

**Independent College Dublin****Assessment Cover Page**

	<i>Student A</i>	<i>Student B</i>	<i>Student C</i>	<i>Student D</i>	<i>Student E</i>
Student Number(s):	<input type="text" value="51710218"/>	<input type="text" value="# here"/>	<input type="text" value="# here"/>	<input type="text" value="# here"/>	<input type="text" value="# here"/>
Student Name(s):	<input type="text" value="Javiera Carrasco"/>				
Lecturer's Name(s):	<input type="text" value="Sharon Morrissey"/>				
Module Name:	<input type="text" value="Dissertation"/>				
Assignment Title:	<input type="text" value="Community Mediation in Ireland. From theory to practice in community mediation centres"/>				
Due Date:	<input type="text" value="5&lt;sup&gt;th&lt;/sup&gt; November, 2021"/>				
Date of Submission:	<input type="text" value="Enter date submitted here."/>				
Requested Word Length:	<input type="text" value="18.000"/>				
Actual Word Length (excluding list of references):	<input type="text" value="18.935"/>				

Check you have used the following file name convention: ☒ **Checked**

*surname\_student ID\_.doc or .docx*

**INTELLECTUAL PROPERTY STATEMENT**

By checking the box below: I/we (if submitting on behalf of a group) certify that this assignment is my/our own work and is free from plagiarism. I/we understand that the assignment may be checked for plagiarism by electronic or other means and may be transferred and stored in a database for the purposes of data-matching to help detect plagiarism. The assignment has not previously been submitted for assessment in any other module or to any other institution.

☒ **Agree**

Date:

## **Community Mediation in Ireland.**

**From theory to practice in community mediation centres**

Title: Community Mediation in Ireland. From theory to practice in community mediation centres

Student name: Javiera Carrasco

Student number: 51710218

Qualification: MA in Dispute Resolution

Institution: Independent College Dublin

Submission Date: November 5<sup>th</sup>, 2021

## TABLE OF CONTENTS

List of figures and abbreviations.....	8
Acknowledgements .....	9
Abstract .....	10
Introduction .....	11
Chapter 1: Aims and Objectives .....	12
1.1.Value of the research .....	12
1.2.Objectives .....	12
1.2.1. Research question and specific objectives .....	13
Chapter 2: Community Mediation in Ireland .....	14
2.1. Historical Background .....	14
2.2. Community Mediation schemes .....	16
2.2.1. Community Law and Mediation centre .....	18
2.2.2. Ballymun and Ballymun Community Law centre .....	20
2.2.3. Cavan-Monaghan and Mediation Border Counties .....	22
Chapter 3: Review of Literature .....	25
3.1. Origins of Community Mediation .....	25
3.2. Principles of Community Mediation .....	27
3.3. Model of Community Mediation .....	28
3.4. Discussions on the field .....	30
Chapter 4: Research Methodology .....	34
4.1. Research philosophy and approaches .....	34
4.2. Research design .....	35
4.3. Data Analysis .....	37
4.4. Ethical Issues .....	38
Chapter 5: Presentation of the Data .....	40
5.1. Community Mediation services in Ireland .....	40

5.1.1. General overview .....	40
5.1.2. Information about Community Mediation and reaching the community...	41
5.1.3. Types of disputes covered .....	42
5.1.4. Work with the Court system .....	43
5.2. The practice of Community Mediation .....	43
5.2.1. Entrance to the service .....	43
5.2.2. The mediation process .....	44
5.2.3. Co-mediation .....	46
5.2.4. Evaluation .....	46
5.2.5. Other services offered .....	47
5.3. The volunteer mediator .....	47
5.3.1. Recruitment of mediators .....	47
5.3.2. Volunteer mediator profile .....	48
5.3.3. Training and “sharing and learning” .....	48
5.4. Community Mediation principles .....	49
5.4.1. Values of mediation .....	49
5.4.2. The mediator from the community .....	50
5.5. Main learning and achievements .....	51
5.5.1. Understanding conflict .....	51
5.5.2. The power of mediation .....	51
5.5.3. Achievements .....	51
5.6. The importance and value of Community Mediation services .....	52
5.6.1. Provision of a space .....	52
5.6.2. Conflict prevention .....	53

5.6.3. The commitment with non-adversarial ways of resolving conflict	....53
5.6.4. The impact of Community Mediation	.....53
5.7. Difficulties and challenges	.....54
5.7.1. Lack of funding and resources	.....54
5.7.2. Make a living as a community mediator	.....55
5.7.3. Not enough information and awareness	.....55
5.7.4. Community Mediation and its relationship with the MII	.....55
5.7.5. Other difficulties	.....56
5.8. Propositions for strengthening and develop Community Mediation in Ireland	....56
5.8.1. Institutional support	.....56
5.8.2. Champion Community Mediation	.....57
5.8.3. Creating community between the community schemes	.....57
5.9. Covid-19 pandemic and the use of Zoom on mediation	.....58
Chapter 6: Data analysis and discussion	.....59
6.1. Model and the mediation process	.....59
6.2. Objectives of Community Mediation	.....60
6.3. From the theory to the practice	.....61
6.4. The three main tensions of Community Mediation	.....63
Chapter 7: Conclusion.....	66
Reflection	.....68
Appendix A	.....69
Appendix B	.....70
Appendix C	.....72
Appendix D	.....74

References .....	124
------------------	-----

## LIST OF FIGURES

Figure 1. 5 Stage Model of Community Mediation .....	
Figure 2. Community Law and Mediation Centre services .....	
Figure 3. Clones Family Resource Centre services .....	

## LIST OF ABBREVIATION

BCLC	Ballymun Community Law Centre
CLM	Community Law and Mediation
CM	Community Mediation
MBC	Mediation Border Counties
MII	The Mediators' Institute of Ireland



## ACKNOWLEDGMENT

I want to express my deepest thanks to my supervisor and teacher during the three semesters of the course, Sharon Morrissey, for sharing with the class and me her work in the mediation field and guiding us to a critical reflection of the practice. This support was essential to start the dissertation process and have an awareness of the relevance of the dissertation process.

Also, I would like to thank Geoffrey Corry. His lecture motivated me to explore Community Mediation in general and made me want to know more about the practice in Ireland. His knowledge, passion, and willingness to support my research were essential to focus the scope of the research and to contact key people to interview.

Special thanks to my friend Niall McArdle, who helped me improve my writing and presentation of the research.

Very especially, I want to thank the interviewees that took part in this research. Their willingness to participate and their passion for their work inspired me to keep exploring this area and try to show the work they do.

## ABSTRACT

Community Mediation is a practice in the Alternative Dispute Resolution field that aims to tackle conflict inside communities, prevent escalation, and contribute to building peaceful and more democratic spaces. Studies on the area describe the potential of mediation to empower communities and the difficulties of maintaining the schemes in the long term due to financial problems or the co-optation risk of the practice by the legal system.

The present research looks to learn about Community Mediation in Ireland and explore the tension between the theory and potential of mediation with the difficulties of its implementation and limitation given by the Irish context. To achieve this, the researcher collected qualitative information from people working on three Community Mediation Services currently operating in Ireland: Community Law and Mediation, Ballymun Community and Law Centre, and Mediation Border Counties. The information was gathered through in-depth semi-structured interviews, which then were transcribed and analysed through thematic analysis.

The main result of the research shows the relevance given by the services to the principles and values of the Community Mediation in their practice, the motivation for promoting non-adversarial ways of solving conflict, and the value that these initiatives can have on the communities. Also, it highlights the systemic difficulties that the schemes find to broaden their work and grow the services, mainly given by lack of awareness of community mediation, absence of institutional support by mediation bodies and the constant struggle for funding.

Overall, the research systematises the centres' experiences to contribute to the debate about Community Mediation's place in Ireland and proposes possible areas for discussion and reflection about its future.

## CHAPTER 1: INTRODUCTION

Community Mediation is an alternative form of Dispute Resolution that originated in the United States in the 1960s. In Ireland, it started its development in the 1990s. This research focuses on the work of three community mediation schemes operating currently in the country: Law and Mediation Centre, Ballymun Community Mediation Services and Mediation on Border Counties. This research aimed to systematize the centres' experiences to know more about their practice and its relationship with the theoretical base of Community Mediation, highlighting achievements, learning and challenges for the development of the discipline in Ireland.

The research gathered information about people involved in the centres through semi-structured interviews. The data was organized and analysed to identify the main characteristics of the service's practice, and to understand how the theory is reflected through their practice.

The main results focused on the values present on the practice of Community Mediation, main difficulties related to lack of support of the schemes, the value that the centres have for the community and the proposition done by the interviewees to continue strengthening the field in Ireland.

The research structure goes as follow:

Chapter 1: Aims and Objective

Chapter 5: Presentation of the Data

Chapter 2: Community Mediation in Ireland

Chapter 6: Analysis and Discussion

Chapter 3: Literature Review

Chapter 7: Conclusions

Chapter 4: Research Methodology and Methods

## CHAPTER 1: AIMS AND OBJECTIVES

### 1.1.Value of the Research

This research aims to explore how the mediation theory is implemented in a practical communitarian context. Therefore, the study's result attempts to create practice-based knowledge, giving relevance to mediators' experience of their work (Do Nascimento Souto, 2013). This knowledge can be an input for the same programmes and new CM centres that could be proposed in the future. The research findings can also help reflect on the field of CM in Ireland and its development for the following years.

Concerning the literature review of CM in Ireland, there are no specific qualitative evaluations of this kind of initiative. Hayes (2018) highlights how several programmes fail to evaluate how the theory is reflected in practice, focusing mainly on what is done and its effectiveness. This research is expected to broaden the understanding of CM from its action to a critical analysis of its obstacles, achievements, and relation to mediation core values.

Through the study of Irish experiences, it is expected to recognize contextual characteristics of the services and structural features that can influence the implementation of the core values proposed by the CM approach.

### 1.2.Objective

The research tries to know and understand the practice of Community Mediation in the Irish context by studying the work of three mediation services: Law and Mediation Services (Northside Dublin), Ballymun Community Mediation and Mediation Border Counties. To achieve an understanding, it is necessary to know the context where the practices are executed, the organisations and actions implemented for the centres, and their evaluation of the obstacles, achievements, and challenges they face in their work.

Once this information is gathered, it is possible to analyse and compare how the practice adapts to an Irish reality and discuss how the theory is applied in context.

#### 1.2.1. Research Question and specific objectives:

How is the theory of Community Mediation put in practice in different institutional setting in Ireland?

Objective 1: To describe the actions of mediation conducted by the three selected Community Mediation schemes in Ireland.

Objective 2: To identify both obstacles to and opportunities for the implementation of Community Mediation actions.

Objective 3: To analyse the learning and challenges of the three selected Community Mediation schemes and its implications for the Community Mediation field in the Irish context.

## CHAPTER 2: COMMUNITY MEDIATION IN IRELAND

### 2.1. Historical background

Although the first schemes of CM in Ireland started in the 1990s, there are historical experiences in Irish history where people found ways to face and overcome conflict through dialogue and community efforts. In the next section, two main examples, the Brehon Laws and the peacebuilding work of the Glencree Centre, are highlighted as background for the later implementation of CM in the country.

#### *Early Irish History*

In the early days, Irish society was organized into areas or T<sub>ú</sub>ath; each of them had its local King and were united under the figure of the High King of Ireland. Since approximately the year 1000 BC, there is evidence of the use of the Brehon Laws to rule and regulate civil society and the different T<sub>ú</sub>ath, where each local government had their brehons to interpret the law and take decisions in relation of claims of parties in conflict (Higgins, 2011).

The Brehon Laws were pioneering in the legal system and presented unique characteristics that can relate to principles of mediation. The brehon who acted as a third party to decide a dispute were part of the community, were respected for their neighbours and the King (Higgins, 2011). Also, the resolution's focus was on retribution and not punishment, differentiating it from later forms of law (Haggerty, n.d.). Another interesting aspect is that there was not an external force dedicated to enforcing the settlements. The same parties and community took the responsibility of fulfilling the judgements, giving value to word and compromise (Higgins, 2011).

### *Glencree Centre for Peace and Reconciliation*

In 1974 in the context of violence and civil unrest of Northern Ireland, Una O'Higgins founded the Glencree Centre for Peace & Reconciliation on the Valley of Glencree in the Wicklow Mountains. The need for this initiative came after the violent events of Bloody Friday in Belfast and Bloody Sunday on Derry in 1972. The events shocked the island and mobilised people from the Republic of Ireland to unite and make efforts to start building peace and reconciliation between the inhabitants of Ireland (Corry, 2014). O'Higgins followed in the steps of Ray Davees, who founded the Corrymeela Community to help people in Northern Ireland affected by the conflict (Glencree Centre for Peace and Reconciliation, n.d.).

The centre aimed to create a safe space where Protestants and Catholics, adversaries of a divided Ireland, could come together and engage in a dialogue that could help them start a process of healing, peacebuilding and reconciliation (Corry, 2014). In its beginning, the project focused on creating a space for people to tell their stories around the conflict and its impact on their lives. The process was complex as victims and perpetrators sat and listened to each other. However, the belief in the power of dialogue as a non-adversarial method to face and transform conflict kept their work of facilitating the space as a first step on the long road of reconciliation (Glencree Centre for Peace and Reconciliation, n.d.).

For more than four decades, the centre has been recognised as a relevant actor in the peace process on the island of Ireland. Furthermore, Glencree has widened its reach to support international reconciliation processes and diversify its actions in Ireland with refugees, women, and young adults between others (Glencree Centre for Peace and Reconciliation, n.d.).

## 2.2. Community Mediation schemes

In 1986 Ray Shonholtz, founder of Community Board San Francisco and pioneer in the community-based approach to mediation, visited Ireland and gave a series of talks planting the first seeds of Community Mediation (Corry, 2021). Later, he organised a grant to bring three people to the United States to be trained in CM skills and learn how to set up a communitarian scheme. Sr Christina O'Neill, Geoffrey Corry and Joan Broder completed this training and, once back in Ireland, started their work to establish CM schemes on the island (Corry, 2020).

The group adapted their training from Shonholtz model<sup>1</sup> and the Mennonite Conciliation Service<sup>2</sup> and created a model of 5 stages that adapted better to the Irish context, emphasising the storytelling phase that will connect better with Irish Culture. The model became the base for training hundreds of people in the following decades (Corry, 2020).

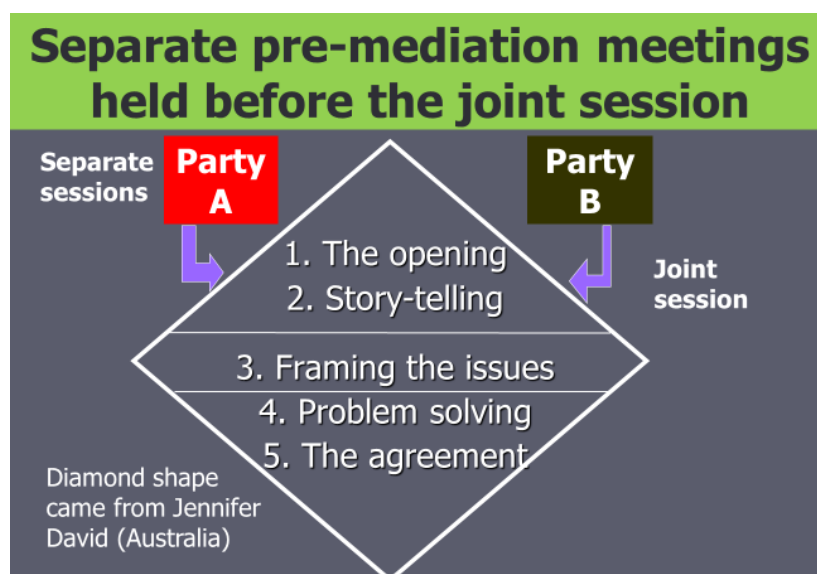


Figure 1, “5 stage diamond” Model of Community Mediation (Corry, 2021).

