

INTERIM REPORT ON THE CMC QUESTIONNAIRE

1. Introduction

The CMC conducted an online survey of opinion. The period for responses ended on 16th. October 2009. The survey forms part of the CMC's continuing consultation exercise.

What follows is a short and to some extent provisional summary of the results prepared by the Board together with a selection of the text answers. This report is designed to give a broad sense of the survey's findings in as brief a format as possible.

The full results of the survey will be made available in xl format on the CMC website as soon as possible. As well as the detailed breakdown of the answers to the multiple choice questions all of the extensive text answers given by respondents will be available there. No information will be disclosed which could directly or indirectly enable any of those answering to be identified.

The Board draws the following initial conclusions from the survey:

- (1) It has been a valuable sample of opinion in the mediation community: respondents were by no means limited to the CMC's members. On the other hand the responses probably do not represent a sufficient sample of the opinions of customers (or would-be customers). The Board and the Communications Committee will consider further research focused on this constituency in the new year.
- (2) There is very strong support for all the CMC's current objectives and activities¹ with overwhelming support² for the CMC's objective of broadening and deepening the use and understanding of mediation. Lack of public understanding and awareness was widely identified as one of the major problems facing mediation³. The CMC's growth target for mediation received significant approval⁴
- (3) There is broad support for the current system of provider registration.⁵

¹ The answers to Q9-Q10 show that two of the CMC's principal objectives were rated "very important" or "important" by 97% of the respondents; three by between 86% and 90%; and the sixth (which related to the encouragement and promotion of teaching and academic research in the area of mediation) by 77%.

² 75% of respondents regarded this as "very important".

³ See the answers to Q11-Q12. 77% considered that inadequate awareness of mediation among disputants and their advisers was either a "very serious" or a "serious" obstacle to the further development of mediation.

⁴ Q13: 73% support.

⁵ See the answers to Q16-Q17. 90% of respondents regarded this as "very important" (39%) or "important" (51%).

- (4) There is strong support for the operation of complaints systems in respect of mediation providers⁶.
- (5) There is also strong support for the CMC to embark on publishing registers of:
 - (a) individual mediators⁷; and
 - (b) approved mediation training providers⁸.

There was also support for the introduction of a complaints system in respect of individual mediators.⁹ There appeared to be an acceptance that this would involve some element of “regulation” and that the operation of the registers would require judgments to be made and standards to be applied, however lightly.¹⁰

- (6) Many Respondents added text answers where the opportunity arose: these were often forceful and almost universally well-informed. A sample of these is included in this report.¹¹
- (7) The answer to Q31 shows that 37% believed that the CMC could have a role in supporting and promoting neighbourhood and community mediation.

2. The Responses

Who answered? (Questions 1 – 7)

This was an open questionnaire with no entry qualifications (save that only one response could be lodged from any one computer). Because of multiple answers to the initial questions it is not possible to be definite about the size or the relative proportions of the constituencies that answered the questions.

⁶ See the answers to Q20-Q21. Of the 83% of respondents who expressed a view on this issue nearly 90% thought that there should be such a complaints system. Over two thirds of those who expressed a view on a later question believed that the CMC was the appropriate body to administer it.

⁷ Q22 – Q27: 78% support

⁸ Q28-30: 83% support

⁹ See the answers to Q26-Q27. 85% thought that there should be such a system for individual mediators and 74% thought that the CMC was the best body to administer it.

¹⁰ 84% of respondents considered that the imposition of some minimum standards for training providers was welcome and overdue. 69% thought this to be “very important and 15% “important,” 74% agreed with the proposition that the CMC could not place “just anybody” on a register of individual mediators and that “some standards would have to be imposed and policed”.

¹¹ While what is intended to be a fairly representative sample of these answers has been included in this report, they represent the views of individual respondents only, and must not be allowed to detract from the force of the collective answers that are recorded.

Its circulation was in the first place to CMC members and to certain specific organisations such as the CBI and the two halves of the legal profession. Members were invited to circulate the questionnaire further, particularly if possible to users or potential users of mediation. It is difficult to know how far this occurred. Inevitably some of the subject matter will have deterred many outsiders who did receive the link.

