Written evidence from the London Community Mediation Council

London Community Mediation Council

The London Community Mediation Council (LCMC) is an association of the principal community mediation service providers in Greater London. LCMC’s member organisations represent more than 300 active community mediators. Details of LCMC’s membership and its core objectives are attached.

A number of the LCMC member organisations are active restorative justice practitioners, and all of its members are community mediation service providers.

Through contact with other independent community mediation groups and through its organisation of the London Mediators Day annual conference (over the past 12 years), LCMC is well placed to provide an informed view on community mediation and restorative justice.

Executive summary

Restorative justice is part of community mediation. The majority of community mediation work addresses emerging and ongoing conflicts and seeks to resolve them effectively by agreement between the parties in dispute, thereby avoiding the need for statutory interventions. Restorative justice is the element of community mediation that addresses the aftermath of crime and seeks to reduce the harm it has done.

Both require the skills and experience of independent community mediators who are themselves members of a wider profession that includes civil, family and workplace mediation.

Community mediation and its benefits are poorly understood and inadequately funded. There is a pressing need for improved understanding of the benefits of community mediation generally and restorative justice in particular.

This requires a nationally recognised national umbrella organisation to provide a voice for community mediation (including restorative justice) and to promote consistently high standards of service delivery.

Additionally there is a need for systematic and adequate long term funding for community mediation (including restorative justice) by local authority agencies registered social landlords, the police and prison and probation services.

There is a consensus that community mediation and restorative justice are valuable. But it is necessary to demonstrate their value in monetary terms using a suitably robust scientific method, so that the return on investment can be demonstrated simply, effectively and confidently.
Written Evidence

1. Community mediation removes the debilitating effects of community and neighbour conflict across a broad range of social and domestic issues. A significant proportion of such conflicts, if left to escalate, are potential precursors to intervention by statutory agencies and the judiciary. In general, community mediation seeks to resolve conflict and achieve outcomes that avoid the need for statutory or judicial intervention. Restorative practice is part of that process.

2. Restorative justice (for victims and offenders) is the element of community mediation that deals with the situation after a crime has been committed. The crime cannot be undone but the harm done can be ameliorated. Benefits of restorative justice include improved well-being for both the victim and offender and reduced risk of re-offending.

3. Most of the work carried out by community mediators and restorative justice practitioners is done on a voluntary basis through service providers operating on a not for profit basis (charities). The practitioners themselves are highly trained and experienced and a significant proportion of them also work as paid professional mediators dealing with civil, family and workplace disputes.

4. The benefits of community mediation in terms of improved community cohesion and prevention of crime are very significant. Yet community mediation is poorly understood and under-utilised. Additionally, its practitioners are poorly represented and regulation is not systematic or consistent.

5. One of the key principles of community mediation is the independence of the mediators. It is found that parties are willing to cooperate and engage more constructively with mediators who are known to be independent, as opposed to mediators who belong to an authority with statutory powers of intervention such as the police, various other local authority agencies, and registered social landlords.

6. Mediation agreements reached by parties following mediation by an independent service provider are likely to be more effective in terms of implementation than those reached by mediators belonging to an organisation with powers of enforcement. This is one of the areas where the present approach to restorative justice can be open to criticism. The use of independent practitioners for restorative justice should be the established norm.

7. However, work in the independent community mediation sector (including restorative justice) is poorly funded and this is reflected by the lack of understanding of its utility and value. As a result of cut-backs in local authority spending and lack of consistent financial support, many independent community mediation service providers are in financial crisis and several have either closed or are facing the prospect of closure. As a consequence, valuable professional resources and experience in community mediation are under threat and may become in short supply.

8. This prospect is detrimental to community cohesion and community well-being and will undoubtedly increase demands on the public purse and increase pressure on the police, local authority services and the judiciary.

9. The difficulty in quantifying the monetary savings to the public purse achieved by community mediation is related to the difficulty in proving a negative. The interventions avoided cannot be costed directly, and potential funders are not motivated to attempt to assess the benefits of community mediation by means of a complex analysis using social return on investment techniques.
10. What is even more poorly understood is the monetary value of the beneficial impacts on the parties who are affected directly by the outcomes of community mediation. These range from improved health, improved work performance and improved living standards to numerous other improvements in quality of life arising from specific outcomes of the mediation process.

11. The overall monetary benefits of community mediation (including restorative justice) is the sum of both parts (savings to the public purse and monetary value of outcomes for the parties). Yet no systematic and scientific attempt has been made to evaluate the latter.

12. Based on the foregoing, what is needed is:
   - A system for defining the professional codes and standards of service delivery for community mediation
   - Systematic, consistent and appropriate long-term funding
   - A greater understanding by statutory authorities and other funding bodies of the overall monetary benefits of community mediation (including restorative justice)

13. The key to this is:
   a) Creation of an appropriate national umbrella organisation that will provide a recognised authoritative voice for community mediation (including restorative justice) and promote consistently high standards of professionalism.
   b) Provision of systematic long-term funding through local authority agencies such as community safety teams, community police, the prison and probation services, relevant social service departments, and registered social landlords.
   c) Funding contribution and support for a research project to establish and disseminate information on the monetary value of community mediation and restorative justice, based on the well-being valuation method that is recognised as a suitably robust tool by the Treasury’s Green Book (1)

14. The pathway to 12 above requires dialogue between the Ministry of Justice and the various organisations within the sphere of community mediation that currently exist.

Reference

1. The Green Book: appraisal and evaluation in central government
   HM Treasury, TSO, April 2013

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