<sup>1</sup> 6 Stage Process: 1. Opening, 2. Develop Rapport, understand and validate issues and feelings, 3. facilitate communication so each person understands each other, 4. Help them to reflect the learnings arising from above two steps, 5. Help them develop a mutual resolution, 6. Closing session

<sup>2</sup> 4 Stage Model: 1. Introduction, 2. Storytelling, 3. Problem-solving, 4. Agreement



In 1995, South Dublin Mediation Services was launched, offering training to the first group of volunteers and started its efforts to reach the community of Tallaght. Corry (2020) refers to the work done on those days ‘it was a slow process of developing local contacts and getting the word to go around the grapevine about what mediation was about’ (p.4).

By the early 2000s, three new community mediation services were set up in Ballymun, Northside Dublin and Cork. The Pavee Point Traveller Scheme also included CM in its catalogue of services to support the Irish Traveller population in Ireland. Later other schemes were implemented in counties Mayo, Limerick, Cavan, Monaghan, and in Northern Ireland.

Although mediation is considered an effective method for dispute resolution as an alternative to court, the support for CM has been inconsistent, and the legislation through the Mediation act 2017 focuses mainly on family mediation.

The result is a lack of consistent government support and funding for the programmes, affecting the creation of new schemes and facing the organizations to struggle to keep operating. Therefore, some of the schemes are no longer running.

Next is the list of some of the Community Mediation schemes that have operated in Ireland (Corry, 2021):

Dublin City Mediation Tallaght	1994- present
Pavee Point Travellers Scheme	1996- closed by lack of resources
Cork City	2002- closed
Ballymun (attached to Law Centre)	2003-present
Northside (attached to Law Centre)	2004-present
Mediation Border Counties	2009-present
Mayo Mediation Service	2011-closed

Limerick (attached to Law Centre)	2012-present
Northern Ireland Mediation	1991-present

### 2.2.1. Community Law and Mediation

Community Law and Mediation (CLM) based in Dublin was founded in 1975 by Dave Ellis in the North Dublin Community of Coolock, under the name of "Coolock Law Centre". Ellis was inspired by the Civil Rights Movement that started in the United States and spread through different countries during the 1960s and 1970s. The philosophy that prompted the creation of the first Law Community Centre in Ireland was to help tackle poverty by bringing services to working-class communities. In that sense, the centre aimed since its early day to provide advice and legal aid to communities that could not afford access to traditional legal support (Community Law and Mediation, n.d.) (CLM 40 years, 2015).

In 2003 the centre changed its name to Northside Community Law Centre to reflect the increasing reach of its services to different areas in the north area of Dublin. During these decades, the centre offered its services of legal advice and support to neighbours in the vicinity and educational talks about rights and access to benefits and advocacy for law reforms on a national level. By this time, they added Mediation Services for the community to their range of action (Community Law and Mediation, n.d.) (CLM 40 years, 2015).

In 2012, the Law Centre opened a branch in Limerick. By 2014 they were renamed Community Law and Mediation, as the services provided had gone beyond North Dublin having a presence in Limerick and Wicklow (Community Law and Mediation, n.d.).

The mission of the centre, as stated on their website, is:

To provide people in our communities with expert legal, mediation, and education services they would not otherwise have access to and in doing so, to address underlying issues of injustice and exclusion while working for real change (Community Law and Mediation, n.d.).

The main areas of work of the Law Centre are related to homelessness, education, health, employment, equality, social welfare, and debt (Community Law and Mediation, n.d.).

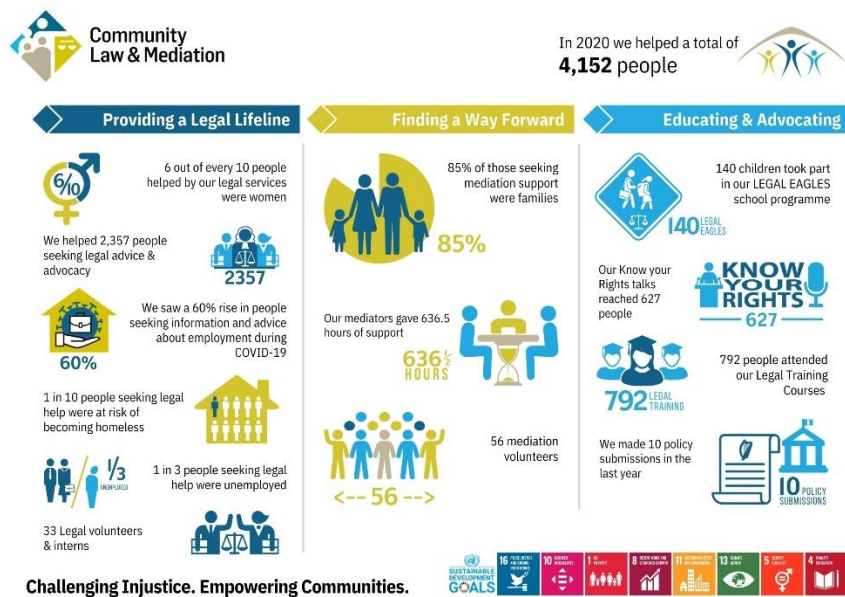


Figure 2, Community Law and Mediation Centre services (Community Law and Mediation, n.d.)

The mediation service offers a free alternative to resolve conflict for people involved in different types of disputes. The main areas covered by the centre are parental mediation (for separating couples), community mediation, elder mediation and family mediation (disputes between family members), grandparents' visitations, workplace mediation (for small community organisations) (Community Law and Mediation, n.d.).

The mediation service also offers "conflict coaching", a programme available to people who wish to be trained in conflict resolution skills that provides them with the necessary tools to confront and overcome any ongoing or future issues. The centre offers one-to-one sessions with a conflict coach, who help the user to 'develop their skills to effectively engage and manage interpersonal conflict' (Community Law and Mediation, n.d.).

According to the need of the users they can engage in a short-term programme of about 2 or 3 classes or long-term, with regular sessions for up to 3 months, aiming to improve general conflict competencies. The service is also recommended for people who will start the mediation process when the mediators involved in the case think it will be beneficial to enhance communication skills of the parties (Community Law and Mediation, n.d.).

#### 2.2.2. Ballymun and Ballymun Community Law Centre.

The community of Ballymun, located in North Dublin, was created in the mid-sixties as an innovative project of social housing that expected to build around 3000 houses. One of the first problems faced by this settlement was the lack of services in the area, leaving the community isolated from the rest of the city. During the '70s and '80s, the complaints grew due to construction failures and lack of maintenance by the city council. The community was also increasingly known for anti-social behaviour and drug-related problems, in particular, due to the impact of the heroin epidemic in the 1980s (Kintrea & Muir, 2009).

In 1998 Dublin City Council launched the Ballymun Regeneration Programme, which aimed to improve living conditions in material, social and economic aspects. The main achievement recognized today is the improvement of infrastructure. According to Kintrea & Muir (2009), the project started with demolishing the run-down tower blocks and replacing them with new social housing for the inhabitants. It also included the construction of parks and improved access to public services such as primary health care centres, childcare facilities, youth facilities, and cultural centres. Likewise, there were strategies to reduce and control anti-social behaviour through more Garda deployment in the area, community projects such as “Citizen Jury”<sup>3</sup> and the introduction of the Ballymun Community Law Centre, among others.

---

<sup>3</sup> Project that brings together a group of 14 citizens of Ballymun to evaluate the needs of their community. The result was the “Ballymun Citizens Jury Report” published in 2003, where they describe causes and consequences of anti-social behaviour and recommendation to tackle the issues (Breeze & Turner, 2003).

According to the 2016 Census, Ballymun is the district with the highest concentration of disadvantaged population in the country (Montague, 2020). The population has high levels of unemployment, and low level of education, as well as a poor job market in the area, ‘the isolation and spatial concentration of disadvantaged groups are believed, on the balance of evidence, to be a further source of disadvantage’ (Kintrea & Muir, 2009, p. 86).

### *Ballymun Community Law Centre*

The Ballymun Community Law Centre (BCLC) is an independent law centre that started its work in the year 2002. Its mission is:

To support the people of Ballymun to realise the human right of access to justice and we seek to do this by:

- Responding to the unmet legal needs of Ballymun residents through the provision of information, advice, advocacy, representation and mediation
- Providing opportunities to participate in legal education and training
- Working closely with our partners to maximise our impact
- Influencing policy and bringing about social justice and reform (Ballymun Community Law Centre, 2017).

BCLC has a community approach engaging the community and promoting the empowerment of the individuals in disadvantaged situations promoting their access to justice (Ballymun Community Law Centre, 2017).

Their action includes free legal advice in housing and living arrangements, employment and social welfare, family and relationships, consumer rights and debt. In addition, the centre offers legal representation for individuals in areas of the law not included in the civil legal aid scheme. The educational area of the BCLC offers courses, seminars and talks to the community.

Mediation is another of the services offered. The focus of mediation is on community and family, dealing mainly with conflicts between neighbours, noise complaints, housing disputes, harassment, workplace dispute or family disputes (Ballymun Community Law Centre, 2017). The centre also works with six primary schools of the Ballymun area in the programme of Peer Mediation, training children of 11 and 12 years to develop skills to 'reduce conflict and to provide children with problem-solving techniques which they can use themselves' (Ballymun Community Law Centre, 2017).

### 2.2.3. Cavan-Monaghan and Mediation Border Counties.

Cavan and Monaghan, as part of the border counties of the Republic of Ireland have faced a long history of conflict that has affected their population. Between 1919 and 1921, Ireland engaged in the War of Independence from the United Kingdom. During this period, a vast part of the population, especially in rural Ireland, was affected by conflict and poverty. In addition, the breaking of authority in isolated territories led to a period of social conflict. Conflicts over land ownership, between farmers and workers, and religious and political tensions between Catholics and Protestants and Republicans and Unionists characterized the period (Dorney, 2019).

With the signing of the Treaty of Independence (1921), and the proclamation of the Republic of Ireland, came the establishment of a hard border between the Republic and the six counties on the North, which remained as part of the United Kingdom. The impact of the border had an enormous effect on the border counties of the south: Cavan, Monaghan, Louth, Donegal, Leitrim, and Sligo. Especially in Cavan and Monaghan, 'partition was a very divisive force' (Donohoe, 1999, p. 162), increasing the tension and sectarian animosities in the region. Furthermore, Cavan and Monaghan's counties had had strong economic links with towns in the North, adding to the already impoverished communities (Donohoe, 1999).

During the 1930s sectarian animosities declined (Donohoe, 1999), but the impact of the border on the economy remained. Later in the 1960s, with the arising of violent conflict in the North, in the period

known as 'The Troubles', border counties were impacted further by the growth of the tension and fear, lack of investment from the central government in the area and disruption of social connections (Harvey, et al., 2005).

By the 1990s, the border areas on the Republic of Ireland were characterized according to Harvey, et al., (2005) by their poor access to market, lack of centres of innovation and infrastructure, migration of population, and high levels of unemployment. In the same period, the European Union started the Peace Programme to support peace and reconciliation in Northern Ireland and the border counties, granting funding to promote economic and social growth. Since then, four Peace programmes<sup>4</sup> have been implemented in the area (Harvey, et al., 2005). The new resources helped fund hundreds of community-based programmes in border counties, such as family resources centres, skills programmes for women, youth groups, and disability groups. A recognized effect of the Peace programmes on the southern border was its contribution to building community (Harvey, et al., 2005).

#### *Mediation Border Counties*

Mediation Border Counties (MBC) service is part of the Clones Family Resource Centre, which main objective is: 'identify and address issues of social exclusion and poverty in Clones town and the surrounding rural area' (Clones Family Resource Centre, n.d.). The centre is supported by Tusla Child and Family agency and encourages equality, participation, community ownership and a recognition of the diversity of families (Clones Family Resource Centre, n.d.).

---

<sup>4</sup> Peace Programme I: 1994-1999, Peace Programme II: 2000-2004, Peace Programme III: 2007-2013, Peace Programme IV: 2014-2020 (Government of Ireland, 2018).



Figure 3, Clones Family Resource Centre services (Clones Family Resource Centre, n.d.).

Mediation Border Counties offers its services for the counties of Cavan and Monaghan and counts on the extra support of the International Fund for Ireland<sup>5</sup> and Peace Programmes, as part of different efforts to promote reconciliation between communities in Ireland and Northern Ireland.

The service offers mediation for peace and reconciliation, community mediation for neighbours' disputes, family mediation for separating couples and other disputes involving families, and farm family disputes (Clones Family Resource Centre, n.d.).

<sup>5</sup> International Fund of Ireland established in 1986 by the Irish and British government, 'the Fund aims to promote economic and social advance as well as encourage contact and dialogue between nationalists and unionists throughout Ireland.' Source: International Fund for Ireland: <https://www.internationalfundforireland.com/>



## CHAPTER 3: LITERATURE REVIEW

### 3.1.Origins of Community Mediation

Communities are in permanent construction and transformation depending on external and internal factors (Dominguez, 2014). Conflicts are part of the dynamic of a community, whether is an internal conflict or with other systems of society as other communities, governmental institutions, or private business. As a result of the inherent conflict that involves human relationships, societies develop social welfare programmes to improve the lives of citizens (Dominguez, 2014). In that context CM aims to improve communities and the lives of the individuals in them.

Washington & Julie (2019) define CM as a process that aims to 'endeavours to create a supportive and safe environment that encourages free and open expression of everyone's respective truths. By strengthening relationships and supporting collaborative solutions' (p. 3)

The first modern conceptualizations originated in The United States in the late 1960s and early 1970s as part of the Peace Movement and The Civil Rights Movement (Shonholtz, 1987). According to Coy and Hedeem (2007), the first voices of CM proposed this methodology to take back control of citizens' lives from the system, understood as the justice system. The idea is that communities laid the power to face and resolve specific disputes internally. The early movement considers the court system to be oppressive, inefficient, and unfair, consequently CM aimed to be an alternative system to the justice system.

Another approach of the origins is the one proposed by Shonholtz (1987), founder of the San Francisco Community Centre<sup>6</sup>. His approach focused on the rights and responsibilities of a citizen concerning the community. Because of it, people have the responsibility to build democracy from the base and protect their communities. The emphasis of Shonholtz is on the prevention of disorder and

---

<sup>6</sup> San Francisco Community Board Centre (1976) was the first community-based initiative that proposed the use of alternative dispute resolution on a community setting.

antisocial behaviour and the responsibility and power that communities have to exercise prevention and reduce conflict in their areas. CM centres can have a preferential position to detect and intervene early in disputes between community members to achieve this.