It is not clear that the ambition of reaching outside the “mediation community” was achieved. The text answers suggest fairly strongly that it was not.

Statistically:

- exactly 500 answers were received
- 371 people answered in complete form;
- The remaining 129 completed the form but did not leave names; it has been decided to include those answers for the purposes of this summary.
- 118 of those answering with names were individual members of the CMC
- At least 351 (70%) were individual mediators. (“At least” because a number of those answering question 6, the residual category, were also mediators. They may have misinterpreted “individual” as meaning “independent” in question 4).
- 176 answers were given by Respondents who said they “were” mediation organisations.
- Among these organisations were 43 of the CMC’s 83 member organisations. 63 other organisations also responded.
- 261 of those answering answered the question intended for “users” of mediation. However, it appears that many mediator respondents also identified themselves as users and this question may have caused confusion.

Importantly there were no significant differences of view by reference to the categories of respondent as identified by these initial questions. For example if you take the responses of those who say they are either individual mediators or those who say they are users the spread of views is effectively the same for each separate group (i.e. the same or within one or two percentage points) as for the whole. Hence this document will simply refer to the views of the respondents without distinguishing among them.

As a significant sample of opinion within the mediation community the exercise has been useful and provocative. It is indicative that the text answers are often forceful and are plainly well-informed.

Areas of activity (Q7)

Respondents were asked:

Please indicate in which area or areas of mediation activity you or your organisation are principally interested or involved. You may mark more than one box:

Commercial including insurance	69%
Professional negligence	44%
Personal injury	23%
Employment / workplace	36%
Community	27%

The percentages are self-explanatory.

The 144 Respondents who identified other areas of activity listed a rich variety of other areas of work. These included:

- Construction disputes
- Health service
- Local government
- Family
- Community
- School and peer mediation
- Victim/restorative

Awareness of CMC (Q8)

Respondents were asked:

Were you aware of the existence and activities of the Civil Mediation Council prior to receiving this Questionnaire?

Yes	75%
No	25%

Apart from membership, (the most common reason for awareness of CMC) a number of Respondents had heard of the CMC through their organisations or their training providers. (CIARB, Bar). Favourite answer: "Um ... I founded it".

Objectives (Q 9 – Q10)

Respondent were asked:

The Civil Mediation Council at present regards its principal objectives as including the objectives listed in the table below: Please indicate in respect of each of them how important you think they are.

Answer Options	Very Important	Important	Not Important or no view
To promote public understanding and awareness of mediation as a dispute resolution technique	75%	22%	3%
To ensure that the Civil Justice system (including the Tribunals system and other dispute resolution systems) make the best possible use of mediation to reduce cost and delay to the citizen / litigant	65%	32%	3%
To ensure the highest standards of competence and integrity within the mediation profession	59%	31%	10%
To advance as far as possible mutual understanding and support between the relevant Government agencies and the mediation community	35%	52%	13%
To represent the views of the mediation community to the Government in relation to all relevant areas of Government action	38%	48%	14%
To encourage and promote teaching and academic research in the area of mediation	25%	52%	23%

A ranking may be said to emerge in these answers to the effect that the CMC's most important objective is promoting the awareness and use of mediation. But all of the objectives are supported and none of them are regarded by any very substantial group as "not important".

95 Respondents made comments as to other important objectives. These included firm statements opposing the CMC becoming in any way a regulatory body and equally firm statements suggesting that the CMC should set up a system of national registration and professional qualifications. Most of the contributions were detailed proposals as to how the CMC objectives should be carried out rather than suggestions of separate, new additional objectives.

