



# 2 Choosing a Model of Service Delivery

## Community Mediation Guides

These booklets cover a range of issues related to the setting up and running of community mediation services in Scotland, as well as broader issues in community conflict resolution.

**sacro**

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THE SCOTTISH  
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## Introduction

This guide is the second in a series of six which cover a range of issues related to the setting up and running of community mediation services. Although hard to quantify exactly, all the available evidence seems to indicate a significant upward trend in the incidence of neighbour disputes over the last ten years and particularly since the COVID-19 pandemic. The resulting challenge presented to social housing providers and other agencies is considerable. These guides originally formed a part of a broader initiative by Sacro and the then Scottish Executive to assist social housing providers in meeting this challenge.

In recent years, Scotland has seen a revival of community mediation services – several have restarted after years of absence, and so the relevancy and value of these guides continues.

## Scottish Community Mediation Centre

The Scottish Community Mediation Centre (SCMC) provides high quality training and consultancy work in the field of Community Mediation, constructive conflict resolution and Restorative Justice.

SCMC is managed by Sacro and we provide services to a wide range of national, international and local government agencies as well as bodies such as charities, social housing providers and police.

The Centre acts as the administrative base for the Scottish Community Mediation Network and its accreditation schemes.

We offer a range of resources on all issues around constructive conflict resolution in neighbourhoods.

Training, advice, guidance and assistance are available to mediation services, social landlords, and all other agencies concerned with neighbourhood conflict.

## 1. What is Community Mediation?

Community mediation, or neighbour mediation as it is sometimes known, was developed in the 1980s as a response to increased concern at the level of neighbourhood disputes. It is now a widespread and well-established tool for dispute resolution, with hundreds of community mediation centres operating both in the UK and the rest of the world. In Scotland alone, thousands of neighbour disputes have been handled by mediators, most involving two sets of neighbours, but some involving whole neighbourhoods of fifty to a hundred or more households. Community mediation in Scotland has its own umbrella body (Scottish Community Mediation Network) which administers a stringent accreditation scheme for mediators and mediation services.

Community mediation services deal with a wide range of neighbour disputes, all of which will be familiar to social housing providers. Most services cite noise as being the main presenting problem (normally around 50% of all cases), but disputes around children, boundaries, use of common areas, abusive behaviour, vehicles, rubbish, pets, and a wide variety of other issues are all commonplace. Some disputes can be seemingly trivial and short-lived (although trivial disputes can often get out of hand), others are serious and chronic, making the lives of all involved a misery and taxing the resources of the police, housing officers, social workers and other public agencies.

A trend throughout Scotland has been the rise in disputes between neighbours from different tenures. It is a mistake to think that neighbour conflict is solely located in the social housing sector, and police, advice agencies, housing officers and environmental services staff have all pointed to disputes between owner-occupiers and tenants as being an increasing problem; mediation is frequently the only satisfactory method available to deal with such disputes.

Mediation works according to the following principles:

- > Mediators are impartial – rather than representing the interests of one party they are there to help everyone reach an agreed way forward and understand each other better.
- > The mediation process gives everyone involved the opportunity to be fully heard, and to hear - usually for the first time - other sides of the story.
- > Mediators do not pass judgement or impose solutions – the people involved are helped to voluntarily take responsibility for finding a practical way forward. Mediators are there to offer skilled assistance and support.
- > The dispute is not aired in public – mediation is private, involving only the mediators and the parties to the dispute, and mediators act under a robust code of confidentiality.
- > An important part of the mediator’s job is to identify and help resolve the underlying causes of a conflict as well as the symptoms – mediation agreements are aimed at long-term solutions.
- > While mediation usually involves discussion of issues around past events, its main focus is on what is going to happen and how people will behave towards one another in the future.
- > Because mediation is informal it can be a quick and comparatively cheap method of resolving disputes.