The idea of CM continued its development through the late 1970s and 1980s, spreading to other countries. The main challenges encountered in its development were the lack of resources to maintain the programmes in the long term, resulting in the inability to sustain many community-based initiatives over time (Coy & Hedeem, 2007). Other programmes started to work closely with the court system and public services, which caused institutionalization and standardization of practices (Coy & Hedeem, 2007). By the 1990s CM was becoming more included in governmental programmes.

Today CM is considered an alternative to access to mediation for low-income citizens who want to resolve their conflicts with an alternative method than the judicial system (Palihapitiya & Obstfeld, 2014). Although there are differences of opinions between scholars, the services' base is to give people free or low-cost access to the service. The ideal is to promote their self-determination and empower them to resolve their conflicts in their communities, with the assistance of mediators and volunteers, maintaining the ideal of the late 1960s of providing dispute resolution for the people by the people (Palihapitiya & Obstfeld, 2014).

The use of mediation in a community setting is justified by the nature of the parties' relationships, when the individuals in conflict, as part of the same community, will maintain a relationship after the conflict itself is resolved. The involvement of the judicial system in the dispute can have a damaging impact on the relationship, due to the adversarial approach of the court and the long duration of the process. Mediation offers a quicker way to tackle the conflict, promoting a peaceful and non-confrontational process that looks to achieve a win-win resolution for the parties involved (Zander, 2017).

### 3.2.Principles of Community Mediation

CM is considered in its origins as a counter-cultural process that aims to build peace and democracy, focusing on the relationships between neighbours, strengthen community bonds and increasing cohesion and power of the people, in opposition to the hegemony of power exerted by the state (Dominguez, 2014). The actions can be done on an individual level (parties in conflict) or mediated between interest parties such as a community and policymakers. At the individual level, there is also potential to contribute to a more significant segment of the population, as resolving a conflict between people of the community will positively affect the community's well-being (SACRO, n.d.).

According to Hayes (2018), the four cornerstones of CM are consensus, empowerment, self-determination, and collective deliberation. Other authors add the concept of mutual understanding as a critical step to achieve consensus (Neves, 2014) (Dominguez, 2014).

Empowerment in mediation comes from the premise that the process allows personal growth and prompts the development of skills in conflict resolution that will habilitate the individuals to apply this knowledge in other problematic areas of their life in the future (SACRO, n.d.). The term is also used in a broader way to refer to empowerment of the communities that will gain resources and skills to face their problematics, 'the co-construction of alternatives to conflict is developed through participatory processes, which contribute to autonomy and citizenship' (Neves, 2014, p. 162).

From Shonholtz (1987, 2000) perspective, conflict resolution must be developed in individuals, groups, organisations, and institutions to promote the cohesion of communities and the exercise of their power in reducing conflict within their communities. Communities that are empowered and have more cohesion can access collective deliberation, taking control of the action to restore peace and harmony (Hayes, 2018).

Self-determination must be present at every stage of the process (Hedeen, 2004). It can be seen from the voluntariness of participating to the possibility of leaving the process at any point, and on the

decision-making stage. The evidence of mediation and community mediation shows that once the parties can agree on a settlement, the agreements are more durable over time than when another person decides by themselves (Hedeen, 2004).

Another significant value is Neutrality. CM, due to its origin, has values and goals that could be considered as non-neutral. It aims to give power to impoverished or marginalised communities, proposes positive actions and has as a goal to contribute to social peace and violence prevention. In that sense, it is an ethically based practice (SACRO, n.d.). Nevertheless, to respect the self-determination of the parties, the community mediator must be neutral concerning the parties, the process, the problem, and the outcome. Furthermore, when the practice of CM is considered neutral by the parties, it will contribute to the credibility of the mediation in the community (Hedeen, 2004).

Lastly, it is agreed that as part of the CM core values, the goal of providing a free or very low-cost service to citizens is essential. CM centres are at the service of the community where they operate (Zander, 2017).

CM has strong values from their theory. These have the potential to direct efforts to empowerment and social change, 'the true potency of the community mediation lies in the practical application of recognised core values' (Hayes, 2018, p. 690).

### 3.3.Models of Community Mediation

CM privileges face-to-face communication between the parties using joint meetings and favours co-mediation or the use of a panel of mediators. Co-mediation is beneficial for the parties as it reinforces the perception of balance and impartiality, allows more chance to generate rapport with at least one of the mediators, and increases the feeling of being heard and paid attention to. Also, indirectly the communication and the cooperative dynamic between co-mediators can model behaviour on the other parties. On the other hand, working with a colleague allows mediators to feel supported and covered in case of confusion or doubt, also gives them space to think and re-organize while the other is guiding

the process. It can amplify the learning through the reflection with the co-mediator or through the support of experienced mediators working along with junior mediators (Corry, 1997).

A distinctive feature is the use of volunteers from the community as mediators trained in skills conflict resolution and mediation. It is expected to have a diverse group of volunteers from different backgrounds, which will contribute to responding to the community's diversity (Hedeen, 2004) (Zander, 2017).

Although there is some scepticism on the quality of the work that volunteers can do (Palihapitiya & Obstfeld, 2014), Hedeen (2004) highlight that these volunteers can be considered 'the most trained dispute resolvers of the nationwide' (p. 117). Even more, it is proposed that the use of volunteers has a positive effect on the community by having more skilled citizens, which relates to the core values (Hedeen, 2004).

Shonholtz (2000) identifies two domains of Community Mediation: *neighbourhood justice centres* and *community mediation centres*. Neighbourhood justice centres work by using mediation with cases derived from formal justice channels to solve disputes that are already on the justice system using mediation. On the other hand, community mediation centres focus their work before the disputes enter the formal legal system, working with cases derived from the same community, having a solid commitment with the process's voluntariness.

Zander (2017) uses the classification done by Harrington and Merry (1998) to distinguish between three types of CM concerning its goals. Firstly, we can find the *Service Delivery* approach, where mediation is used to support and decongest the court system. In this model, there is a close relationship between the court system and mediation centres, the voluntary nature of the process takes a secondary role, as most of the cases are referred by the court. Secondly is the *Social Transformation* approach, where the centres are born within the community and operate independently and with self-governance. This model sees in mediation the opportunity for broader social change and harmony in

the neighbourhoods. Lastly, the *Personal Growth* approach considers that the changes that the individual experiences when going to mediation in terms of developing conflict resolution skills will permeate to its nearest systems (family, community), ‘individuals are transformed in mediation, which transforms their relationships impacting society’ (Zander, 2017, p. 20).

Another classification is done based on the institutional origin of the centres. Hedeem (2003) revisits the taxonomy of Paul Wahrhaftig who identifies: *non-profit agency-sponsored*, where the centres are part of NGO or non-profit organization, *justice system sponsored*, where there is a relation of funding and derivation directly from the judicial system; and *community-based*, where the centres are created by the need of the community to prevent and address conflict.

### 3.4. Discussions on the field

#### *Lack of knowledge of Community Mediation by the Public*

Mediation has grown exponentially from the 1990s (Hayes, 2018), but it can be said that there is a lack of understanding from the general public about what mediation is and its value. The lack of awareness increases in relation to CM (Hayes, 2018) (Palihapitiya & Obstfeld, 2014), which implies a low number of participation of citizens in a voluntary way.

Shonholtz (2000), in his review of 25 years of practice of Community Mediation in The United States, also sees the intersection of CM and the public as a critical area. From his perspective to create public awareness it is necessary to create a network with local services present in the community, such as school, youth centres, or healthcare providers. Also, the community centres must coordinate with the local governments, so their work is recognized as a part of public policies oriented to the prevention of conflict in a neighbourhood and also to access the promotion resources that the local governments have (Shonholtz, 2000) (Shonholtz, 1987).

Washington & Julie (2019) share Shonholtz perspective in their conclusion of their study of more than 127 CM centres across the United States and Canada, identifying as a critical point the need for

intersectoral work to improve the outcomes for the communities. Another point highlighted by their study is the need to create more public awareness on the public of the services offered by the centres and improve the engagement with the communities, through the adaptation of the service to their needs.

#### *Alternative to the court*

On the genesis of CM, the practice aimed to resolve disputes outside the court and become a court alternative, where citizens could access voluntarily and take responsibility for their social relations as citizens (Shonholtz, 1987).

In practice, the lack of funding and problems related to participation had diversified the ways of accessing the schemes. Several CM programmes are sponsored or work closely with the judicial system, which considers mediation as part of the Alternative Dispute Resolution mechanisms, that will help to reduce the load of cases process by the court.

This relationship has caused CM to become ‘an alternative to the courtroom’ (Hedeen, 2004. p.9), instead of a court alternative. The original idea was to promote a parallel and independent system from the justice one, where ‘this alternative system would keep many disputants from even seeing the inside of a courthouse’ (Hayes, 2018. p.688). The increasing relationship between CM and the court implies a break between the theory and foundational values with the practice (Hayes, 2018).

#### *Institutionalization of Community Mediation*

The lack of funding and difficulties arising from the long-term community-based initiatives has caused the institutionalization of programmes to maintain them through time. CM emerges as a citizen’s movement; consequently, the increasing institutionalization of the practice, especially from the 1990s, moves it away from the core values (Hayes, 2018) (Coy & Hedeen, 2007).

A significant tendency is the justice-system sponsored programmes, which has led to what Coy & Hedeén (2007) call “cooptation” by the court system. The community practice is bureaucratized and colonized by the terms and ethics of the law and the court. The colonization expresses the definition of what cases can be solved through mediation, the ethics laws that rule mediator’s behaviours and regulations about who can mediate (Coy & Hedeén, 2007).

The consequences of the institutionalization have a significant effect on the goals and values of CM. The voluntary nature and self-determination are replaced by coerced participation; in other words, the court system will determine when and who should “opt” for mediation instead of proceeding through the court channels (Hedeén, 2003).

The values of the court system related to cost and efficiency replace the ones of CM (Hedeén, 2003). Mediation becomes an alternative to make the court work more efficient (derivation of cases). Consequently, mediation centres take care of cases that might not be appropriate to mediate, and the focus will be on the settlement rather than other goals such as empowerment, community development, and self-determination.

Furthermore, institutionalization focuses on the individual approach rather than a broader view of the community, which can transform community mediation into a tool to maintain the status quo instead of becoming a liberating and empowerment process (SACRO, n.d.). As Baruch (1996) mentions ‘mediation cannot and will not produce social change if it simply involves solving individuals’ problems and producing settlements’ (p. 735).

### *The need for more integral evaluation*

Due to the point previously mentioned, it is necessary to increase the research and evaluation of the community practice concerning its values and goals (Hedeén, 2004) (Hayes, 2018). Even though institutionalization is a reality, there are still community-based programmes, and even in the justice-



system sponsored ones, it is necessary to look for the core values and how they are present in the practice of community mediators.

Lack of funding for community-based programmes is a constant problem for CM. Shonholtz (2000) mentions the need to study the results and impacts of these actions to establish cooperation with institutions that can support funding or promotion. It is necessary to articulate research that shows the practice's value responding to its core values, to avoid the cooptation of the community mediation programmes, even though measuring this is difficult (Shonholtz, 2000).

## CHAPTER 4: RESEARCH METHODOLOGY

### 4.1. Research philosophy and approaches

#### *Philosophical approach*

The philosophical approach for this research considers that reality is subjective, and the individuals construct it through their interaction, to which they give meanings and interpretations. Reality is constructed intersubjectively, and everyone will experience it differently.

The researcher needs to unveil those different views to get an idea of the phenomenon in the study (Nashir & Hamiduzzaman, 2009). Under that premise, the ontology used to guide the study is Relativism (Saunders, et al., 2019). Relativism recognizes the complexity of social experiences and how they vary according to context, culture, time, etc. The discoveries achieved through the research will not be generalizable for the general population; however, they contribute to building theory around the issues of CM practice in Ireland (Nashir & Hamiduzzaman, 2009).

#### *Epistemology*

Social phenomena are constantly changing, and we can understand them by exploring in detail the experiences of those involved. In the study of the CM practice in Ireland, an Emic epistemology is applied. An emic perspective aims to produce knowledge exploring the views, beliefs, and assumptions of the people participating in the phenomenon, particularly for this research the views of those who execute CM actions (Saunders, et al., 2019).

This perspective understands that the only way to know a particular culture or experience is within the culture itself (Olive, 2014). Once the experience is known, it will be possible to compare and analyse with the existing literature to confirm, disagree, or highlight new findings.

### *Research Strategy*

The research conducted is exploratory using a mixed method: qualitative and quantitative. A qualitative perspective aims to understand the social world through individuals' interpretation (Bryman, 2016). The primary source of information for this research is the views of the study's population, their local knowledge, and the meaning they give to their practices.

The research is inductive because it gathered qualitative information from the target sample to describe their role and actions and reach conclusions about their experience (UKEssays, 2018). The conclusions cannot be generalised to all community mediation centres in the country. However, they can illuminate the process in contexts with similar characteristics and help building a holistic understanding of the particular social phenomenon (Prasad, 2018).

The primary sources of information are supported by secondary sources of quantitative information through the collection of data related to the context where the centres operate and their characteristics.

### 4.2. Research Design

#### *Time horizon*

The data was collected at one specific point in time, giving the study a cross-sectional nature (Cherry, 2019). This kind of research allows the researcher to observe the phenomenon and the different variables that are involved and find patterns in the data by examining the relationship between the variables in study (Thomas, 2020) (Bryman, 2016).

Bryman (2016) points out that cross sectional studies are interested in study variation, whether is variation on people, organizations, nations between others. For this research the comparison between different practices of CM, and their different realities allowed to find commonalities and differences between their action and analyse the same in relation with the theory of CM.

### *Sampling*

The objective of the study is learning about the practice and experiences of those who execute action of CM. The research population were people that works on the mediation services offered by the centres and volunteer mediators that implement mediation actions, in any of the three centres studied: CLM, BCLC and MBC.

A non-probability approach was taken to select the informants. Many researchers argue that a sample to be representative must be chosen randomly from the targeted population (probability approach) (Di Cicco-Bloom & Crabtree, 2006). Nevertheless, for this research, the selection focused on a relatively homogeneous population with similar relations to the research issues. Because of it, the selection is purposeful (Di Cicco-Bloom & Crabtree, 2006) based on accessibility and experience in the practice of community mediation.

The sample was composed of key informants with vast experience with the service: two managers of mediation services, one administrative supporter, and five volunteer mediators.

### *Interview*

To know in as much detail as possible the narratives of the population sample, in this case, people who work in community mediation, an appropriate method is in-depth interviews. In qualitative research, in-depth interviews are a tool to discover an individual or a group's understanding of a specific social phenomenon, contributing to building knowledge about it (Di Cicco-Bloom & Crabtree, 2006). This conversational tool made it possible to get access to the participants' experience to understand their practices better.