Problems faced by Mediation (Q11 – Q 12)

Respondents were asked:

Please look at the following statements about problems or obstacles that are faced by further development of mediation. Please indicate in respect of each statement how serious you think the problem referred to is:

Answer Options	Very Serious/ Serious	Not Serious/ Not a problem
"Inadequate awareness and understanding of mediation among disputants and their advisors"	77%	23%
"Lack of accessible information about mediation and ADR"	46%	54%
"Lawyers discouraging mediation out of self-interest"	60%	40%
Inadequate awareness of and encouragement for mediation among Judges""	55%	45%
"Too many mediators chasing too little work""	56%	44%
"Too many mediations being carried out by the established few"	66%	34%
"Lack of accessible and objective information about the qualities of individual mediators"	55%	45%
"The way work is distributed under the National Mediation Helpline"	58%	42%

The weight of opinion was that all of the problems were either “serious” or “very serious” except for “lack of accessible information about mediation and ADR” as to which 54% of those expressing a view thought that it was either “not serious” or “not a problem”. 127 respondents listed “other significant problems faced by Mediation”. These included the following:

“Where I have attended mediation with an NMH imposed mediator I have experienced some truly dreadful mediators. If I am able to choose a mediator who is competent and whom I know from experience and reputation I would gladly choose him, as would my opponents.”

“The pressures to turn it into a “proper profession”, which will turn the focus of all to the internal politics of the ultimate professional body instead of helping clients resolve their issues.”

“The allocation of mediation cases by NMH is difficult since most parties have not been asked if they wish to participate in mediation and much time is spent in educating and seeking their commitment to mediate”.

“Small claim disputes have been directed towards government employed mediators rather than “private” mediators who worked free of charge and at no cost to the tax payer”.

“I am concerned that competition amongst qualified mediators to get experience, never mind actual work, is now so intense that fees may be driven down to a level where I would be unwilling to continue to offer my services.”

“The cost of mediation is prohibitive to some parties.

“Mediators come into the market with little quality training, so the public perception of mediation is starting to decline.”

“I believe the “sham” mediation needs to be tackled. This is where one side simply pays lip service to the mediation process”.

“The repeat mediators can be formulaic and that is not always appropriate. Education, education, education of Judges, Solicitors, Barristers and industry sectors.”

“Knowledge of individual mediators’ experience and background is vital information which should be used when selecting a suitable mediator.”

“Too many diverse organisations giving training and awarding qualifications. Lack of a single professional body.”

“Over representation on the CMC by those calling themselves senior mediators and involved with CEDR, MATA and the like. Too many lawyers on the CMC. Not enough diversity on the CMC. Too much focus on London.”

“No accountability where poor service is provided. Not clear what professional standards are maintained for those not subject to external ethical standards.”

“Most HR guides for annual performance management review provide a list of the “core” qualities needed by the organisation concerned with notes on how to evaluate performance against them. Perhaps the CMC needs to start work on developing something similar.”

“Obtaining funding to keep mediation Organisations afloat”.

“Your own organisation has only become known to me through this questionnaire, and I am a Mediator”.

“Since there is no regulation to curb the churning out of new mediators, the community will, unfortunately, continue to grow whilst the available opportunities to practice mediation will be a distant reality for many.”

“If the public are going to be encouraged or even compelled to use mediation they have to be sure that the mediators are of sufficient quality and integrity. In the end individual registration and regular training and monitoring is going to be the only way. ... grasp the nettle.”

“In Community Mediation there has been a total vacuum of coordinated action and representation since the demise of Mediation UK. ... we do feel that if you wish to represent the whole of the UK mediation community you will need to more actively recognise this area too.”

“The market will sort itself out. All CMC can do is to try to help widen the market and to encourage mediators to get off their “butts” and promote themselves rather than complain that they have not got any work. It is offensive to those who have developed a successful practice to suggest that too many mediations are being conducted by too few people ...”

“The CPR or Primary Legislation should set out a compulsory requirement for disputants to attend an information giving meeting with a mediator prior to the issue of proceedings ...”

“Almost no referrals to mediation by arbitration panels”.

“The risk of an encroaching FSA style regulation which will do little other than to drive up cost and encourage “box ticking”, and result in little more than a bolt onto the court system. Any regulation should be of a “light touch”.”

A target for mediation growth (Q13)

Respondents were asked:

The CMC has set itself a target of growing the number of civil mediations by 15% per year. Do you think it is appropriate for the CMC to set itself a target of this kind?