## 2. Models of Service Delivery

As with other forms of social intervention, there are different models of delivering a Community Mediation service. These models, all of which have been used to a greater or lesser extent in the UK, have been developed for a variety of reasons, ranging from ethical considerations to community development principles or frequently simple pragmatism. Each has its champions and critics, and inevitably each has its own strengths and weaknesses. It is not the purpose of this guide to evangelise for one or other of these models, but rather to assist social housing providers to ask themselves the appropriate questions in reaching any decision.

### 2.1 Independent Community Mediation Service

This model involves a service being set up as an independent charity, either in its own right or as part of a larger charitable organisation. The service will have its policy governed by a committee or board of directors, often consisting of representatives of both community groups and statutory organisations, and will normally utilise a mixture of paid staff and volunteers from the community it serves. Referrals are generally taken both direct from the public and from a range of public agencies, and the service will usually be open to clients from all housing tenures.

Funding will typically come from local or national government or charitable sources. Although independent services often work to service level agreements or contracts, and have formal referral procedures with local government and other public agencies, there is generally no direct external control over issues of policy or governance.

#### Advantages

- > Services are more likely to be seen as neutral by clients and referring agencies.
- > Services can be flexible in response to local needs.
- > There is inbuilt community involvement.
- > Community skills are boosted through the training and involvement of local people.

#### Disadvantages

- > Funding can be uncertain.
- > There is no direct local authority control over service delivery.

## 2.2 In-House Community Mediation Service

In this model mediators are directly employed by the local authority, with the service normally located within the housing department or anti-social behaviour team. Mediation is sometimes carried out by staff, sometimes by volunteer mediators recruited from within the community, and sometimes by a mixture of both. The service will operate within and be guided by the authority's management structure and overall priorities. In some cases referrals are taken from clients of all tenures, in others they are restricted to council tenants only. Funding of the service will be direct from the council itself.

### Advantages

- > Funding can be more certain.
- > Staff can be free from fundraising and management issues.
- > There is direct local authority control over service delivery.
- > Services can be tailored to overall council strategies.
- > Services can access the resources of other council departments (e.g. personnel, marketing).

### Disadvantages

- > Services are less likely to be seen as neutral by communities, clients and referring agencies.
- > There can be a clash between service priorities and overall council priorities.
- > Access to charitable funding is very restricted.



## 2.3 Training Existing Staff to be Mediators

Sometimes used as an interim measure by both local authorities and housing associations, this model seeks to train existing staff to become mediators in addition to their other duties.

### Advantages

- > Costs can be minimised.
- > New organisational or departmental structures are not required.
- > Mediation can be more easily integrated into the culture of an agency.

### Disadvantages

- > Services are less likely to be seen as neutral by communities, clients and referring agencies.
- > There can be a clash between an individual's role as mediator and their other role (e.g. housing officer).
- > There are likely to be competing time priorities.
- > There may be little or no community involvement.

One adaptation of this model which seeks to avoid the difficulties of a clash of roles is that of the 'mediator bank'. Here, two or more organisations will combine to train mediators who will be used via a reciprocal agreement to mediate cases for each other.

## 2.4 Using Freelance Mediators

This model uses freelance mediators to provide mediation services, usually engaging their services on a case-by-case basis. Freelance mediation is often provided by individuals or companies operating on a for-profit basis, but is also in some instances provided by independent charitable mediation services. The mediators are directly paid by the agency engaging them, often a housing provider.

### Advantages

- > Costs can be minimised if mediation is required very infrequently.
- > New organisational or departmental structures are not required.

### Disadvantages

- > There is no community involvement.
- > There is no element of community development.
- > There may be little or no local knowledge.
- > Costs can be high if mediation is required more than infrequently.
- > Commercial pressures can affect the quality of service.

