



RESPONSE OF THE LAW CENTRES NETWORK TO THE CONSULTATION DOCUMENT
“THE CIVIL MEDIATION COUNCIL AND ACCREDITATION”

A. Name and address of individual/organisation answering.

Law Centres Federation (trading as Law Centres Network)
62 Great Eastern Street
London EC2A 3QR
Contact Name: Cathy Gallagher

B. What is the nature of your involvement in the mediation world? Indicate whether you are a mediator, mediation provider, mediation trainer, non-lawyer user of mediation or lawyer user of mediation

The LCN is not one of the bodies listed. We provide training and consultancy support to member Law Centres on professional accreditation and qualification systems. We represent the interests of Law Centres to the Solicitors Regulation Authority (SRA) and the Legal Aid Agency (LAA) and we are an accrediting body for all Law Centres under SRA Code of Practice Rules. The LCN is also an accrediting body for Solicitors’ continuing professional development training courses.

Our Law Centre members are lawyer users of mediation services to a limited degree; member organisations advise and give assistance to citizen users of mediation; individuals employed in Law Centres are trained in mediation skills. We anticipate that they will seek accreditation for themselves or for their Law Centre or community organisations with increasing frequency.

C. Are you a member of the CMC?

No.

D. Are you content to allow your views to be made public on an attributed basis during or at the end of the consultation?

Yes.

E. If the answer to D above is no are you prepared to allow your views to be made public but on an anonymised basis?

1. Do you think that there needs to be a voluntary system of annual accreditation available to individual mediators?

Yes.

2. Do you think the CMC is the right body to be providing such accreditation?

Yes, during this next stage of development of the sector. Longer term we would support a system of Quality measures that provides a Quality Mark or Quality Standard from a body that is to some extent independent of provider representatives. The sector is dominated by larger provider organisations that, as mediation services grow, could come to represent the self-interest of their members rather than the interests of service users.

3. Do you think that the CMC would be right to base its standards for accrediting individual mediators on the existing standards of the provider accreditation scheme? Alternatively should the CMC establish fresh standards?

LCN is less concerned with the arguments about one or two layers of individual or provider accreditation, and most concerned that mediators providing a service to the public are accredited with a clear and measurable standard of quality of service delivery. We draw a comparison with the Law Society implementation of the LEXCEL Quality Standard which is perceived by our members to have improved providers' evaluation of their own practice through a comprehensive, realistic and practical measure of practice management. That standard can apply to a whole firm practice or to a sole practitioner.

In relation to establishing fresh standards, the deliberations to reach this stage of the current CMC consultation have taken several years. We recommend continuing to progress incrementally to bring providers up to an acceptable level of standards, initially through a uniform accreditation scheme. If the CMC are guided by the values set out in Section 2.3 of this Consultation this should not be difficult or unwieldy. A provider accreditation scheme would give emerging organisations and mediators a standard towards which to aim. From this a uniform and clear set of standards or Quality Mark could be progressed for both new and current organisations and individuals alike.

4. Do you think the CMC would be right to delegate the assessment of individual mediators for this accreditation to providers? Alternatively should the CMC establish a wholly new central accreditation system?

With the correct level of non-costly oversight and verification, and when the straightforward values set out in Section 2.3 of this document are applied to achieve an

acceptable threshold level of practice, we see no reason to have separate assessment systems. Verification and enforcement of standards will be where the quality will be established. This could be via the CMC or another organisation.

5. What further comment do you wish to make as to proposals for the annual accreditation of individual mediators? Please explain your views.

We recommend that the CMC recognise there is likely to be an increase in those who mediate in workplace mediation and in social welfare areas of law, as a result of the closure of access routes to representation and advice, and as the Government supports alternative dispute resolution. Traditionally, those working in these areas have been peripheral to the debate and discussions in the larger civil courts and criminal mediation sector. New entrants will be from the legal professions and will also need regulation or oversight, particularly as their service users can come from the more vulnerable sections of citizen communities.

The CMC may well want to invite input from providers in their growing sector. Some individuals will have gained experience in volunteering in mediation in established not-for-profit ADR providers such as Bolton Mediation and Yorkshire Mediation. We do not here provide any representations on behalf of such organisations but seek to emphasise that individual mediators from non-CMC providers are familiar with systems of accreditation and their views can add value to discussions about opening up access routes for service users.

We repeat the comments above as to ensuring affordable and accessible quality standards.

6. Do you agree that there should be a system of accreditation available for mediation training courses?

Yes, accreditation or a Standard Quality Mark and for the same reasons as set out in previous answers. Training sets values and standards and must reflect the aspirations of the mediation community.

7. Do you think the CMC is the right body to be providing such accreditation?

Yes, for reasons discussed above, and recommend that incrementally there should be a move towards a separation of the networking and peer support function of the membership organisation of the CMC from the functions of oversight and implementation of standards.

8. Do you think that the CMC would be right to base its standards for accrediting mediation training courses on the existing elements of the provider accreditation scheme? Alternatively should the CMC establish fresh standards?

We have no strong views as to the standards of existing providers for or against this proposition. We repeat here the response in Question 3 above and apply the same to training courses.

9. What further comment do you wish to make as to the accreditation of mediation training courses? Please explain your views?

The experience of the LCN and its members is that when new accreditation is introduced and then implemented, this inevitably leads to expensive and expanded new training courses, often dominated by a limited set of consultants. The CMC should steer clear of any preference for-, or recommendation of-, a small range of providers, and ensure that the field is broad, that there is access to affordable and appropriate courses. Thus the capability and experience of those providers working in the non-lawyer-led mediation schemes that use lawyers, should be considered.

10. Do you think it would be right to establish a Mediation Standards Board enjoying a degree of autonomy from the CMC with powers to set standards and hear complaints?

Yes, but to move toward this continuously and by a staged progression of standard setting, by the CMC formalising the accreditation process and then establishing a Quality Mark Standard.

11. What in general do you consider to be the merits of or problems with a proposal for a Mediation Standards Board? Please explain your views.

The limitations are the potential cost for small organizations and individuals if the standards are made too complex; the resistance of the traditional for-profit provider organizations and individuals; and the high costs of mediation. Any introduction of new standards is bound to increase costs. We recommend that accreditation should not be renewed every year but every third or fourth year. The experience of the process for those of low or no income will be very limited and thus difficult to evaluate in order to improve standards. This is particularly so if the 'cocktail' of membership fees, accreditation fees and implementation of quality standards attract higher costs in mediation services. The result could be to continuously exclude low- or no- income households from using accredited systems.