Yes	73%
No	27%

Constituencies the CMC should reach (Q14-15)

Respondents were asked:

There are a number of different constituencies to which the CMC might address its efforts in trying to reach this target. Nine of them are listed below. Please indicate below how important you think they each are:

Answer Options	Very Important	Important	Not Important
Judges	50%	43%	7%
The Ministry of Justice	42%	44%	14%
Legal profession	60%	36%	4%
The other professions	38%	52%	10%
Mediation providers	18%	39%	43%
Mediators	16%	40%	44%
Members of the public	46%	41%	13%
Local authorities	48%	43%	9%
Trade unions and business associations	50%	45%	5%

Respondents were asked whether there were any other constituencies that the CMC should be addressing in order to achieve its target. 105 Respondents made comments. These included the following:

“There are associations such as the GC/100 which represents the general Counsel of the FTSE 100 companies which should be considered, along with other associations of legal advisers.”

“The users above all the rest. They pay the fees, they get the outcomes, they will come back for more!”

“Large businesses, NHS and Government Departments”.

“HR Directors, CFO’s CEO’s, sport and captains of industry.”

“Parliament.”

“Students of law and other subjects”.

CMC activities (Q16-17)

Respondents were asked:

At present the Civil Mediation Council carries out a number of specific activities in pursuance of those objectives. Some important examples are listed in the Table below. Please indicate how important you think they each are:

Answer Options	Very Important	Important	Not Important
Maintaining and publishing a register of mediation providers, at present in the form of separate registers for workplace/employment mediation providers and accredited mediation providers	39%	51%	10%
Holding an annual mediation conference as well as other Seminars and Forums relating to specific mediation topics or specific industries	19%	57%	24%
Liaising with the Government in relation to the proper response to the EU Mediation Directive	33%	59%	8%
Liaising with the Government in relation to the proper management of the National Mediation Helpline and the distribution of work under the NMH	34%	58%	8%
Promoting the understanding of mediation within the legal system, and in particular in meetings with the judiciary	52%	41%	7%
Distributing and making available information and resources in relation to mediation and good mediation practice through the website and the newsletter	38%	55%	7%

Respondents were asked whether there were other important tasks that the CMC should be undertaking in which it was failing to undertake. 72 Respondents made comments. These included the following:

“The CMC should be lobbying and influencing government policy around education in order to embed mediation/ADR within learning objectives in education at all levels.”

“Compulsory mediation at allocation questionnaire in all civil claims.”

“This all sounds very top-down. I appreciate the importance of working within/alongside the legal system, but mediation is only going to thrive in the long-run if members of the public demand a mediation service as an alternative to going to court ...”

“The small mediation providers, it might be useful to set up fora wherein mediations can get together to de-brief, receive supervision.”

“Communication is not great with members – it very often looks like the CMC is a closed shop to members once the elections are over.”

“The CMC could really up its game on its website ...”

“Communicating good stories in the media.”

“It is an opportunistic or anecdotal agenda rather than one which seeks to influence events strategically.”

“Mediation lacks credibility amongst those who are not part of the “cognoscenti” because it has no profile and no “image” or “presence”.”

The register of providers and the complaints system (Q18-21)

Respondents were asked:

At present the CMC publishes registers of mediation providers. (There are two separate registers, one for workplace / employment mediation providers and one for CMC accredited civil / commercial mediation providers). In relation to the registers of mediation providers presently maintained by the CMC do any of the following reflect your views?

Answer Options	Agree	Disagree	No View
"The registers are useful and work well"	15%	21%	64%
"The threshold standards for these organisations are so low and so hard to enforce that they offer no meaningful assurance as to the quality of the provider or its mediators"	29%	24%	47%
"The present system is principally a source of information for the public rather than a form of regulation"	54%	10%	36%
"To police a stricter standard would be beyond the capacity and resources of the CMC"	31%	22%	47%
"The CMC cannot perform the regulatory function of publishing the registers and at the same time function as a body promoting mediation and mediators."	30%	40%	30%

Respondents were asked whether they had any specific views about the current registration schemes operated by the CMC. 66 respondents answered that they did. These included the following:

“The requirements of having at least 5 civil and commercial mediators within a group offering mediation is restrictive. Good mediators are left out in the cold by this requirement.”

“A bare listing of names and website addresses does not give the level of assurance that users would like, in my opinion.”