## 2.5 Summary of Available Models

All models have been implemented to a greater or lesser extent, and all are capable of delivering successful services in the right circumstances. There is little in the way of recent research but in their research paper for the Scottish Office (Resolving Neighbour Disputes Through Mediation In Scotland' Central Research Unit 1999), Jim Dignan and Angela Sorsby stated that the independent model was “most likely to be able to satisfy the exacting requirements of ensuring adequate procedural and ethical safeguards for clients”, and went on to suggest that independent services appeared to be more capable of handling a higher volume of cases; similar conclusions on impartiality were reached by Marian Liebmann in “Community and Neighbour Mediation” (Cavendish 1998).

We have seen, however, that this model does have potential disadvantages, and that the alternative models described have their own advantages. In Scotland there are successful in-house schemes which address issues of public perception, and there are currently models being developed which will train existing staff and at the same time strive to ensure impartiality and adequate mediator support by providing external mediator supervision.

Selection of an appropriate model will depend not only on ethical considerations but also practical ones, and these will be examined in section 4.

## 3. Common Requirements

A more important distinction between services than the type of model adopted is the distinction between services which have adequate values and policies/procedures, and those which do not.

### 3.1 Standards

In their Practice Standards for mediation services, Scottish Community Mediation Network list the following essential standards:

#### Core Standards

All services should have the following characteristics:

- > Free at point of delivery – the service should not charge individuals for standard mediation services.
- > Open and accessible to all residents – there should be no discrimination between tenures.
- > Operating within an appropriate ethical framework - mediators act within Scottish Mediation’s ‘Code of Practice for Mediation in Scotland’.
- > Impartial – services should be committed to acting without favour towards or against either party. This will involve a degree of visible independence or autonomy.
- > Committed to quality and safety of service – services should ensure staff are adequately trained, supported and supervised, the service operates within legal requirements, and all paid mediators are either accredited under the SCMN Mediator Accreditation Scheme or are in the process of seeking accreditation.
- > Community based – services should have clear, direct links to the community they are working in.

## Specific Standards

### Staff recruitment and support:

- > A comprehensive written job description and job specification as well as clear terms and conditions of employment.
- > An induction process that familiarises post-holders with the organisation, its policies and methods of operating and identifies initial training needs.
- > A formal procedure of support and supervision with the opportunity to reflect on individual practice and continued professional development requirements.

### Recruitment and support for services using volunteers:

- > A volunteer contract or equivalent, outlining rights and responsibilities.
- > An induction process that familiarises post-holders with the organisation, its policies and methods of operating and identifies initial training needs.
- > A formal procedure of support and supervision with the opportunity to reflect on individual practice and continued professional development requirements.

### Mediator Training:

- > A requirement that all service mediators undergo adequate mediation training of at least 30 hours and delivered by trainers with direct experience of working in the field.
- > A facility for ensuring that inexperienced mediators have the opportunity to shadow/co-mediate with experienced mediators.
- > A requirement that all mediators undertake at least twelve hours a year of CPD.

### Equal Opportunities/Access to Services:

- > Good accessibility for people with mobility restrictions or arrangements in place whereby they can easily use the service.
- > Service publicity is targeted sufficiently and appropriately for its intended client group, and is available in other languages/media.
- > The service is covered by an active equal opportunities policy and staff/volunteers are given adequate equal opportunities training.

### Safety:

- There is an active service policy covering personal safety and health & safety in the work environment.
- The service operates risk assessment procedures for casework activity.
- Staff and volunteers are given adequate personal and health & safety training.

### Referrals Policy:

- There is a referrals procedure covering the steps to be taken and any indicators of suitability/unsuitability for mediation.
- Referrals are accepted via post, telephone and e-mail.
- If referrals are not accepted a clear reason is given to the individual/ agency making the referral.

### Case Management System:

- There is a written description of the case management process clear enough to be understood by new mediators and support staff.
- The process specifies the criteria for accepting/rejecting cases, allocation of cases, how and when contact will be made and any service practice guidelines to be followed.
- There is a case record system, which identifies what stage a case is at, and actions taken to date.

