



Mediation North Surrey

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Helping resolve community disputes
in Elmbridge, Runnymede & Spelthorne

Referring Agencies guide to our neighbour mediation process

This guide aims to help the staff of our Referral Agencies when they are deciding whether to refer a case to mediation by describing the types of case that are suitable for our mediation service, assisting in the completion of the Referral Form and describing briefly how the mediation process works.

Types of case

Suitable cases for neighbour mediation usually involve disputes between two or more neighbouring parties. They may include an issue, such as noise or inappropriate parking of cars in which the characteristic feature is that they are either not capable of being easily resolved by the Referring Agency, or the presenting issue is only a symptom of a wider dispute between the parties, or, although apparently capable of being resolved by formal action could preferably be dealt with by mediation so as not to cause the dispute to become entrenched or occupy the time of officers of the Referring Agency.

As a guide to the types of cases that we deal with we analyse issues into the following categories: noise, relationship disputes, children's behaviour, abusive behaviour and threats, racial harassment, boundary or property disputes, unsocial activities (e.g. untidiness, rubbish, smells), trees (e.g. high hedges), animals and car parking.

Cases involving recent physical violence, alcohol problems affecting one of the parties, current or imminent prosecution in a court of law, or other formal enforcement action, or where either party is too mentally or physically ill to negotiate are usually unsuitable for mediation. Mediation can be offered as an attractive alternative to legal action but if a disputing party has initiated legal proceedings then the mediation process may be affected.

Referral form

The Referral Form should be completed and sent to us electronically. (Hard copy is acceptable only if you are unable to send electronically). When fully completed the Referral Form provides us with all the basic details that we need to assess and, if appropriate, process a case.

Please take care to complete correctly as much of the form as possible as if we have to refer back to you for missing information this will delay the process. Particular details that sometimes get missed are:

- **does each party know about us / been given a leaflet / understand we will aim for a joint meeting / given permission for us to contact them** - the more complete this section is and the more you can inform the parties of the process the better chance we have of a successful mediation. We can supply you with leaflets to give to the parties.
- **telephone numbers** - it is important that we are provided with the correct numbers.
- **e-mail addresses** - if available helps speed up the process and improves communication and accuracy of information. This is our preferred method of communication wherever possible.
- **postcodes** - these help us to correctly locate the addresses for letters and visits.
- **full names and titles of people in each house** - these help us understand who may be involved so we can set up meetings with all relevant persons, and can call or write in a non-threatening manner. Provide first names rather than initials as this helps us to phrase our initial contact in an informal way. Names and ages of any children in the household are useful.
- **an indication of when may be a convenient time to contact/meet each party** - this assists us to allocate each case to the most appropriate mediators taking account of their availability in time and location.
- **Please use the case reference number (see below) each time you contact us about a case.** Please use e-mail to contact us whenever possible. We will keep you informed of the outcome at the end of each case but should you need to contact us during the life of a case please quote our full reference in the subject line.

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Mediation Process

- When a referral form is received the Co-ordinator will confirm that it appears to be suitable for mediation. It is acknowledged and given a case reference number. In the unlikely event that a case is deemed unsuitable for mediation the referrer will be advised of the reason which can be discussed with the Coordinator on an informal appeal basis.
- Where possible, an introductory letter is sent to all parties to acknowledge receipt of the referral and to let them know that we are in the process of allocating mediators and ask for any missing details. Allocating mediators may take some time, since they are all volunteers and they do not operate to set hours (because we aim to be flexible to accommodate parties availability for meetings). This is highlighted in the letter and we ask that referrers and parties are patient. This letter is copied to the referrer, as are most letters.
- If the Referral Form states that both parties have agreed that the mediation service can contact them the case is allocated to a Lead Mediator who is responsible for the case administration (setting up meeting dates with parties, organising a meeting place for a joint meeting and keeping the Co-ordinator informed as the case progresses).
- The Lead Mediator will make initial contact with all parties, normally by telephone, to confirm details of suitable meeting times, parking arrangements at their premises, etc. and to allay any concerns. The Co-ordinator is then requested to provide a Co-Mediator who is available to attend meetings at the times and place that suit the parties. The Lead Mediator may need to refer back to the Referral Agency for some assistance if any of the parties prove to be unwilling to participate.
- Parties should be advised that the introductory contact will be restricted to details of setting up the first meetings and should not expect to discuss their case at that stage.
- The Lead Mediator will aim to set up initial meetings back-to-back in order to hear both/all sides at a similar time and also to minimise travel time and expenses.
- Initial meetings take place at the party's own premises and generally last no more than one hour. There is usually one initial meeting per party.
- At the conclusion of the initial meetings all parties are invited to participate in a joint mediation meeting. If they are all agreeable the Lead Mediator agrees a date and time with all concerned and then books a suitable venue convenient for all concerned.
- Following the joint mediation the Lead Mediator advises the Co-ordinator of the outcome and, if an agreement has been signed by all parties, provides the mediation agreement. The Co-ordinator writes to the referrer giving basic result normally in the form of a copy of the closing letter to the parties. A copy of any written agreement will be sent to the parties and may be copied to the referrer if the parties have all given permission.

Joint meetings generally take place at a neutral venue as convenient as reasonably possible for the parties and normally last no more than two hours. There is usually one joint meeting, although further meetings can be arranged if necessary, either to continue the mediation or at a fixed point in the future to confirm progress or for other reasons as necessary. If parties cannot be in the same room as each other then shuttle meetings can take place, in which the mediators literally shuttle between rooms or premises. This is not ideal as the aim of mediation is to help parties relate to and understand each other better and for going forward but can still bring about successful mediations.

The process may deviate according to various outcomes at any stage. Shuttle telephone mediation may take place; we may see only one party or may achieve agreement prior to a joint meeting; one of the parties may decline to proceed after the initial meetings; there may be more than one initial or joint meeting; the means of communication may vary depending on appropriateness; there may be a written agreement; there may be several interested parties so that we need to designate a 'speaker' to represent several parties, and so on.

We generally send feedback forms to parties and referrers so that we can learn from the responses and continue to improve the service we provide. We also send parties a form to invite them to support us if they wish - such as volunteering time or sending a donation.

- For more information on what mediation can and cannot achieve, please visit www.mediate.me.uk