In-depth interviews can be unstructured, semi-structured or structured. For this project, a semi-structured approach was taken, implying that the researcher previously prepared a set of open questions that aimed to answer the research question. The flexibility of this type of interview using open questions allows the interviewees to fully express and go deeply into matters that are relevant

for them. At the same time, it permits the interviewer to be open to asking follow-up questions to focus and deepen on emergent topics that were not considered previously (Di Cicco-Bloom & Crabtree, 2006).

The interview design varies according to the type of informant, depending on whether they have coordination, administrative or mediation roles. However, the questions focused on the same topics: description of the experience, difficulties faced, learning and achievements, perception of the impact of the process on clients and community, volunteers' characteristics and motivations, and perspective for the future of CM in Ireland.

The original design of the interviews included seven questions (Appendix A), adding a series of follow-up questions to explore the informants' narratives. The duration of each interview was between 30 minutes and 1 hour, depending on the rapport and dialogue established with the interviewee. The interviews were audio-recorded and later transcribed to facilitate processing and to analyse the data.

#### 4.3.Data Analysis.

The analysis of the data was done through thematic analysis. In this approach, 'the researcher becomes the instrument for analysis, making judgments about coding, theming, decontextualizing and recontextualizing the data' (Nowell, et al., 2017, p. 2). Thematic analysis allows organizing the data, summarising key issues, facilitating the process of finding similarities and contradictions of the subjects' experiences, and structuring the information for a posterior analysis with the literature (Nowell, et al., 2017).

The process of analysis comprehended three stages. The first step was to transcribe the interviews. During this process, the researcher started to familiarize themselves with the data and noticed first patterns and relevant concepts (Nowell, et al., 2017).

The second step was the thematic analysis, where different emergent categories were identified and named through the reading and analysis of the data. The categories have equal value, as are all

elements to understand the complexity of the practice studied. The researcher generated codes to classify the data. As this research is inductive, the codes are data-driven and do not necessarily emerge for the theory on the subject (Nowell, et al., 2017). Once all the data was coded, it was classified into broader themes. The researcher reviewed the coherence of all the codes included in one theme. The themes were given a name that reflects their content and relation with the research objectives. ‘At the end of this phase, researchers have a good idea of the different themes, how they fit together and the overall story they tell about the data’ (Nowell, et al., 2017, p. 10).

The last step was the reflection on the categorised data and its comparison with the literature review. According to Flick (2013):

Researchers discern the key concepts concerning the topic of study, reflect on prior understandings and initial assertions, and search iteratively through the data set to check, recheck, and revise preliminary ideas about the topic of study (p.305).

The data must be presented clearly and can include direct quotes of the participants presenting an overall story of the issue studied through different chapters represented by the themes.

Once this critical review was finished, it was possible to conclude the nature of the actions, obstacles, and opportunities faced in implementing the programme. Also, the conclusion identified learnings and recommendations that the work of the three centres can contribute to the context of CM in Ireland.

#### 4.4.Ethical Issues

During any research, the ethical issues are highly relevant to protect and respect the rights and dignity of the population studied. Bryman (2016) identifies four main ethical issues that researchers must consider while investigating: harm to participants, lack of informed consent, invasion of privacy and deception.

The researcher must always prevent or anticipate any potential harm that can be caused by the research to the participants and collaborators of the research. To minimize the disturbance, it is

essential to protect the subjects through confidentiality and anonymity, so they cannot be identified and avoid any implication that the result of the research can have on them (Bryman, 2016). For this research, the names of the informants are maintained anonymously. Any information that the interviewees consider should not be published was kept confidential and was not used in the analysis.

Participants were informed about the nature of the research process, objectives, and context in which it is developed (Bryman, 2016). For the current study, the researcher used a consent form (Appendix B) that the informant filled before the interview; this was accompanied by a brief description of the main objective of the research (Appendix C). The participants were invited to ask or discuss any concerns related to their involvement in the process and were informed that their participation was voluntary and were free to leave at any point if they consider it necessary.

Any transgression of the right of privacy of the subject is not acceptable in ethically conducted research (Bryman, 2016). Once the participants have accepted to be part of the research, they share part of their private experience. The researcher must limit the questions to the studied issue, which participants give permission to explore.

Finally, any deception must be avoided, whether related to the research goals, techniques used, and expectations related to the results. As mentioned before, this research main characteristics and goals were communicated to the participants, and the results will be shared with them.

## CHAPTER 5: PRESENTATION OF THE DATA

### 5.1. Community Mediation Services in Ireland

#### 5.1.1 General Overview

The interviewees describe the services of CM provide in Ireland as of high quality, even though the conditions in terms of resources are not favourable. The people who have been involved longer on the services have seen how different services have started and then been discontinued over the years due to lack of resources, making the survival of the current centres a significant achievement.

And there're two or three mediation services in Dublin that are community-based, future-focused, and they're all doing excellent work with no resources! It is not enough. (Interviewee 7)

I've seen many community mediation services come and go now over the past, whatever, 15 years that I've been in, that space so! That service has survived through thick and thin and through dedication from the members really. (Interviewee 3)

Even though there is recognition of the importance of the Mediation Act 2017 to support Mediation in general in the country and increase its awareness, some interviewees reported criticism due to the lack of references to community mediation and the services already existent in the country.

It took so long for the Act to come in! and obviously we have a big issue with the Act in the sense of trying to fit into it because it's very it's very commercial. (Interviewee 1)

The small number of existent centres has resulted in a situation where services have had to extend their reach from their original geographical target area due to demands. The limits of the services are not rigid. On the contrary, according to the information collected, they are open to receive cases from other areas. Especially since the Covid pandemic and the increased use of online Mediation, they have had the chance to work all over the country in some cases.

I have done cases out in those kinds of areas because there isn't another local service there, so in a way, there is probably a need for a Blanchardstown based service, but it doesn't exist. So, Ballymun will get those referrals. (Interviewee 8)

The services have some institutional backup, but the mediators practising on them are all voluntary. In the cases of CLM and BCLC, they are part of the services offered by the Law centres where they are attached.



MBC started as a private initiative and now is attached to the Clones Family Resource Centre. It is funded by Peace projects for Northern Ireland and border counties, regularly re-applying to the different Peace programmes to keep the service operating.

And the-the idea originally was to provide mediation services, in... I suppose, in any context, but I guess we had been thinking around communities, and communities where there were disputes between members of communities or where there were conflicts, and perhaps conflicts that had been exacerbated perhaps by the Northern Ireland conflict. (Interviewee 3)

The centres do not employ mediators, but they have a service's coordinator and some administrative support personnel in some instances. Even though there is no contractual relationship, the centres try to support their mediators from an emotional point of view, encouraging their work and supporting complex cases.

That is the responsibility of the agency, that's managing them, to mind them and look after them, and make sure that they get their-the value back, you know? That they are rewarded and not necessarily in money, but that is acknowledged that the work that they did was a huge value, because it is! (Interviewee 1)

There is also some economic support to pay mediator's insurance or support with their training and accreditation requirements and permanent professional development which is required by the Mediators Institute of Ireland.

The service that I volunteer with, they pay something towards my insurance and fund my training with the MII. (Interviewee 4)

#### 5.1.2. Informing about CM and reaching the community

The centres use different to make their work known in the community and receive referrals or walk-ins. There is a focus on connecting with local organizations such as the city council, garda, charities working in the community, and schools. The coordinators of the centre give free talks to different organizations. This is accompanied by handing out leaflets and brochures, maintaining an online presence through websites, LinkedIn profiles, and/or newsletters.

Everything from sending brochures out to different agencies, contacting counselling services locally... the garda knew about us, tell solicitors about us, telling local community groups. (Interviewee 1)

Once people enter the services looking for mediation, the information about the process is an essential step for the centres. In most cases it is reported that people arrive with very general ideas of what

mediation is. Hence, much of coordinators or administrative personnel's work is to explain step by step how the process will work and what they can expect from it.

They had a very general idea of what mediation was, but you always have to ask because even when I asked, I would say "do you know what mediation is?" and people like, "Oh yeah, it's like I'm talking to my solicitor", but you know, they have a kind of distorted idea of what mediation is. (Interviewee 5)

The information includes the principles of mediation, so the potential parties receive an explanation about the self-determination, voluntary nature, and general ground rules that differentiate the mediation process from the court process. If people decide to engage in the process, the information is given to them again in written forms. During the entire process, mediators will come back to clarify the purpose of mediation and the process.

After you talk to them or they go to one or two sessions, they kind of get a feel of how things work and things will flow better, but in the beginning sometimes you have to be very patient to explain everything more than once. (Interviewee 5)

#### 5.1.3. Types of disputes covered

The three services in the study started with the goal of working with cases involving community issues. However, the needs of their communities have made them broaden the spectrum and include workplace and family mediation.

In the community, the main issues are related to noise disputes and problems between neighbours. Also, work is done in community organisations where disputes can arise between the services and people or even co-workers in the same institutions. In that sense, workplace mediation always aims to deal with conflict in organisations within the area, and they do not work with private businesses.

Now, community mediation was traditionally about bouncing balls, and noisy neighbours, and barking dogs, but we've expanded out the mediation service to take disputes between colleagues or board members of a charity, opposing charities or charities working side by side, and neighbourhood action groups you know? anything really in that neighbourhood. (Interviewee 1)

Family mediation is the primary type of service provided due to the demand and needs of people. Although most of the cases are related to family law and separating couples, some cases include family in a more extended way, like disputes between siblings, parents and children or related to elderly care.

So, we looked at a lot of family law, so child custody, divorce or separation and... but also there was the other side of things that would be maybe parents or children having issues with each other, or neighbours having issues with each other, and yeah that was mostly what it was. Sometimes elder mediation, but it was mostly family law or neighbours dispute. (Interviewee 5)

#### 5.1.4. Work with the Court System

CLM and BCLC, along with Dublin Community Mediation, work in the Dublin Court system. They assist to the Court, and the judge will recommend to parties to consult with the centre's representatives in the cases considered suitable for mediation. Then the person representing the service will explain about mediation. If the parties want to participate voluntarily, they will be referred to one of the three centres according to their geographical convenience. MBC also worked within the District Court in Cavan.

So, one of our mediators would sit in the Court, the judge on District Court is very big into mediation. So, if he feels it's- it's appropriate for mediation, he will send the person to the mediator. (Interviewee 2)

Since the Mediation Act 2017, there has been more awareness from both judges and solicitors about the value of mediation. However, particularly with solicitors, there is a perception of competition with the mediator that volunteers in the community sector.

The mediation act was about bringing mediation and dispute resolution in as a third pillar, and you know solicitors, barristers and mediators. But what is happened is our legal professional cousins have whitewashed the mediation space, have retrained themselves as mediators, may or may not be members of MII, and community mediation has been relegated to the side. (Interviewee 7)

#### 5.2. The practice of Community Mediation

The process of Mediation of the three centres studied follow the same procedures from the first entrance to the service until the reaching of agreement or withdrawal. They are all regulated by the Mediation Act 2017 and the MII protocols.

##### 5.2.1. Entrance to the service

The entrance to the mediation services varies; some cases are referred by other institutions that relate to the centres. There are internal referrals from cases of the law centre or family resource centre when it is considered that the clients' issues are suitable for mediation. There are also cases where parties

directly contact the mediation centre, whether their solicitors suggested it or because they knew previously about the service.

Now it might be that they've already come to the law centre for legal advice, or information about a problem and- and they might be involved in a dispute, and the solicitor might say, "look it might be better if you talk to the mediation service", or they may have approached the courts with a noise dispute and the judge says, "you're outta here, go to mediation", or they may just have spoken to somebody, or seen an add, whatever way they come about it; but they made contact with us independently. (Interviewee 2)

Once the first party has received the information about what mediation is and they agree to engage in the process, they are asked to provide contact of the other party in conflict. Then the service will communicate in writing, in most cases, with the other party and invite them to participate in the process.

We write out those letters and say, "Hi, we've have been contacted by this person that would like to mediate with you about a situation that they are finding difficult"...This is just a one-off invitation, and usually that person rings in to say, "can't believe they were talking about me, wait I tell you my side", and they tell you, their side. (Interviewee 1)

Once both parties have agreed to participate in the mediation, the centre gives them all the relevant information requested by law, including a description of mediation and the process, the role of the mediators, the Mediation Act 2017, Code of Ethics of the MII, etc.

#### 5.2.2. The mediation process.

Once the mediation itself begins, the service withdraws, and the volunteer mediators take over the process, always counting on the centre's support if this is needed. The mediators will receive the contact information of the parties and will arrange a private meeting with each person involved. The goal of the first meeting is to know and understand more about the dispute and how each party is being affected by it. The first meeting is also used to screen any possible issues such as coercion, violence, forced participation, or any other sign that will make the mediation process unsuitable for the parties.

We meet each party separately as part of the first sessions for 5 or 10 minutes. And we talk about decision making, how they make decisions in the relationship before, but also, it's to see if there is any oppressed- oppressive, coercive control. (Interviewee 7)

In CM, a good practice is to have the first meeting at each party's house, which allows building trust between parties and mediators and provides a better understanding of the context where the dispute has arisen.

So, in the pre-mediation session you might visit a location, you might see what way the cars are parked, what way the hoses or the grass, what way the hedges are leaning or not being cut, whatever the matter of the dispute is, and ask the party to walk you through what's happening for them, what a day in the normal life is like, and how they're being impacted by the ongoing conflict. (Interviewee 7)

The joint meeting is executed on a neutral space, which can be the same centre or another venue depending on the geographical situation and space availability. The arrangement of the physical space is relevant for the practitioners. In community cases the tendency is to get the parties and mediators on a circular arrangement. In family mediation, there is a need to work with documents, which will imply the use of a table and a change of the seating distribution.

The process of CM follows the same line at the three centres, considering stages of pre-mediation and joint meetings, which involves storytelling, framing the issues, problem-solving stage, and agreement, in case that is reached.

Community and community workplace cases are reported to be carried out generally in one session, whereas separating family cases usually takes several sessions for the level of details that they must include. For community cases, the agreement is written in simple language and give back to the parties.

And yeah, and then if they do reach an agreement, it's notice in handwriting, they write it down, and they get the parties to sign it, it's returned to the office, we type it up for them with spelling mistakes everything, everything goes in, it's an exact replica. (Interviewee 1)

Family cases involve more administrative work, so mediators must return to the offices and work on the redaction of the agreement, which later will be given to the parties.

Family mediation, the two mediators have to meet back in the office again, look at what was agreed, fill it in. For confidentiality reasons, we're not allowed to take it home, so we have to spend time up in the office computer putting it all into the agreement, and all that stuff. (Interviewee 8)

It is a practice of the centres to recommend to the parties to try the agreement, see if it works in their daily routine, and if they are satisfied with it, they can take it with their solicitors and make it legal. This happens especially in family mediation. In most community and community workplace cases,

the agreement value is mainly on the compromise agreed by the parties and usually it is not reported that the documents are taken for legal procedures.

For the cases where agreements are not reached, the procedures established on the Mediation Act are followed. The informants also reported advice to parties about other services that could help them through their dispute.

In cases where the mediator identifies abuse or coercion that was not identified earlier on the screening, they are allowed to stop the mediation and withdraw, according to the procedure of the Mediation Act 2017.