“Registration is all very well, but to keep lists without enough work is a waste of time and money.”

“Frankly, they give a false assurance of quality control that in reality is not there.”

“The CMC has neither the capacity nor the capability to establish or manage the standards of mediators or mediation providers. The resources would be better directed at marketing mediation.”

“The current registration scheme is a start, however, higher and stricter requirements need to be placed on providers.”

“The criteria for inclusion in the register seemed too lax”.

“Either CMC should retreat entirely from such an approach and be a trade body only, recognising that someone else will at some point fill the gap, or it should adopt a growth path toward the gradual introduction of standards, recognising that this will take time and may need to be on a differential basis but with some common core standards and requirements.”

"I do not believe solicitors will be influenced one way or the other by registers, I think they are far more likely to ask colleague's view about the quality of the mediator they are considering instructing."

"The standard is set to the lowest common denominator and therefore is meaningless."

Respondents were then asked:

The CMC operates a complaints system for mediation users in respect of mediation providers.

Answer Options	Yes	No	No View
Should there be such a system?	83%	10%	6%
Is this system adequate?	17%	9%	74%
Is the CMC the appropriate body to administer such a system?	47%	20%	33%

Respondents were asked whether they had any further comments in relation to the complaint system in respect of mediator providers. 51 said that they did. They included the following:

"Anything is better than nothing provided that it treats all involved with demonstrable fairness".

"I do not believe that organised complaints systems of this sort do more than give an appearance of dealing with issues. In many ways I think clients are better served by dealing directly with service providers who fail them ..."

"The mediation providers should operate their own complaints system with an external element. I do not think it is an appropriate role for the CMC."

"It is possible to create a complaints system without breaching confidentiality but it needs thought."

"If the CMC is to be the accrediting body it makes sense for it also to be the sanctioning body and its complaints system provides a basis for that."

"It should be a selling feature that if you buy mediation from a CMC member you have this complaint system to fall back on."

"So as long as the complaints process is dealt with by a separate committee, it is appropriate for the CMC to have oversight of this".

"There should be a separate professional body to the CMC which could provide the regulatory function and receive complaints about its members."

"It fails almost every test of a good complaint system. See "Principles of good complaints handling" by the British and Irish Ombudsmans' Association."

"It is not unusual for an inexperienced party to reach agreement in a mediation and later to regret the settlement. It is important to bear in mind that the only course of action open to such parties is often to complain about the mediator."

A register of individual mediators? (Q22-27)

Respondents were asked:

Do you agree with the proposition that the Civil Mediation Council should publish a register of individual mediators?

Yes	78%
No	22%

Do any of the following statements reflect your views? Please complete each line.

Answer Options	Agree	Disagree	No View
"A register would be useful simply as a source of publicity / information for the mediation community and its customers"	73%	18%	9%
"A register would be useful as a form of regulation to establish and uphold standards of quality and integrity"	47%	39%	14%
"The CMC is the right body to publish such a register"	55%	16%	29%
"The CMC should not perform the regulatory function of publishing a register of mediators and at the same time function as a body promoting mediation and mediators."	32%	49%	19%
"Because the CMC could not place "just anybody" on the register it is inevitable that some standards would have to be imposed and policed. The result would be a form of regulation"	72%	15%	13%
"The register could operate on a basis purely of self-certification and would not need to be policed at all"	20%	64%	16%
"The register could operate to certain minimal threshold standards without becoming a system of regulation"	52%	33%	15%
"The register requires a single standard. A single standard cannot cover a range of activity which includes for example both neighbourhood and commercial mediation"	29%	53%	18%
"Without such a register the only public information about individual mediators is that available in the directories about the established few"	56%	26%	18%
"The most likely form of the register, a simple alphabetical schedule of names, would offer little additional information to a potential user of mediation services given the information already available about individual mediators"	57%	25%	18%

Respondents were asked whether there were any other arguments for or against a register of individual mediators. 66 said that they did. They included the following:

"It would be better for the CMC to act as an overall body for the profession and leave it to the mediation providers to maintain their own registers according to guidelines from the CMC. For resource and other reasons the CMC would do better to focus its efforts on the mediation providers rather than individual mediators."

