

News Release

Scots support use of mediation for resolving disputes

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A new survey has found that the majority of Scots would consider using mediation to resolve disputes with employers, neighbours, tradesmen, shops, hospitals and schools.

The survey, carried out on behalf of the Scottish Consumer Council, found that 59% of those polled would consider using mediation to try to settle disagreements.

The SCC says the findings offer strong evidence of the interest in mediation as it renews calls for such services to be made more widely available across Scotland.

This is believed to be the first survey carried out in Scotland to gauge public opinion on mediation. The results are being released today to coincide with the start of the Scottish Mediation Conference being held in Glasgow.

Mediation involves an independent person (the mediator) listening to both parties involved in a dispute and helping them come to an agreement. The main strengths of mediation are that it offers flexibility and focuses on what parties want to achieve; it provides informality and privacy; and it can be quicker and cheaper than resorting to legal action through the courts.

Mediation has flourished in countries such as the United States and Australia and, although its use is increasing in Scotland, it is still not widely available nor clearly understood as an option for handling disputes of all kinds.

The SCC survey, which was carried out by TNS System Three, asked a representative sample of just over 1000 Scots about their awareness and perception of mediation.

It found that 57% of those polled had heard of mediation with awareness highest among older Scots and those from higher income groups. People from the west of Scotland had the lowest levels of awareness.

Once the process was explained, 59% of people said they would consider using such a system to resolve disputes. Interest was highest among 35-44 year olds (71%) and those from higher income groups (67%). It was lowest among those over 65 (43%), those from lower income groups (53%) and 16-25 year olds (54%).

Most people said they would be interested in using it for disputes with an employer or a neighbour. Family disputes and those affecting children or relationships were the least popular, although almost a third of people still said they would consider mediation for these.

Three years ago the SCC produced a report calling for the greater use of mediation services across Scotland. It said then that the main stumbling block to the greater use of mediation was a lack of awareness among both the public and professionals that such an alternative exists.

This is borne out by the survey which found that 43% of those polled had not heard of mediation. The SCC chairman Graeme Millar said: " Mediation has been shown to be effective in so many different spheres and it is disappointing that four out of ten Scots still have not heard of it. Once it is explained to them, the majority of Scots say they would be interested in using such a system. Two clear messages emerge from this –we need to do more to raise awareness and we need to make mediation services more widely available.

"In our report three years ago we called for a large scale publicity campaign to be mounted in Scotland on the benefits of mediation. We also called for improved public funding to expand mediation services. Both of these are as relevant today as they were then.

"Since then the Scottish Executive has expressed its support for the greater use of mediation. It has, for example, put more money into community mediation, and has introduced a new duty on local authorities to provide mediation services to help resolve disputes between parents and schools. These developments are very welcome, and we would like to see this government support extended into other areas to make mediation a viable option for people to use with all manner of disputes."

Ewan Malcolm of the Scottish Mediation Network, which is organising today's conference said: "The Scottish Mediation Network welcomes this useful

research. It provides a credible benchmark for our work in raising public awareness of mediation as an additional option for resolving differences.

“Mediation is a voluntary process. This means that both parties have to be willing to try mediation. As 43% of people have never heard of mediation and 38% say they would not consider using it, the chance of finding two willing parties is reduced, so we need to continue working on improving public awareness of mediation”

Ends

About the Scottish Consumer Council

The Scottish Consumer Council was set up by the government in 1975 to promote the interests of consumers, particularly those who experience disadvantage in society. While producers and suppliers of goods and services are usually well organised when protecting their own interests, individual consumers very often are not. The people we represent are consumers of all kinds: they may be council tenants, patients, parents, solicitors' clients, public transport users, or simply shoppers in a supermarket. We speak up for them by communicating with the professions, industry, business, local authorities and central government, using careful research and persuasive lobbying.

The SCC policy report *Consensus without Court*, published in 2001, considered how the increased use of mediation might be encouraged in non-family disputes in Scotland.