And also, you have to make calls sometimes to withdraw mediation if you suspect the parties are becoming so emotional that they may become abusive to each other afterwards, particularly if they live under the same roof. (Interviewee 4)

#### 5.2.3. Co-mediation

The three Community Center work under a co-mediation model, and when possible, the pairs will have a gender balance. The practitioners highly value this model as it allows them to better gauge the emotional mood of the sessions, balance power, and recollect as many details as possible about the parties, their stories, and feelings. It is also an essential aspect for the mediators to count on the support of their colleagues, work together, learn from each other, and debrief and content in cases with high emotional content.

I believe in co-facilitation. I believe in it completely. I believe it's the only way because it's so complicated, it's such a volatile situation, that you need two people to be able to see what is happening with the two parties, judge everything that is motion. (Interviewee 8)

#### 5.2.4. Evaluation

The informant of this research reported that when parties engage in mediation, the success rates considered in terms of agreed outcomes are very high. Even in cases where the mediation has not reached an agreement, there is a perception that the process helped parties find a more adequate service to their issues.

So, I would say success rates probably around 80%, just because every now and then the parties wouldn't really engage in the service. (Interviewee 5)

Only CLM reported using an evaluation form currently to collect feedback from the parties about the service. The other two services consider that this area needs more work, but it has not been adequately

developed due to time and resources constraints. The other two centres base their evaluation on perceptions of the mediators about the process and informal exchanges with the parties about their level of satisfaction. In some cases, there is contact with other services who referred the case, which can give account about improvement on the relationship between the parties in conflict.

It is a piece of work to be done, to draw up a new evaluation, and that will be wholly appropriate and- but I haven't had time. So, the way that we now evaluate cases is I link in with the participants after a period of time, to see how they are getting on, and we also rely on self-information from different services that- that participant might be involved with. (Interviewee 1)

#### 5.2.5. Other services offered

BCLC offer a peer mediation program to connect with the schools of the community and collaborate to develop conflict resolution skills in the area, in this case through primary school students. The programme also helps to give visibility to the centre and have possible referrals from the educational institutions.

Peer mediation has been a massive contribution to the primary school teacher and students... they have better skills as to how to negotiate themselves, how to talk, how to listen, how not to allow a situation to escalate.... We talk about respect, we talked about listening, we talk about feelings, and we talked to every single kid in the class, no matter the high achiever the child that is permanent in problems. (Interviewee 1)

CLM includes in its services conflict coaching, which can be an independent process for interested parties or a preparation stage for parties engaging in mediation. Also, some practitioners reported that they use conflict coaching techniques with the parties when they feel they need some extra support to communicate or balance the relationship.

We are working individually with parties to bring them up to a level where they're comfortable or confident enough to go into mediation, but it also doesn't have to mean only separating couples. It could be people working in the community sector. (Interviewee 2)

### 5.3. The volunteer Mediator

#### 5.3.1. Recruitment of mediators

All mediators working on the community services are volunteers and are accredited by the MII. They mostly are professionals doing other paid jobs, and some of them also operate private mediation services; another cohort is retired people.

The centres do the recruitment through open recruitment campaigns. BCLC and CLM also offer accredited mediation courses, and they invite the learners to join the service as a way of gaining practice in the area. The practitioner informants for this research mentioned that they joined the volunteer programmes to maintain and develop their skills.

So, what I do is like for example by three years ago I just did a big recruitment. So, they obviously have to be trained to a level. They have done their full mediation training and separation couples training as well, the 40 there, the 40 hours, and-and they don't necessarily have to have experience, but they definitely have had their training. (Interviewee 2)

### 5.3.2. Volunteer mediators' profile

The mediators are professionals in different areas who generally express a commitment to volunteer to contribute to the field and support people in developing non-violent skills to resolve conflicts.

All the interviewees highlighted the excellence of the work performed by the mediators and the disposition they have to execute the work, even though they have to balance it with their other professional careers, life situation and economic constraints of the centres.

So, a lot of people are giving a lot of good, and they give a lot of their time, effort, and energy, and sometimes that can be difficult because of all the stresses of normal life going on around, and they give a little bit more. (Interviewee 7)

If I phone any of our mediators now and say I have a case in Antrim, they will be gone; they will go to Antrim tonight to meet somebody. (Interviewee 2)

### 5.3.3. Training and “sharing and learning” groups

Community mediation services are considered an essential training source for mediators to put their learned skills into practice. It is reported that recently trained mediators, who are interested in more lucrative areas such as commercial or workplace mediation, will use their time on the service to witness in real life the entrenched difficulties that conflicts can have on people. In other cases, volunteers are not focused on making a living of mediation, and they offer their service as a vocation. The three centres pointed out to have a high number of mediators who have been involved in the service for a long number of years.

Like some solicitors, for example, or people who are used to dealing at a particular level of dispute, do not want to be put in the room with two neighbours that are fighting over a barking dog. But when they have to actually hold the discipline of mediation, and they see how invested



two parties can get over the noise that's generated by a barking dog, they can see the work that they have to do to hold the discipline. (Interviewee 1)

A practice of the three centres is the "sharing and learning" groups. They have several meetings during the year to share experiences, practice skills through mock mediation and receive extra training according to the continuous professional development suggested by the MII and the Mediation Act 2017. The centres finance some extra training, and in other cases, it must be financed by the mediators, depending on the nature of the course.

The sharing and learning groups are also an opportunity to get in touch with the other volunteers of the centre. The interviewees reported that they do not know much of their colleges, except for the ones they do co-mediation during the year.

We do have the sharing and learning, so we've been doing them on zoom, but it's lovely when we do them in practice, we have a lunch, you know. We got to meet people from different backgrounds because very often in Ballymun I will only meet in a whole year, I might only meet two or three mediators with whom I would do co-facilitation with. (Interviewee 8)

#### 5.4. Community Mediation principles

##### 5.4.1. Values of Mediation

The fundamental mediation values are identified on the informant's narratives when describing the value of mediation, the process, and their methods to work with the parties. Confidentiality and neutrality must always be present to support the parties in their process. They generate trust between the mediators and the parties, creating a safe space where they can vent their emotions and move on to the following stages, leaving behind their positional approaches.

So, to be really effective, you just need a trusted service provider that is seen to be truly neutral and impartial. (Interviewee 4)

One way to ensure neutrality of the process and the practitioners is by using neutral venues. Also, the services attached to the law centres point out that they will not take referral of parties who are involved in legal procedures with them because that will imply a conflict of interest.

Another essential aspect of keeping the balance between the parties and the mediator's neutrality is giving the parties equal times and equal opportunities to express themselves, whether in a private or joint meeting.

Parties must come to the mediation voluntarily. The mediators evaluate this from the first contact with the service, at the private meeting, and throughout the process. There is special attention when a judge refers cases for consultation. The mediators explain to the judge and the parties that for the process to work, they are the ones that need to choose to be there, no matter the Court recommendations.

Normally, when people come to mediation is because they want to come, because people cannot be coerced into going to mediation. If somebody is being coerced for that mediation is not appropriate, it's not going to happen, or it shouldn't happen. (Interviewee 6)

Empowerment and ownership of the process are encouraged since they decide to enter mediation. It is explained to the parties at all stages that they are in charge of reaching an agreement. This is especially relevant at the beginning of the process when high expectations and lack of clarity can be more present. Also, it is relevant when the parties reach an impasse, or their emotional behaviours do not let them move forward in the process.

We always had to be very clear that it's fine you can come to us, but we are not going to be holding your hand too much, it's going to be you, you're the person in control, the mediator is there to help you, not to take over the process. (Interviewee 5)

Confidentiality is expressed concerning not sharing any information disclosed in the private sessions or when sharing cases with their colleagues. The process is between the parties and the mediators. Any experience shared with a supervisor or in the sharing and learning groups will always be under anonymity.

#### 5.4.2. The mediator from the community

One distinctive value of community mediation theory is the training of mediators within the community that represent its diversity and have a knowledge of the context. Just one of the interviewees refers to this issue as one of the most significant debts that the discipline has.

You know hopefully people from the area will also be trained up, and they can take that over, but that hasn't happened yet. (Interviewee 8)

Even though there is no report of mediators coming from the roots of the community, the centres do work to develop dispute resolution skills on the neighbours with initiative as the peer mediation in schools of Ballymun or the conflict coaching of CLM.

## 5.5. Main learnings and achievements

### 5.5.1. Understanding conflict

The informant reports that only when they start to work cases can they understand how deep the parties can be affected by the problem, even if, in appearances, the subject of dispute can seem trivial. They can realize how profoundly the parties can be affected and how the disputes can escalate from a simple event such as not taking the neighbours bin or parking in the wrong place.

Our bread and butter is to take the time to learn what other people's perspective is, and then working with that trying to find the bridge in the middle. (Interviewee 7)

### 5.5.2. The power of mediation

One of the interviewees commented how she was not interested in mediation. However, once the cases started to enter the service, and she saw how people could reach outcomes outside the court, she understood the real power of mediation.

But both mine and the centre staff appreciation for the opportunity of people to just resolve an issue without a solicitor is now hugely appreciated. (Interviewee 1)

The experience of working with the parties has become the motivation of the practitioners when they are able to accompany the parties and see how they can move from confrontation to cooperation. They also highlight how important it is to learn from practical experiences, as theory will never reflect the complexities of human interaction going through conflict.

So, I've also learned that being a mediator it takes practice, that you can have all the training in the world, and you can read as much as you want about conflict dispute and so on, but it's actually doing it is when you learn most. (Interviewee 6)

### 5.5.3. Achievements

The main achievement and motivation for the mediators are when the parties can reach an agreement. However, when cases do not have a successful outcome, they can still have some sense of accomplishment when the parties have realized that mediation was not the adequate process for them and that they need to look for another kind of support.

I suppose all the mediators would probably say the same thing "the case has been settled" that "reached agreement". There's always a great sense of achievement when the cases reached an agreement. (Interviewee 3)

Another relevant achievement is keeping the centres running, even when the odds are against them due to a lack of resources and support from the mainstream mediation in the country.

I suppose a sense of achievement, that we kept that service going, together through our volunteer work, and because there were administration pieces that have to happen and that, and members had to kind of jump in and help out at that as well. And you know coordinate things, that that was a fantastic achievement as a group, and that- that service has survived! (Interviewee 3)

## 5.6. The importance and value of Community Mediation services

### 5.6.1. Provide a free space for people

The centres offer a secure space for people to express their emotions and be heard, which can have a healing effect in itself. The opportunity to resolve a dispute on their terms, practice active listening and empathy towards another person, and find common ground helps build new relationships or repair old ones. Having a place where they can be supported when they are going through some difficult moments helps them understand that everybody can be involved in a dispute, and everybody has the power in themselves to overcome them.

So, I guess you know it's a touch point for people who have crisis in their lives, it's a support point, it's a safe space for people, and I think knowing that- that there's someone you can turn to in in conflict, it's sort of normalizes conflict and helps people. (Interviewee 3)

Accessibility is an essential characteristic in these centres. The location of free community service for the neighbours of the area has a high value in disadvantaged communities, who have often been excluded from accessing other services due to lack of resources or adequate information. Even when the geographical barriers have spread, the sense of having a decentralized services in the heart of the communities has an intangible value.

So, I think when you make things accessible for people, is when it works best. And access comes in such a different forms, sometimes people just simply don't have the money to travel and so on. (Interviewee 6)

The interviewees' experience makes them feel that there is a significant need for schemes like these in the country. Even when they make their best effort with few material resources, they still cannot make the services wider to meet people's demands.

And there is a need, you know? But we-we can't facilitate more either, but just I think there is a need out there. (Interviewee 2)

### 5.6.2. Conflict prevention

Even though the informant reports that most of the cases come to the services once the problem has escalated, there is still a sense that mediation helps prevent further escalation that can end in an irreparable situation, producing high cost in personal terms. Also, when the cases are still suitable for mediation, it can prevent the judicial system's involvement and encourage people to find their outcomes.

But if you don't have people in the mix there, that have some sort of skills, that can really fall apart very quickly, and it spreads along the street very quickly. Things in disadvantaged communities, where those steps have been missed, you can end up in a very serious situation. (Interviewee 1)

It has a cost for the garda intervention, maybe an ambulance, maybe the fire brigade, you have time in custody, you have the District Court, you have a solicitor and a barrister in the circuit court, ... all that has a cost! when it possibly could have been resolved with a good mediator coming in and having a chat, and just people being put their best foot forward in the sense to being able to do that, which we don't always. (Interviewee 7)

### 5.6.3. The commitment with non-adversarial ways of resolving conflict

In the informants' view, the motivation and passion of the volunteer and the services to support people with space and encourage the development and practice of conflict resolution skills keep the system running. The enthusiasm spread to the parties and the people involved in the services.

Behind the three community services lays a conviction for changing the traditional way society has characterized conflict. There is an energy that supports CM in its goal of building a fairer and peaceful society.

I think any- any of the community mediation services they survive and thrive because people are passionate about mediation and passionate in wanting to bring that to a community and- and I think that passion will always live. (Interviewee 3)

### 5.6.4. The impact of Community Mediation

Community mediation can amend and create new relationships; whether it is about neighbours, workplace or family, there is a potential to give new meaning to the experience and the relation, meanings that encourage communication and understanding.

When I looked out the window, the three of them were walking together, they were walking home chatting. So, that's the miracle if you like, I mean the magic of mediation. (Interviewee 8)

I've seen people come to good, solid sustainable, agreements. I've seen people come with some really creative stuff, that they never thought they could reach for themselves. (Interviewee 7)

## 5.7. Difficulties and Challenges

### 5.7.1. Lack of funding and resources

A generalized opinion of the participant of this research is that one of the main difficulties they face is the lack of funding of the centres. CLM and BCLC services are financed by the law centres to whom they are attached, but the resources are scarce even when all mediators are volunteers. In the case of MBC, they have funding from the European Union programmes, but they have to re-apply, and they have faced the situation of running out of resources.

If the mediation service in Ballymun wasn't under the Law Center, it wouldn't be happening. It will fall apart. So, you need that, you need somebody to pick it up. (Interviewee 1)

We had funding, and that worked well for a while, and then the funding ran out, and when the funding would run out, I think that happened on two occasions, we were maybe a year we had non, you know, we had no- very little backup support. (Interviewee 3)

The scarce resources imply that the services do not have permanent administrative support, affecting the administrative work, which must be done by the volunteer mediators, using time that could be invested in mediations. Also there is an overload of work for the coordinators, which have to receive cases, referred them to mediators, promote the service, meet with local organizations and groups, make sure that all the legal requirements are fulfilled, supervise and support the volunteers, along with performing other roles inside the service.

The reality of the centres makes it difficult to think about their expansion and creates doubts about the sustainability in the long term to keep offering their service.

