

MEDIATION INFORMATION SERVICE IN CIVIL CASES PILOT SCHEME

As a result of the success in the family courts, the National Mediation Providers Association (NMPA) has agreed to pilot a similar mediation information service in civil courts, with the endorsement of the MoJ. The major difference between this and the family scheme is that the pilot scheme will be provided free by volunteer mediators, so there will be no cost either to the parties or to the HMCS. It will have minimal or no impact upon court staff or the judiciary in terms of interfering with their busy work schedules.

The service will be co-ordinated by the NMPA. An area co-ordinator appointed for each court will liaise with the court manager to agree days/half days in any given week when there are sufficient suitable civil listings for mediation to be considered. The co-ordinator will draw up a rota of mediators from the local mediation providers all of whom will be accredited by the Civil Mediation Council. One of those mediators will be in attendance on every day required.

The meetings with the mediator will cover information on the mediation process, outlining its advantages and invite the parties/legal representatives to agree to try mediation. Since their case itself will not be discussed there is no issue with regard to confidentiality, so the parties do not need to be seen in a private room if there is not one available. A “corner” of a waiting room, possibly with a screen to provide a divide, is all that will be required. Their representatives may or may not wish to be present.

If the parties agree to mediate, the mediator will refer the case to his/her provider to make the necessary arrangements for the mediation. Standard fee rates will apply, based on the National Mediation Helpline charges, and the parties will have been advised of these at the meeting. Those unable to afford to pay for a mediation, will be referred to LawWorks for assessment for pro bono mediation.

The parties and/or the mediator will, in due course, advise the court when the mediation has taken place and if the case has settled.

District Judges are simply asked to consider which cases on their list for the day might be suitable for mediation and to encourage the parties to seek out the mediator then and there.

Some District Judges may like to consider meeting with the mediator before commencing their list to familiarise themselves with the local providers and/or discuss any potential cases for mediation, with no confidential details being passed to the mediator at that stage.

It is intended that the pilot scheme will run for 6 months and then be evaluated and a report produced as to its effectiveness.