"A register can exist as a depository for information (user feedback for example) without necessarily imposing any form of regulatory control".

"One could surely easily include a profile of each practice, even if just that provided by the registrant."

"A register would create a bigger gap between the select mediators who undertake mediation on a regular basis and those who don't."

"A register would be biased towards those with last names beginning with the letter 'A'."

"The truth of the matter is that most mediations are in the gift of the legal professionals and they are unlikely to refer to a CMC register, so what is the real purpose of it?"

"Buyers of mediation services need to know what they are getting. Currently this only exists for a select few. The CMC should focus on creating a "kite mark" that enables mediation consumers to know what they are buying."

"It would be impossible to maintain and extremely costly".

"The answer is again obvious – a tight register." Do not give into the established groups by wimping this issue."

"I work as a volunteer in neighbourhood and work place mediation ... I mediate for some pretty unpleasant, or needy and vulnerable individuals. If they knew my surname or anything about me they would track me down and possibly try to establish a relationship with me or harass/intimidate me."

"So what goes into the register needs to reflect what the mediator is formally trained and accredited to do but also the competencies being offered as a result of their wider experience that may have application in new or marginal areas of dispute prevention and resolution."

"I think there are plenty of public sources of information about individual mediators already. I don't think aggregating the information is a meaningful use of the CMC's time, capabilities or brand."

"Another question should have been asked first – what is the role of the CMC? The answer is "trade association" and it should simply be information on a voluntary basis for users which is not in any way warranted by the CMC. If CMC is to be more than a trade association then the potential for a mediator list should be the subject of a discussion paper which identifies alternative routes and timetables towards adopting some standard of quality and their consequences."

"Why doesn't the CMC operate the same system as the Bar Council list of barrister/Mediators?"

"One possible way forward may be for the CMC to hold a simple register of individual mediators but to indicate on this those who are recognised by independent regulatory mediation bodies such as the College of Mediators. This "badging" system is used by the Scottish Mediation Register and would allow CMC members to choose to subscribe to external verification of their training, supervision, CPD's and adherence to a code of ethics ..."

"We have discussed this before and the mediation community ... have said they did not want it".

Respondents were asked

Do you think that there should be a register of individual mediators but that the CMC is not the body to publish it?

Answer Options	
Yes	7%

Those Respondents who answered yes were asked who should publish such a register. This has included the following:

"A newly created body of the sort that exists in Scotland".

"It would have to be an independent body that could liaise with all bodies of qualified mediators".

"The CMC needs an offshoot with its own committee who publish the register."

"An organisation that is independent of the CMC".

Respondents were asked:

Should there be a complaints system for mediation users in respect of individual mediators?

Answer Options	Response Percent
Yes	85%
No	15%

If you answered yes, is the CMC the best body to administer such a system?

Answer Options	Response Percent
Yes	74%
No	26%

A register of mediation training providers? (Q28-30)

Respondents were asked:

Do you agree with the proposition that the Civil Mediation Council should publish a register of approved mediation training providers?

Yes	83%
No	17%

Do any of the following statements reflect your views? Please complete each line.

Answer Options	Agree	Disagree	No View
"In the face of enormously wide variation in among other things duration and method of assessment in mediation training there is a strong public interest in providing such a register"	67%	17%	16%
"It will be very difficult to develop a consensus as to the minimum requirements for a mediation training course"	38%	50%	12%
"Such a register would give both potential mediators and those who subsequently use them some assurance as to the quality of training"	75%	14%	11%
"Such a register would bring unwelcome rigidity where at present there is a welcome diversity of approach"	21%	62%	17%
"The CMC should not perform the regulatory function of publishing a register of training providers and at the same time function as a body promoting mediation and mediators."	25%	53%	22%
"The register could operate to certain minimal threshold standards without becoming a system of regulation"	55%	27%	18%
"The register could operate on a basis purely of self-certification and would not need to be policed at all"	19%	63%	18%
"The imposition of some minimum standards is welcome and overdue and would be a significant benefit of introducing the register"	69%	15%	16%
"There is ample published information available as to the different training courses available as well as word-of-mouth recommendation"	26%	50%	23%

Respondents were asked whether there were any other arguments for or against a register of mediation training providers. 34 respondents indicated that they did. They include the following:

"Again I think this is a matter of timing. In the early days and with enough resources the CMC is okay setting this up. At some time, the CMC may need to review which of its functions is most important to pass regulation and complaints to another body."