I think ultimately is not sustainable to seek to develop mediation services exclusively towards unpaid or volunteer members. (Interviewee 4)

We can't expand or anything like that, so we don't really have a place where to get funding from. City Council departments don't recognize mediation service for funding, and I think Ireland hasn't really jumped on the bandwagon for mediation. (Interviewee 2)

The Family Mediation's service, financed by the state, shows that there is knowledge about the importance of the services in the country. However, community mediation is not recognized as an essential service to work in the heart of the communities. Even more, the fact that they include family mediation can be seen as a negative aspect to get funding,

#### 5.7.2. Make a living as community mediator

It is another relevant challenge for mediators to work on as volunteer. Even though they have motivation and passion for their work, most of them have other full-time jobs, getting less time to dedicate to the community service. In general, it is felt that being a mediator in Ireland is difficult even if you are working privately. There is still not enough awareness of the services and the competition with the legal system, and other more established organization makes challenging to sustain a career only as mediators and keep on track with all the training and continuous professional development required.

And also, very few people are making a living out of it, you see that's the thing! Very few people can make a living out of being mediators. (Interviewee 6)

The informants remark that the commitment of the volunteer mediators is what makes the service keep running. Vocation is the motor of CM.

#### 5.7.3. Not enough information and awareness of Community Mediation

One of the most significant issues for community mediation in the three services is that they do not receive more community cases, which is their original focus. The demand of people for family mediation has changed the orientation of the services. However, they are aware of the role that they could offer to the communities if there was more awareness of the value of their work in preventing conflict and help to improve the relationships in the neighbourhoods.

I think there's, there's not a great understanding about what mediation is really about. I think people see it for separating couples, prime to mediation as opposed to resolving little conflicts, or you know, a lot more complex than just parental mediation. I think sometimes as well, the language, the word conflict coaching, things like that, that just people don't understand what it's about. (Interviewee 2)

The coordinators and mediators have made an effort to connect with local organizations, charities, garda city council. However, even with that work, referrals of communitarian conflict do not seem to get to them in the numbers expected.

#### 5.7.4. Community Mediation and its relationship with the MII

There is a perception that the MII does not support or considers community mediation as a relevant actor in the mediation field in the country. Several of the interviewees indicated that they would expect to have some explicit connection with them. That will give them support in promoting training, bringing volunteers on board, and making visible the work that they do.

Within the MII, community mediation is a bit of a Cinderella, because it's mostly us volunteers doing it, and you know the people with the loudest voices are the people in commercial mediation, workplace, and commercial disputes, private family mediations. (Interviewee 8)

They have the capacity to be of massive support to mediate- to community mediation services. They could be hugely supportive of us. And my experience with them is that they're hugely divisive, they don't have an understanding of community mediation, they don't have an interest in becoming, mmm, knowledgeable about community mediation and its capacity. (Interviewee 1)

#### 5.7.5. Other difficulties

Some other challenges mentioned include the lack of connection between the operating mediation centres. Even when at a coordination level, there might be a connection, especially in the two based on Dublin; the volunteers report they do not know much about the work of their colleges, which is seen as a missing opportunity for learning and support.

Also, it is seen that the professionalization of mediation has excluded having more diversity of mediators from different backgrounds. The same difficulties of making a living as a mediator cause people from the community interested in the area not to get involved because of the cost, so community leaders or ethnic minorities are not properly represented.

We are mostly women; I think there's one or two men involved. We are mostly white Irish indigenous middle-class women, right? So, we're working in a working-class disadvantaged area, and that area, like all the rest of our areas, is now very culturally diverse. (Interviewee 8)

### 5.8. Proposition for strengthen and develop Community Mediation in Ireland.

#### 5.8.1. Institutional Support

There is a need to strengthen the existing community mediation and promote the creation of more in different areas of the country, counting on the support of the central institution behind mediation in Ireland, The MII.

I think we should see this reflected in our code of ethics for the MII. I think there should be a particular reference to community mediation and should be promoted, each in their communities, in our localities and on a national framework. (Interviewee 7)



Also, some government support, whether it comes from the Justice system or City councils, is necessary to have funding for these institutions at the service of the communities, which can have a meaningful positive impact on them.

Schemes like the legal aid border or an expansion of the family mediation services will give more structure to the work that is already being done and will reassure the services to count on adequate personnel to meet the community's demand.

People who are paid like at the legal aid border solicitors are paid for case or per court day, and I think that could be a very good sustainable, low-cost way of making good quality mediation services available, widely more widely available in Ireland. (Interviewee 4)

#### 5.8.2. Champion community mediation

Mediation is still considered a new discipline, and even though it has been present for decades in Ireland, it is not well known by the public in general. The lack of knowledge is higher concerning community mediation; because of this, it is seen as a need to promote the services already existent.

Ideas such as talks at colleges, participation in studies, exposure in the media, any possibility of talking about mediation should be taken according to the informants' views. The awareness is focused on the general public and the same mediators, solicitors, legal workers, public employees, and strategic agents that can support and contribute to the work done.

So, I think it is about getting people aware of A, that mediation is an option and B, that that service can be free. Because people are terrified, I think, especially in this country, where most things have to be paid for, people assume that it's going to be expensive, and it would be expensive! if you have to pay for it, but it is for people who need to have free mediation, it is there. (Interviewee 6)

#### 5.8.3. Creating community between the community schemes

Finding ways of bringing together the people involved in CM in Ireland would significantly contribute to the field because it will allow mediators to learn from their colleagues experiences and good practices. At the same time it could create an opportunity to put all the energies together to look for ways of potentiating the field and help to further develop community mediation across the country.

All the services have sharing and learning groups, and these are proposed as a good first instance to start getting together and exploring ways of collaborating. Also, as mentioned above, if they count on the support of the MII, they could count on having a space to discuss and analyze their views and need through a single channel.

So, there are other people around the country doing co-facilitation, community mediation and I suppose... maybe that would be something we need to be more proactive, is getting a network going for the mediators, and especially with online we could now do that on zoom, we could have a joint sharing and learning between a number of services, you know. So, that's maybe something to propose. (Interviewee 8)

#### 5.9. Covid 19 pandemic and the use of Zoom in Mediation

During the last 18 months, the services have been affected by the Covid 19 pandemic. The restriction, especially during the first year, forced to stop the face-to-face mediation and prompted the move to online services.

Even though this was seen as a complication at the beginning, especially for what can be missed of communication through online sessions, the experience has ended being considered highly successful. The mediations seemed to have worked very well. The online modality is now seen as an opportunity to extend the services to other areas of the country and invest the time used on transportation and other logistical issues in meeting the high demand.

The zoom actually worked very well. In fairness to the mediators, I think they were shocked to how well it worked... So, I suppose when after the 22nd of October if all is going well, our clients will be offered zoom or face to face because a lot of our mediators are happy to do either. (Interviewee 2)

## CHAPTER 6: DATA ANALYSIS AND DISCUSSION

### 6.1. Model and the mediation process.

By analysing the conversations held with the informants of this research, it is possible to verify that the three centres implement the “5-stage community mediation model” proposed by Corry, O'Neill and Broader (Corry, 2021). From the pre-meditation session, done on people's own spaces, through the process itself that gives relevance to storytelling to generate mutual understanding and prepare the parties to collaborate, followed by framing issues, problem-solving, and when it is possible agreement.

The process gives relevance to the relationship and exploration of underlying issues. The language is kept simple to make it closer to the client's reality. In the cases of separating family's mediation, there is more requirement in terms of legal forms and language, mediators must pay attention to that when they write the agreement, but the core of the process try to be comprehensive and clear for the parties.

The Irish practice emphasises the relationship between the parties, allowing the venting of emotions, identifying underlying issues, promoting mutual understanding, and building or repairing the relationship.

The uraging people to develop and practice dispute resolution skills in order to improve their relationships.

The 5-stage model can be classified as a Personal Growth model (Zander, 2017). The mediation process will affect the parties involved in relation to their skills for solving their dispute and their relationship. The parties can have an impact on their nearest system: family, workplace, community. In addition the mediation services are "non-profit" agency-sponsored; in other words, their institutional origins are from private initiatives to establish non-profit services to support people. (Hedeen, 2003).

Co-mediation is intrinsic to the practice in the country. CM gives importance to the benefits of co-facilitation to improve the process for the parties, mediators, and institutions (Corry, 1997). The practitioners and people working with CM consider that it is necessary to work with co-mediation due to the complexity of disputes. It allows them to have a more complete picture of the dispute and what develops during the process while promoting the co-work and support between the co-mediators.

The schemes in the study follow the premise of offering free or very low-cost mediation to citizens (Zander, 2017) that due to their vulnerability, are less likely to access services or find an adequate solution to their disputes. The two centres attached to the law centres have in their institutional origins

the goal of bringing services to the people to promote their access to them. In the case of MBC, the group's origins were focused on contributing to the Peace programme, understanding that solving the conflict in the community before they escalate is essential to contribute to long term peace. Also, being part of a Family Resource Centre allows more accessibility for people who might benefit from mediation.

The communitarian location of these centres aims to make them available for people who could have problems accessing other services, which is a relevant characteristic of CM. The three services reported that their geographical reach had gone further than expected initially due to the demand for mediation and the lack of service around the country. This brings new challenges regarding access to the service and for the mediators regarding space, transportation, and resources. It is relevant for the centres to support as many people as they can. However, it is relevant to mind the own communities that gave origin to the service.

## 6.2. Objective of Community Mediation.

In the three cases studied, we can find that the projects followed the theoretical bases of the discipline. CM foundations are given by the political idea of empowering people to take control of their space and build peace and democratic space in their neighbourhood, improving the overall quality of life of the communities (Shonholtz, 1987) (Coy & Hedeem, 2007). More pragmatically, CM services are expected to create a safe and supportive space for people to express their feelings and concerns around a dispute and find a solution with a non-confrontational approach (Washington & Julie, 2019). The informants greatly value mediation as a space for people to come when they are entrenched in a difficult moment of their life. They try to offer an understanding instance where they can re-evaluate their conflict, their actions, and ways to face it to find new ways to overcome it. One factor mentioned in interviews is the importance of normalizing conflict to make people feel that the impasse in which they are is not a failure but an opportunity to grow and learn.

Tension in the Irish experience is given because it is difficult for the service to get community cases. Even though the demand for mediation is high on them, the separating couple's mediation has, in some cases, overtaken the services provided. The centres are committed with the community; hence, they include family mediation to respond to their demand. Some participants of the study pointed out having some frustration concerning this. There is the knowledge that community conflicts are present in the areas, as the courts refer them, for example, or there is the information that community issues are brought to city council services or local police. The question is why these cases do not come

significantly to the community services when most institutions present in the areas known about the centres.

More awareness is needed about the value of CM, and for that, society needs to support it through public policies and education. The centres do their part but gaining the visibility they need without broader institutional support is a challenge.

### 6.3. From the theory of community mediation to the practice

Hayes (2018) suggests that the value of CM is on its possibility of bringing its theory and values to the practice. Through the talks with people involved in CM actions, it is clear the importance that they give to the values of mediation on its practice. The values, since their training, are seen as the cornerstone for their practice.

Empowerment is described in two ways personal and social. A personal level implies the growth of individuals through the mediation process, in terms of developing skills that will help them overcome their present dispute and that can be applied to other aspects of their lives (SACRO, n.d.). This is present in the practices of the mediators in the three services. It is mentioned how important it is to promote people's ownership of their processes and decisions. The mediators are expected to collaborate in changing their views about conflict and get over the traditional adversarial approaches for a more holistic view. Neves (2014) talks about how empowerment contributes to autonomy and citizenship. This idea is difficult to evaluate through the current research, as its focus would have to be on the parties rather than on the practitioners.

On a social level, it is expected to promote community empowerment (Hayes, 2018). There is no evidence of this kind of impact on the communities. To verify it, more research on the parties to the conflict and the community will be needed.

Self-determination is expressed mainly through the parties' voluntariness to enter mediation and their freedom to withdraw at any point. Also, in their agency to make their own decisions about the matter in dispute (Hayes, 2018). In the Irish experience, this is present explicitly since the first contact with the centres, and it is seen as a condition to achieve long-lasting agreements.

Neutrality is a primary concern for the centres and practitioners. They are aware of how the lack of neutrality will compromise the process. Because of this, their training and continuous support and experience help them gain awareness of how they need to keep the balance between the parties while generating trust and rapport with them. They have learned how important it is to understand that each story has two sides and that for allowing mutual understanding, those two sides need to have the same

opportunities to express their views and experiences. The practitioners are conscious of the necessary reflection and continuous self-assessment. This is supported through the co-mediation process, which allows them to keep in check mutually.

One relevant difference with the theory of CM is the profile of the volunteer mediator. From its genesis to late developments, it is suggested that people from the communities where these services are located should be trained. They should be the ones performing CM for their neighbours, reflecting the diversity of the communities. In addition, training people on dispute resolution skills would help to promote non-violent ways of facing conflict in the neighbourhoods (Hedeen, 2003) (Zander, 2017). In Ireland, the mediators are usually professionals or retired people who have a high vocation for service. Generally, they do not belong to the areas where the services operate. Even though this does not seem to be a big problem for the practitioners, some voices question how it could be possible to engage more local people in the provision of services. The context is complex, the neighbours are from disadvantaged areas, and the volunteer characteristic of mediation makes balancing economic needs with non-paid work challenging. Furthermore, the requirements for being a volunteer are incredibly high in terms of training, which has a cost. The mediation services training courses have lower fees than other training on the market; nevertheless, the investment that can be done for people will not be retributed in economic terms, which can discourage them from pursuing formation in the area.

The centres approach the deficiency on this with the development of other initiatives focused on developing skills in the community, such as the peer mediation programme and conflict coaching.

Hedeen (2004) said that the community volunteer mediator could be considered one of the most trained dispute practitioners. Through the conversation with coordinators of community services and practitioners, it is possible to see that there is truth in that statement. The volunteers accomplished all the training requirements, and their experience on dealing with community disputes is valued as one of the richest learning experiences in the field. Understanding that matters that can seem trivial to the outsider can be so deeply felt by people and can have such a disruptive power in their lives, teach the mediators how conflict acts beyond the theory they have learned. They can feel it; they can see it reflected in people's voices and stories. Moreover, they can verify how to leave those issues untreated can end in escalation and even violence. For the case of Family Mediation, it is also true, as it is considered highly complex due to the emotional component in it.

The services bring together two of the most complex ways of dispute in the field of mediation. Because of it, they are seen as a great place for junior mediators to practice their skills. Some of the interviewees consider that it should be a necessary apprenticeship for recently trained mediators.

#### 6.4. The three main tensions of community mediation

In the literature review, three main discussions were identified concerning CM: lack of resources and awareness, legal system and institutionalization of the practices, and need for evaluation.

##### *Lack of resources and awareness about community mediation*

CM services struggling to operate with few resources or closing their doors seems to be a repeated story in their trajectory in other countries. The idea of rooted based programmes is difficult to maintain in the long term. The services that make it longer are usually the ones with an institutional backup, independently if they depend on a non-profit organization or the court system (Coy & Hedeon, 2007). Ireland repeats the same story; the services have come mainly from private actors, instead of being community rooted or dependent of the court system. They survive mainly because of their members' commitment and beliefs on the service they deliver and the power of mediation.

Different studies show that mediation is not well known in terms of awareness, particularly the community area is less understood and recognized. In this research, one of the main challenges identified by the participant is to publicize their work to bring more community cases and find support sources to keep the services running.

