

# SACRO

## RESOLVING NEIGHBOUR DISPUTES THROUGH THE LAW

### DISADVANTAGES:

- Expense can be considerable and is often unpredictable
- Case-law may be complex and the results unpredictable
- Delays can be very lengthy
- The underlying issue may not be resolved
- The dispute is aired in public
- The process is likely to worsen relationships between disputants
- The decision may not satisfy anyone

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## WHAT IS MEDIATION?

- *Mediation* is an effective and informal way of resolving disputes
- *Mediators* are neutral - they don't represent either side
- *Mediators* help people reach agreement - they don't decide
- *Mediation* is mostly about what will happen, not what has happened
- *Mediation* is about both sides gaining something
- *Mediation* agreements are practical and framed in plain language
- *Mediation* helps people deal with other conflicts in their lives

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## USES OF MEDIATION

*Mediation* is used in a wide and growing range of disputes

ENVIRONMENTAL ISSUES

PEER MEDIATION/EDUCATION

COMMERCE

WORKPLACE

NEIGHBOURS

DOCTOR/PATIENT

INTER-AGENCY

FAMILY

VICTIM/ACCUSED

INTERNATIONAL CONFLICT

COMMUNITIES

COMPLAINTS PROCEDURES



### COMMUNITY MEDIATION (ALSO CALLED NEIGHBOUR MEDIATION}

- Specialises in neighbour/neighbourhood disputes
- Usually delivered by community organisation or housing department
- Roots in US immigrant communities in 1900s
- First UK projects in 1980s
- Now three times more services than five years ago
- First two Scottish services 1995
- Currently over 20 Scottish services



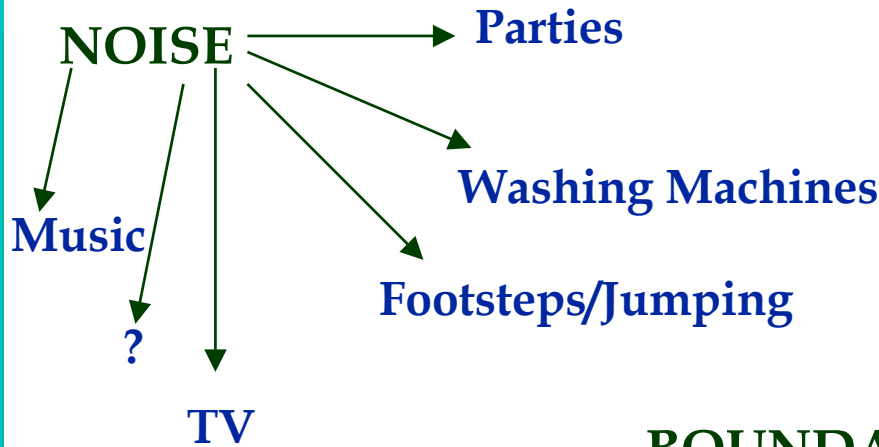
# COMMUNITY MEDIATION SERVICES

## AREAS OF WORK

- Individual Mediation  
(individual neighbours and others in dispute)
- Group Mediation  
(groups of people either in dispute or potentially in dispute)
- Training  
(mediation/conflict resolution training for local people, other agencies, project volunteers. )



# COMMUNITY MEDIATION



CHILDREN

PETS

PARKING

BOUNDARIES

ABUSIVE BEHAVIOUR

RUBBISH/SMELLS

STAIR CLEANING

????????????????????

GARDENS



# COMMUNITY MEDIATION CONSULTANCY

- Referral - self or agency
- Ensure referral criteria are satisfied
- Mediators visit party 1
- Mediators visit party 2
- If both parties agree - mediation session or shuttle diplomacy



# COMMUNITY MEDIATION SERVICES

## TYPICAL OUTCOMES

- **55-70% of cases resolved**
- **This increased to 75-85% if both parties agree to mediation**
- **Two out of three second parties (usually neighbours complained about) are agreeable to mediation**
- **Nine out of ten meetings end up in agreement**
- **Most agreements stay in place for six months or more**

**(Source: SACRO Community Mediation Projects)**

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## CASES NOT SUITABLE FOR MEDIATION

- One party has nothing to gain by resolving dispute
- The dispute has moved to a stage of violent conflict
- One or both parties are interested only in retribution
- There is an important point of legal principle involved
- The dispute is motivated by overt prejudice
- The point at issue is a crucial and non-negotiable one
- One party has severe addiction or mental health problems



## COMMUNITY MEDIATION CONSULTANCY

### MEDIATION IN NEIGHBOUR CONFLICT - IMPLICATIONS

- Early intervention can prevent escalation, so less cases of serious anti-social behaviour
- Mediation places the responsibility for resolving conflicts on those who are in conflict
- Mediation offers an alternative to a legislative approach to problem-solving



## **Community Mediation Consultancy**

**What makes the mediation approach successful?**

**Does mediation both prevent and respond to antisocial behaviour?**

**Is mediation best as part of an overall strategy for tackling antisocial behaviour or as a stand-alone initiative?**

**How does mediation interact with legal responses to antisocial behaviour?**

**Will the provisions in the Antisocial Behaviour Bill impact on mediation services?**

**What are the challenges for local authorities in setting up mediation schemes?**