### Confidentiality/Access to Records:

- The service has a clear policy on confidentiality, available to clients and referring agencies and covering circumstances where confidentiality may be broken (e.g. child abuse, harm to clients, serious crime).
- The service has a clear policy on access to records available to clients and referring agencies and complying with the requirements of the Data Protection Acts.
- Mediators and support staff are aware of and follow the service's policies on confidentiality and access to records.

### Monitoring and Evaluation:

- There is a statistical recording system for cases which records case numbers, nature of dispute and outcomes.
- There are systems in place for the monitoring of standards of casework (e.g. client questionnaires, sampling procedures) and the service has a customer complaints procedure.
- The service undertakes periodic reviews of its performance in relation to case activity, outcomes, and profile of clients.

## 4. Selecting an Appropriate Model

### 4.1 Assessing Options

It is difficult to be precise about factors influencing the likely demand for services as this will depend on a range of local factors, which are not always easy to quantify. The following should therefore be seen as a broad aid to analysis rather than as a prescriptive calculation to be followed exactly in every case.

### 4.2 Population

The first and most obvious factor to be taken into account is the population to be covered by the mediation service. This will point to the likely number of cases a service will be required to handle, thus giving one indication of the most relevant model. The following is suggested as a starting point in matching demand against service delivery models:

Case volume (per annum)	Delivery model
1-10 cases p.a.	Freelance mediators
10-30 cases p.a.	Training existing staff as mediators
30-80 cases p.a.	Small independent or in-house mediation service (co-ordinator plus one staff member or group of volunteers)
80-200 cases p.a.	Medium independent or in-house mediation service (co-ordinator plus two staff members and group of volunteers)
200+ cases p.a.	Large independent or in-house mediation service (co-ordinator plus three staff members and group of volunteers).

It is clearly problematic to generate detailed estimates for likely demand in areas where there has been no previous service, and to calculate the effects on demand of factors such as local health profiles, unemployment rates and housing conditions (see section 4.3). Mediation UK, the former national umbrella body for mediation and mediation services, recommended that a mediation service should exist in all areas covering a population of 50,000 to 100,000. Sacro's calculation, which is based on the experience of four of their Scottish mediation services, is that for services covering all tenures a ratio of one case to every 1000 – 1500 residents may be realistic. This, however, is based on the number of cases completed, and not on the total potential demand: mediation services normally operate to full capacity and because of this often do not prioritise advertising their services.

### 4.3 Socio-Economic Factors

Although neighbour conflict is by no means restricted to the more deprived sections of the population, factors such as unemployment rates, poverty and health require to be taken into account. It is undoubtedly the case that the levels of stress experienced by those suffering from poor socio-economic conditions can in themselves make neighbour disputes more likely to develop and less easy for those experiencing the resulting conflict to resolve successfully. This has been reflected in the experience of Scottish city-based mediation services who report higher numbers of cases originating from areas of deprivation.

### 4.4 Geographical Factors

Services are considerably easier to deliver efficiently in closely grouped areas of high population density. The problems of delivering a service to more widely scattered populations are those affecting any form of service provision where the service is taken to the client. Both mediator time resources and travel budgets will need to be adjusted to take account of long travel distances, and in situations where service areas are predominantly rural and widespread, the ratio of cases per mediator will need to be modified. In low population density areas where total population levels are very small, the occasional use of freelance mediators may be the only practical option (although unit costs will be very high): in areas with low density but higher overall population consideration should be given to the training of existing staff or to establishing independent or in-house services which are peripatetic, possibly through the use of sub-offices.

### 4.5 Community Development Factors

If a council has placed community development as high on its list of priorities, it is likely to want to reflect this in its choice of an appropriate community mediation model. As has been described, neither the model using existing council staff nor the use of freelance mediators has any significant community development potential.

Some in-house services, on the other hand, will train and use local volunteers, thus increasing local skills basis. This advantage is also offered by the independent model; independent services in Scotland use volunteers extensively, as well as engaging with the community in other ways such as involvement in policy direction and joint work with community groups.

## Further Information

For further information please contact:

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