Shonholtz (2000) emphasizes the importance of connecting the community centres with the local services in the area. The community centres in the study have extensively done that work. However, they do not yet receive all the community cases and referrals that they would expect from them. The other relevant network to consider is local governments and other governmental services (Shonholtz, 2000). That work has also been done through contacts with the city council and the district court; the latter has been more successful. In order to secure more visibility, it is necessary to count on public policies that include CM as an element of social development. The Mediation Act 2017 is a progressive step in promoting the settlement of civil disputes, when adequate, through mediation. Its effects still must be evaluated. Unfortunately, the Act does not refer to CM. Also, it only regulates the relationship between mediation and the legal system, not including other vital services that need



to be on board for making mediation more visible, like the police, health system, citizens information services, city council, etc.

### *Legal system and institutionalization of the practices.*

One of the biggest debates on the CM field is the cooptation of the community services by the Court system. Many centres have to get closer to it in order to secure funding. Consequently, they have had to adapt their process and ethics to the legal one, changing the focus from empowerment, voluntariness and self-determination to efficiency and efficacy on settling disputes (Hedeen, 2003) (Coy & Hedeen, 2007).

In the Irish context, this institutionalization has not happened. On the contrary, the services have a need for more institutionalization or institutional support from the state and the legal service to keep running, expanding, or creating new ones. The collaboration with the legal system, in terms of community cases, still seems to depend on the judge's willingness to consider mediation as an effective alternative for this kind of dispute. Also, the location of the centres, Dublin, Limerick and Cavan/Monaghan, raises the question about what happens in the other counties. Where do the community cases that reach the Court are referred? More than likely they keep their course on the legal system.

In the instances where the work between Court and the mediation services occurs, there is no evidence of co-optation. The formation of mediators and the strong commitment to the mediation values maintain its independence from the legal system's values, which is a remarkable positive aspect in case of future collaboration.

As mentioned earlier, the Mediation Act 2017 is helping to position mediation as an alternative to the Court. However, it is still too soon to see the effect, the absence of CM in it is a source of preoccupation for the further development of the discipline.

### *Need for evaluation.*

The lack of evaluation is a concern from the theory of CM, whether it is about how to evaluate (settled disputes, parties' satisfaction, reduction of conflict in communities) or the difficulties of the services to do a proper process of evaluation due to the lack of resources, time and personnel (Hedeen, 2004). The reality in Ireland seems to be the same, mainly because evaluation and research imply resources, and those are not present on the services.



Shonholtz (2000) highlights how relevant it is to have evaluation and research to look for resources and support. This is one dilemma for community mediation in Ireland. There is awareness of the need to get research done to make their work visible and attempt to get funding, but the lack of resources does not make it possible to engage in these activities.

There are alternatives to explore; obtaining support from the MII or creating a network with college students for research projects could be an alternative. The work that is being done in the services is enormous and relatively unknown. If further development of the area is expected, it must be more visible, starting within the own mediation community.

## CHAPTER 7: CONCLUSION

The present research brought together the experiences of three community mediation schemes operating in Ireland. Through the conversation with people working in them, it is possible to appreciate their importance for the community providing free and high-quality services to people in their territories, making them more accessible. The demand is high, and the reality of the centres makes it difficult to give all the support that is needed. Furthermore, increasing demands come from other areas and parts of the country, which in many cases cannot be addressed.

Community Mediation seems to be less visible than other types of mediation and alternative dispute resolution. It is a non-profit area with the capacity of making a long-lasting impact on people, communities. The lack of funding, institutional support and awareness of CM are the main issues that affect the daily work of the schemes and their development.

The objectives of the research were accomplished. The practice of community mediation in Ireland is described in terms of model, value, and process, highlighting the benefit of co-mediation, dialogue and development of conflict resolution skills. The values of CM are intensely practised and promoted through the training, practice, sharing and learning spaces and continuous professional development. (Objective 1).

The main obstacles and opportunities are described and are coherent with the international experience and theory about the community mediation field. The main difficulties are related to the support and long-term sustainability of the schemes. In terms of opportunity, the commitment of the mediators and the transformative power of mediation are the base to keep growing the discipline (Objective 2).

The interviewees' learnings and challenges can be relevant information for the mediation area and other community schemes in the country. The strategies implemented in terms of organization of the work, training, and creating networks with the community can be a starting point for other schemes. Volunteers' motivation with their work and their learning testifies to the value and importance that CM can have and how it can contribute to larger community projects in Ireland. (Objective 3).

Concerning the research question: How is the theory of Community Mediation put in practice in different institutional settings in Ireland? It is possible to assert that the three centres studied are rigorous in keeping the main principles of the discipline through their work. The mediation principles, the focus on the people more than the outcome, and co-mediation are the base for the practitioners. Their practice is complemented through the experience that they gain with each case they work with.

The challenges for the field are high; most of the difficulties are given by the lack of support on institutional and financial terms. In addition, it is necessary to attract more community actors into the services to be trained as mediators or to create more connections to derivate cases to them.

The route for continuing the development of the area will depend on integrating these schemes in a broader project, whether is supported by the MII, Court system or other public entities. For that to happen, institutions like the MII and policymakers must understand the potential that community mediation can have on the development of local communities.

The scope of this research was to describe the experience of the people conducting community mediation actions. Further research needs to be done to know more about the impact of the services on the parties and communities, especially concerning empowerment and strengthening of communities. It is the intention of the researcher that this work can contribute to the reflection and discussion of the current situation of CM and the future challenges it faces to keep its development in Ireland.

## REFLECTION

My background as a social worker brought me naturally to be interested in community mediation and the value that this can have to improve people's lives and contribute to building democracy and social justice. Through the research process, it was interesting to see how the discipline has developed and particularly how it is lived in the Irish context. The findings taught me that there is a deep commitment of the people working in this area to serve and help the clients to go through their disputes, aiming at the same time to develop long-term skills, which can impact their nearest system.

The energy and passion of the interviewees are contagious and made me feel a call to contribute to the strengthening of the area. The hope is that this work that systematizes their practice can reflect the opportunities and challenges the services face and contribute to the reflection that is already being done.

A relevant point that encourages reflection on me is the idea of the volunteer mediator. It is present at the foundational base of the area, and the people involved see its value. I believe that to make this practice sustainable, we have to question this statement. The reality shows us that it is challenging to maintain a service running without having employed staff, which would allow the services to give a better solution to people's problems. It could also support the professional development in the area to keep the people involved in learning, training, and investing their best effort in the field.

The current situation of community mediation makes it challenging to think about how this can be achieved. First, many steps need to be accomplished: connect the centres, find institutional support, and get permanent funding. If these conditions are fulfilled, the debate should focus on what kind of services is needed.

There is much research to be done. Moreover, it is essential to find ways to do it even though the resources are not there. Having evidence of the work and impact of the services in the community is key to growing the services and finding more support.

## APPENDIX A

### INTERVIEW QUESTIONS

1. Can you describe the actions that you execute concerning Community Mediation?
2. What are the main difficulties that you have face to implement your work?
3. In your opinion, what have been the main achievements and personal learnings during your experience in Community Mediation?
4. Evaluating the work done by the centre, what do you think is the impact of mediation on the parties, their relationship and resolution of their conflicts?
5. Evaluating the work done by the centre, what do you think is the impact of mediation actions on the community?
6.
  - If interviewed is coordinator/administrative: Volunteers are a core characteristic of CM; how has your experience in relation to recruitment and working with volunteers been?
  - If interviewed is a volunteer: What is your motivation to work in Community Mediation?
7. How do you think the field of Community Mediation will develop in the following years?

## APPENDIX B

### CONSENT FORM

Informed Consent Form

#### **Informed Consent Form for Research Project / Dissertation**

**Research Study Title: Community Mediation in Ireland: from the theory to the practice in community mediation centres**

**Purpose of Research:** explore how the mediation theory is implemented in a practical communitarian context

Dear enter name of participant here.,

You are being invited to take part in this research study as you have had experience in the Community Mediation field. This research study aims to gain an understanding of the practice of community mediation, including challenges and achievements, through the study of community mediation schemes implemented in Ireland.

This research is being carried out by Javiera Carrasco as part of a MA in Dispute Resolution at Independent College Dublin.

Type of participant:

- I enter name here. voluntarily agree to participate in this research study.
- I understand that even if I agree to participate now, I can withdraw at any time or refuse to answer any question without any consequences of any kind.
- I understand that I can withdraw permission to use data from my interview within two weeks after the interview, in which case the material will be deleted.
- I have had the purpose and nature of the study explained to me in writing and I have had the opportunity to ask questions about the study.
- I understand that participation involves be interviewed to collect information related to my experience on the Community Mediation field in Ireland.
- I understand that I will not benefit directly from participating in this research.
- I agree to my interview being audio-recorded
- I understand that all information I provide for this study will be treated confidentially.
- I understand that in any report on the results of this research my identity will remain anonymous.
- This will be done by changing my name and disguising any details of my interview which may reveal my identity or the identity of people I speak about.
- I understand that disguised extracts from my interview may be quoted in my research project
- I understand that if I inform the researcher that myself or someone else is at risk of harm, they may have to report this to the relevant authorities. They may discuss this with me first but may be required to report with or without my permission.
- I understand that signed consent forms and original audio recordings will be retained in possession of the supervisor until November 2021.
- I understand that a transcript of my interview (in which all identifying information has been removed) will be retained for a period of two years.

Independent College Dublin, Block B, The Steeworks, Foley Street, Dublin 1. D01 X997  
Tel: 01-877-3901  
email: [info@independentcolleges.ie](mailto:info@independentcolleges.ie)

- I understand that under freedom of information legalisation I am entitled to access the information I have provided at any time while it is in storage as specified above.
- I understand that I am free to contact any of the people involved in the research to seek further clarification and information.

**Below to be completed by research participant**

---

☐ By checking this box, I confirm that I have read all of the above information and that I agree to participate in this research.

Signature of research participant

Enter your name here.

---

Date

Click or tap to enter a date.

---

## APPENDIX C

### BRIEF DESCRIPTION OF THE RESEARCH

#### **Description of research project: Community Mediation in Ireland: from the theory to the practice in community mediation centres**

As a student of MA in Dispute Resolution of Independent College, I am currently working on my final research project to finish my formation process. The topic chosen is "Community Mediation in Ireland: from the theory to the practice in community mediation centres."

The research aims to explore, know, and understand the practice of Community Mediation in the Irish context through the study of the work of Community Mediation Services. In order to gain a better understanding, it is necessary to know the context where the practice is executed, the organisation and actions implemented, and the views about the obstacles, achievements, and challenges that the people who executed this action face in their work.

The information gathered will allow me to analyse and reflect on the practice in different contexts and how the theory of Community Mediation adapts to the Irish context. The research's projection is to contribute to the development of the field in the country and in general to the disciplines of Dispute Resolution and Community Mediation.

- **Research Question and specific objectives:**

How does the theory of Community Mediation is practiced in different institutional setting in Ireland?

Objective 1: To describe the actions of Mediation performed by Community Mediation schemes in Ireland.

Objective 2: To identify obstacles and opportunities on the implementation of Community Mediation actions.

Objective 3: To analyse the learning and challenges of the Community Mediation schemes and its implications for the Community Mediation field in the Irish context.

The informants for this project are people who work in Community Mediation in different institutional settings. They are the ones who better understand the reality and nature of their work and



the different obstacles, challenges, and achievements of the practice. To explore their experiences, semi-structured interviews will be executed, hoping to understand their experiences better.

Once the interviews are finished, the information will be analysed with the literature review to compare, contrast, and reflect on the tensions between theory and practice and the characteristics of the exercise of Community Mediation in Ireland.

I sincerely appreciate your interest and cooperation with this project. I encourage you to discuss any question that you have before accepting to be part of the research and during and after your participation.

Javiera Carrasco

Student MA in Dispute Resolution

Independent College Dublin

September 2021

## APPENDIX D

### INTERVIEW TRANSCRIPTIONS

#### INTERVIEWEE 1

Interviewer: Could you describe the actions that you execute concerning CM in your center?

Interviewee 1: we have a community mediation service, so would you like me to describe how that works? Yeah, yeah sure, so it pretty much works the same way every time. For some reason somebody contacts our service, the mediation service. Now it might be that they've already come to the law center for legal advice, or information about a problem and- and they might be involved in a dispute and the solicitor might say, "look it might be better if you talk to the mediation service", or they may have approached the courts with a noise dispute and the judge says, "you're outta here, go to mediation", or they may just have spoken to somebody, or seen an ad, whatever way they come about it; but they made contact with us independently, OK? I never ring anybody and say, "hi here you have problem", they ring us, all right?

On the first phone call I described how mediation is likely to proceed if both parties or all parties agreed to engage. So, I talk to participants through from A-Z of how this will work and then the question is-is that is this something in which they would like to be a part of, mainly they say yes, and they quickly followed that up with "but the other guy, he's not going to get involved in this", "he's very unreasonable or she's very unreasonable", "they won't do it", everybody tell you that. So, I said that about people that I'm in dispute with, you know? that's a common enough perception. So, then in community mediation we look for details of the person who with- whom you're having the dispute and we send them a letter, OK? So, we write out those letters and say, "hi we've have been contacted by this person that would like to mediate with you about a situation that they are finding difficult", because the person you are writing to might not be finding it difficult at all. And then we also put a paragraph in to say we remove all your details in the event that you don't want to proceed with this. This is just a one-off invitation, and usually that person rings in to say, "can't believe they were talking about me, wait I tell you my side", and they tell you, their side.

Now community mediation was traditionally about bouncing balls, and noisy neighbors, and barking dogs, but we've- we've we grind out the mediation service to take disputes between colleagues or board members of a charity, opposing charities or charities working side by side, and neighborhood action groups you know? anything really in that neighborhood, OK? And so once party B has made contact to say, "this is my side of the dispute", I then ask them if they like to participate in mediation, and it's 50/50, sometimes they say yes sometimes they say no. If they say no, I still encourage them to meet the mediators for their private meeting to get a sense as to whether or not they can trust those mediators to bring them through the process. So, even though they said no, I look for another opportunity to see if we can progress this at all. If we get them to a meeting with the mediators it's very unlikely that they pull out, they will go forward because the mediators are exceptional at what they do, they do give both parties the sense that they're there for them, and that they will support them to tell their story, and they will assist them go through; and both parties would say "oh you know that the last time I met him or her she cursed at me, I'm not putting up with that again", and the mediator will reassure them we won't be putting up with that and they will get set ground rules at the outset.

So, if both parties agreed to- to go forward then, whether their private meeting are not yet happened- they're both happy to go forward I sent out welcome packs. On the welcome pack includes a welcome letter, and a step by step with stages of the mediation: the private meeting, the joint meeting. I emphasized that the agreement is binding in honor only, and that this is not a legally binding settlement and that that will be emphasized to them throughout the service and in the settlement agreement if they reach settlement. And

mmm... that's it then!, they go through the private meetings which generally, well pre-pandemic, happened in people's own homes usually, but now obviously are happening on zoom. Then after the private meeting they would have a joint meeting which is the mediation, everything else is case preparation. So, the joint meeting then the mediation itself, that will happen in a neutral venue and sometimes people say, "but I have a huge sitting room it can happen here" It can't. "We have a board room", can't. It has to be in a neutral venue, OK? That often is parish halls or you know community offices, or our own offices or wherever. At the moment obviously it's on zoom. And yeah, and then if they do reach agreement, it's notice in handwriting, they write it down and they get the parties to sign it, it's returned to the office, we type it up for them with spelling mistakes everything, everything goes in, it's an exact replica and we only type it so that it can be read that there isn't a problem with handwriting. And that copy is unsigned, because the people are not with us, and then we send that out in the post to the participants with a letter acknowledging their participation, but you have to acknowledge that the mediation is now over, OK?. The mediator sometimes make an arrangement to see them again in three months to see how this is working out, depending on the dispute what is over, and you know they might feel there's a need to offer that extra leg, but after that it is over because if they haven't managed to resolve the issue with that level of support they need to be somewhere else, so there's other problems.