"All of the above should be performed by a national council for mediation standards and all training and mediation – regardless of type of mediation – should be carried out to those standards."

"It is obviously a good idea to have basic, established standards of training and to be able to say whether those standards are met by individual providers. If that is what is intended, then

it is a good idea. However, my own experience of mediation training tells me that longer, more expensive and complex courses are not necessarily any better ..."

"Training seems to be a vital element of revenue generation for some mediation providers but there seems to be too much emphasis on "initial training" and not enough "continuation training".

"Just because someone has done a training course doesn't make them a good mediator!"

"I would warn against standards being developed by academics who have never had any experience in the teaching and assessment of individuals and Mediators."

"Hold a CMC mediation training forum or "big tent" to thrash out the issues."

"There is a complete lack of easily comparable information and it is very difficult for an intended mediator to benchmark the available course."

Neighbourhood and community mediation (Q 31)

Respondents were asked:

Do you consider that the CMC could have a role in supporting and promoting neighbourhood and community mediation?

Yes	37%
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Respondents were asked to indicate what kinds of assistance the CMC might provide in these areas. The answers included the following:

"Registration, information – as the workplace."

"Community schemes have struggled since the demise of MedUK to have a voice and cannot organise themselves to sing together. ... it does not help that the CMC seems to have a heavy lawyer influence, this was part of the reason for the demise of MedUK."

"If its role is to promote mediation, it should look at all areas of mediation, especially since neighbourhood mediation is the way in which many people experience this process."

"Provide a list of suitable qualified mediators with appropriate training"

"Lobbying at local government level"

"CMC could do much to assist in promotion and support of these services by disseminating information about them, keeping a specific register of such bodies, assisting with the provision of training materials and speakers, helping them to set standards for their own mediators, and providing a route of recognition and accreditation of those mediators."

"Many community mediation providers operate in comparative isolation. There could be significant benefits from having some sort of central hub ..."

"I am concerned about the CMC seeking to take on too many responsibilities as an organisation with virtually no funding; I also worry about it becoming a bureaucracy out of touch with its members."

"Raising awareness, perhaps using its website to list relevant schemes."

"Yes, publicise our work and recommend our service to potential clients (such as local authorities, the police, public bodies such as the NHS etc.)."

Other issues or changes? (Q32)

The Respondents were asked whether there were any other issues that the CMC should be aware of or changes that it was thought the CMC should make which had not been adequately covered in the questionnaire or any answers otherwise given. 37% answered. These include the following:

"I am unsure what status the CMC has, and I doubt that its management and governance arrangements are sufficiently strong or well devised. I am concerned about the lack of accountability and transparency that applies to the CMC."

"The CMC should encourage and be involved in the setting up of a national council for mediation standards in the UK."

"I believe the mediation agreement should permit a mediator to certify that both parties have genuinely attempted to settle the dispute ... this could be considered by the trial judge when costs are considered ..."

"Why didn't I know about the existence of the CMC given that I have been working as a community mediator for 15 years? My fault or yours?"

"I am relatively new to mediation and I am currently establishing my practice. Professional credibility is key and to have the backing of an organisation such as the CMC is both comforting and vital."

"Frankly, while one should not try to stop people getting training, the numbers of mediators being produced now compared to the numbers of mediations is frankly out of proportion. ... the truth remains that even getting observed mediations is difficult, never mind paid mediations ..."

"I do not think this questionnaire directly responds to the challenge set for the board at the last EGM which revolved round whether the association is to be only a trade association or whether it is to have a wider remit. The obligation placed on the board was in my view to manage the kind of informed debate which a questionnaire alone cannot satisfy and which runs the risk of a kind of groundhog day approach to the future of the mediation profession."

"I am sorry to say that feedback I have had on the CMC is that it is becoming a bit of a talk shop with no decisive action being taken."

Civil Mediation Council
9th. December 2009