispute talk to each other, understand each others’ needs, and find a way forward. The following framework is used in mediation (see website for detailed descriptions):

- **building trust** - mediation as not impartial, but partial to both views through active listening, cultural awareness, feelings and needs language, pacing and leading, physical rapport
- **opening awareness** - through various skills such as cognitive dissonance, conflict mapping, conflict triangle, feelings and needs language, focusing, forum theatre, immediacy, perceptual positions, positive positions
- **reaching agreement** - likely to be carried out by the parties themselves if previous stages have been successful, important not to agree too quickly
- **practicing co-existence** - assures the parties have the resources to put into practice what they have agreed; use of emotional intelligence

⁸ www.conflictresolutionnetwork.org.uk

⁹ www.conflictandchange.co.uk

7. Conclusions

This paper has underlined some of the key principles and procedures which are generally adhered to during the process of community mediation. These principles are considered by many practitioners to be crucial to a successful resolution of tension. Importantly mediators must be seen to be neutral and impartial in order to gain the trust and consent of all the involved parties. The mediator needs to bring to the table specific skills in building consensus, and must not seek to force parties to accept a particular settlement or take punitive action against those who do not agree. In order for solutions to be effective all parties need to feel 'ownership' of them.

Various models of mediation exist, some based on the experiences of organisations working in conflict zones in the developing world, others designed by organisations working in the UK. Though these all follow slightly different patterns they share some common characteristics, namely that the mediator initially arranges meetings with the involved parties to establish the exact nature of the conflict and the views of each of the stakeholders. When group meetings are held the mediator uses their judgement to shape the meeting to the needs of all the parties, and to support the creation of a constructive atmosphere.

The Young Foundation's Taskforces project is working in two areas of London looking to resolve entrenched neighbourhood problems. The project is likely to develop its own model to tackling such conflict, however many of the principles and methods outlined in this review are likely to influence and be incorporated into the Taskforces approach to meetings with individual parties and collective community meetings.

Mediation Groups in the UK

Activist Mediation Network, www.activistmediation.org.uk

ADRnow, Community Mediation, www.adrnw.org.uk

Bristol Mediation, www.bristol-mediation.org

Conflict and Change, www.conflictandchange.co.uk

Mediation Sheffield, www.mediationsheffield.org.uk

Oxfordshire Mediation, www.eynsham.org/mediation

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