Now, if that is the case we can leave them with suggested services that they might tap into for additional support, and- and when I'm picking mediators, not every mediation service can't do this because their service is too big, but our service is quite small and I'm usually able to pick a mediator that has some work experience in the area that they go to mediate in, and that's only so that they can reality test the agreement. So, I have a mediator for example that was-he worked in building..., on managing building sites..., mmm... I'm not sure, but he had some insight into that end of things anyways. And-and I asked him to mediate in a case where there was a noise dispute issue between neighbors and the shopping center, and the noise was being generated by delivery vans coming before the-the the planning allowed them to come from 6:00 AM, but because they were coming from abroad or wherever they were arriving at 4:00 AM and before, or just after and because it's cold, they leave the-the engine running towards the cab, so that they can stay warm in the cab, but the neighbors were listening to these engines of these big delivery trucks. But he was helpful there, because when they reached an agreement and the manager of the shopping center said "oh, I'll write to everybody and I tell them", he knew that they were just ignore that, he was like, "well the truck drivers are not going to be reading your letters" you know? So, he was able to reality test, and he was able to bring other arrangements that might be better. So, that I think what they did in that situation was they agreed that the truckers could arrive anytime, but they were parked off-site on the M1, where there was additional car parking, and they could- they could do what they need to there, and then come down. So that's the way we managed the mediators and the cases if we can at all. We try and- and that's it then, that's the case from beginning to end. They don't always reach agreement but-but, in the main if they go that far through, they will.

Interviewer: How do you evaluate the impact of the mediation on the parties? How do they react in general?

Interviewee 1: Yes, we're not great at that. We did have an evaluation form, that we sent out when the mediation was over. But as time went on, the evaluation form became very- very- very inappropriate, it's like "Oh my God", like it was terrible. Originally one of the questions was about the ethnicity of the mediator, like WHAT? These were drawing up about 20 years ago, so as time went down different questions got left off, and then we ended up with about three questions. It just became a farce, and really now it is a piece of work to be done, to draw up a new evaluation and that will be wholly appropriate and- but I haven't had time. So, the way that we now evaluate cases is I linking with the participants after a period of time, to see how they are getting on, and we also rely on self-information from different services that- that participants might be involved with. So, if it's a workplace dispute, the manager will ring back, or I contact the manager. They won't have had details of what was agreed but they will know if the parties are getting on or not on the shop floor, and while they may not be buddy buddy the kind of information, they give you is nobody's coming in sick anymore, and that's a

clear indication that the thing has deescalated, OK? And so that's the kind of information that we trade on, we look to see from the periphery how is this working out for people. But if you're going to follow-up formally with individuals, you have to have their consent that we can follow them over a period of time. You have to get that from them, if things are not working out they will be back to you ASAP, they come back very fast, OK? really quick. And they will start back it with "he's doing this again", "that's happening again", "she's doing that", "this isn't working", and it's all you can do there is to go again and to see if you can modify with them the agreement that was originally reached. To see if there is some new twist or, if is there something that we haven't thought out with the original agreement that has washed out now it in the couple of months afterwards, to go over something we didn't know that was going to happen or whatever. And they can reevaluate, and that's really it. We don't have a formal tracking, and with GDPR and everything else, that is a piece of work, but it should definitely be done, yeah.

Interviewer: Do you think there is an impact of the mediation services in the community?

Interviewee 1: Yeah, I do. But it's very, very quiet it's very discreet and it's under the radar which is exactly the way it should be, OK?. Oh yeah that's, that like that's the whole- like people, who are not in community mediation are exposed to it- are exposed to mediation from the news and the TV, and you know high power mediations, about you know land settlements and, and big dispute over estates, some workplace disputes involving unions and big stuff but the stuff really that's happening on the ground that causes real problems within a community and that doesn't get blown out and it shouldn't. It's just an opportunity for somebody to come in and allow stories to be told, unwind scenarios, so that people can hear "oh, I didn't know that". My- my example of that will be that we had neighbors here that we- that I grew up with. I've known him all my life and- and then the remaining sort of parent in the family passed away just over a year ago, and they sold the house quite quickly. So, we now have very new neighbors, but I was so used to being able to go into the house and know how that worked, but I kind of picked up where we left off . And like my two new neighbors were looking at me like I was nuts, they were like "what is this woman doing", because I used to maintain their garden in the front, because the man next door was 92 and he couldn't do it. So, I carried on cutting their grass, and they were like "OK, we're planning on doing this ourselves". So mediation, we don't need mediation that's all fine, but those are the kind of stories that you want to tell, you want to said "you know I'm so sorry for being so over the top there, I kind of forgot that you guys were new and I had such a good thing going, I just carried on", and at one stage I didn't say all that but I was trying to make an explanation, I said something about like I used to always giving whiskey at Christmas and then they were like "well"(laughs). But if you don't have people in the mix there, that have some sort of skills, that can really fall apart very quickly and it spreads along the street very quickly. Things in disadvantaged communities, where those steps have been missed, you can end up in a very serious situation. Like I know we were working with families where mmm... shots have been fired through a sitting room window and we were asked to get involved. Now, personally I think we were asked about three years too late, but anyway, but I do remember the garda telling me at the time with his head in his hands, he was a senior garda, and he said, "you know they keep telling me that this is over bins and who took it bins out", you know people would do that for each other, and that now he said "I-I just can't believe that that's what this is about", but when we did some work it turned out that the original issue was about somebody not taking in the neighbors bin when they had to pass along, and they just didn't do it one week and they didn't manage that situation well. So, in those scenarios you don't need somebody coming in and grandstanding and telling everybody this is what happened whatever, you just need somebody to come in hold the space, left conversation happen, hope for the melting, what Geoffrey calls "the melting point", for one person hears the other person's story and goes, "oh, I didn't know that". You know, I would like my neighbors to go and say, "we didn't know that you knew the people here all your life and, whatever and you are bit crazy, you know" and all that just melts away. So that really is where mediation- community mediation needs to be at.

But you have to balance that out with mediators who are doing fantastic work, get no recognition, they are volunteers, and they're often working in very difficult, stressful scenarios. And then you say to them, "now if you could just quietly exit through the back door, thank you" (laughs). That is the responsibility of the agency, that's managing them to mind them and look after them and make sure that they get their-the value back, you know? That they are rewarded and not necessarily in money, but that is acknowledged that the work that they did was a huge value, because it is! You're not playing lip service, and you will see them come down in a community like Ballymun that has huge struggles with all sorts of things: drugs, drug activity, criminal behavior, there are gangland shootings in the community, so they have all that stuff going on. You don't need people falling out about the fact that, you knew next door for you know 50 years, so that's where the work is at.

Interviewer: How is been your experience at recruiting volunteers and how the center organize that work?

Interviewee 1: the main story is, "if you apply and you're registered with the MII we are all sailing", but we are not. In the main, we run mediation training courses, and they are usually for people who are working with people in some vocational occupation. So, maybe their gardas, teachers, social workers, many teachers, nurses. You know people working where they come across...- doctors! where people come to them because they are trusted members of the community, and they tell them about difficulty they are involved in. But the vocation that- that person is in precludes them from helping, and they usually take there must be a better...- solicitors! solicitors is huge! Yeah, so solicitors will know the law that will assist the person resolve the issue, but they also have the foresight to know that that will not resolve the issue, OK?. So, they come forward for training, they train as mediators and if they then want to volunteer to the service, which I advocate hugely for, then we take them on. It doesn't matter what going on with them, we know that they have knowledge of the areas they are coming from, and they now are trained mediators. I give them three cases each, OK? with an experienced mediator, all our services are co-mediated. So, they get three cases each, it depends of what is in and you ask them to just hold..., like some solicitors for example or people who are used to dealing at a particular level of dispute, do not want to be put the room with two neighbors that are fighting over a barking dog. But when they have to actually hold the discipline of mediation and they see how invested two parties can get over the noise that's generated by a barking dog, they can see the work that they have to do to hold the discipline, to resist their- mediators are nearly always doers, fixers, they have to resist the temptation to wage in and go "listen folks what you need to do here is", OK? So, that's where the work is. So, we recruit in at the back of the mediation, then allow them to do three cases, by the end of three cases we've all figured out if they are good fit for us and if we are a good fit for them. And if we're all good fitting, and we are all happy to move on, we move on. I have never had a mediator down and say, "this isn't working", never! I have worried about certain conversations, and then the mediator come to me and g,o "this isn't working" and I'm like, "you're absolutely right, thanks". And that's happened twice I think, it's only happened once, and that person took the skills and went back into their own career and took those skills with him and was so much more beneficial to them and that area of work.

Outside of our own courses and people coming through that way, mediators will sometimes say to me, "look I did a course with so and so, some years ago" and they're really finding it difficult to get back in, then we pick that person up where they are, and we moved them through the service with us. So, it may be that they need to re-train, or it may be that that their training is still valid, but they have to pick up a couple of cases. We put them in with someone experience. But that's essentially how we do it.

Interviewer: How do you invite people to the training courses?

Interviewee 1: we advertise it widely so it's in active link, the MII website, we put on our own Facebook page. It's a bit of a balancing act, and I'm laughingly saying we don't want to encourage too many people because we can't manage them, but we currently are having a problem getting enough people on the course, that's a



problem. And so, we will be running a course, well think I told you at the outset that I'm leaving the organization, but there is a plan for a course to run in these 12 months and that will be fantastic.

Interviewer: Why do you think you are having problems to get people for the training?

Interviewee 1: ehh... well people when they approach to us, when we advertise the course, we would have many queries, but not everybody that thinks want to do a mediation course understands what it is. So, you have to be very clear with them because the course is about 1200 pounds, you can't take 1200 pounds of somebody who has not a clue of what they're signing up to. And so, once we filter the people that actually thought it was meditation, they are gone, and then you talk to the people who want to do family mediation, so they are ringing because they want to be family mediators. And you have to explain to them that you have to do the mediation first, then community the 60 hours, and then you can go on. And then they realize oh that's too big a commitment, I don't want to do that, so they are gone. That's not everybody, it's just that's how the numbers start to come down. And then you get left with the cohorts that know what they're doing, they're on board, they have the money, they're ready to go, but as the date will approach somebody will ring in and say "look, I actually can't get that time off work" or my kids' thing has changed" and I have to do something else, something will have changed for some of them. And so, the numbers now are starting to come down, you're trying to hold everybody. So, you start to move the dates, so if you're really lucky you move the dates by six weeks and you have them you just run the course and of you go. And that's really how- that's how it works, that's how it works for me. Now there are other courses out there that seem to have no trouble attracting people. They are very expensive, people come, they do them and they go off. They're not doing community mediation, they're, you know, they come back into industrial relations or whatever it is, and they use the skills that they've picked up in their vocational area but that's not what we're looking to fill.

The other thing that you have to be honest with people, some people say, "I hate my current job", "I've got people skills", "I want to make money in mediation", and I have to stop them right, well "that's not gonna happen", unless they're already in industrial relations and they can forward to trail there, but other than that- you have to- people can't be giving up their money thinking that that's is what's going to happen for them.

Interviewer: In your personal experience, what had been the main difficulties for the mediators and the center to implement the work of CM?

Interviewee 1: Well, mmm... (pause) mmm.... the MII. They-they, so let's be positive about that. They have the capacity to be of massive support to mediate- to community mediation services. They could be hugely supportive of us. And my experience with them is that they're hugely divisive, they don't have an understanding of community mediation, they don't have an interest in becoming, mmm, knowledgeable about community mediation and its capacity. Now, there are personnel in there that are lovely, and very, you know nice and pleasant and easy to get along with, but the work is not getting done for us and that is a massive disadvantage. Because their personal- because we are small, community mediation in Ireland is small, so we are the minus, OK? but MII are gearing themselves up to being the whale in this scenario, and they have such stuff going on internally that they change stuff quite regularly. Their personnel changes, every time their personnel change the paperwork changes so you can find yourself adrift from the paperwork within six months of renewing the paperwork. Now I'm conscious I'm being recorded, and I say very tight tight like that that might not be the case, but I have regularly followed procedures and then somebody rings me in and goes, "XX that's not working for me", and I've to ring the MII and they are, "oh we change that", and I'm like well OK. So, they- they do issue a lot of information, but is not relevant to us and is so prolific that I cannot keep up with it. Really will be a value, and they do have a community mediation sector, that's not working either. So, if the MII found some home for community mediation and cherish it and mind it, the whole thing will work so much more easily for everyone concerned. And for people who want to get in at the upper levels of industrial, or you know much bigger disputes than we would deal with, it will be a massive advantage to them to have the opportunity

to sit in a room and have to hold the space of two heartbeats that are really buying at each other over at the bins or the legacy neighbor or the market, or the bouncing ball above. We had a very entrenched case about a scented candle. So, but if you're coming from a position that you've only ever done the paperwork in hand to tell that you know this is the result here, this is what you need to do and you're in control, it's very difficult to then show up in a family mediation when somebody is about to lose a house or access to their kids, payout maintenance, whatever it is. Because they never had to sit with two really hurt people. So, they come in at a level that they weren't kind of brought up too. So, I-I think of community mediation was given more of the liberty, it will be easier to survive at the upper, it will be easier to hold some of this stuff if you have practiced the discipline in community.

Interviewer: If I understand correctly, do you think that it would be interesting if the MII would offer this community mediation experience to people that is learning the skills?

Interviewee 1: Well... there are community mediation sectors. So, there are the Ballymun mediation service, and we take in a wider brief that just Ballymun. So, we're looking at Ballymun, Finglas, Cabra, Blanchardstown, which is huge, I think that's Dublin West or something. And then you have Coolock mediation service that looks after Coolock, OK? Now they went a little bit further north. And then you have South Dublin mediation that looks after everything on South Dublin, and then you've Dun Laghorie-Rathdown, OK?. Now they're community mediation services, if the MII where certifying people who just come of courses and saying to them, "it will be of advantage to you now to volunteer to any one of these four services, we will support you". Now they do reduce fees for volunteers, so there is that kind of thing, but if they did that, if they- I know the girl that takes the calls on the MII and she's fantastic and very helpful, but I'd say there's nobody else in MII that has heard my name... like fine, but like, that seems to me to be a bit silly. Like if anybody wants to know anything about mediation and they've done any research they ring me, or Ros, they ring Tony's at South Dublin or the ring whoever, I don't know the personal of Dun Laghorie-Rathdown. But like they reach out to anyone of us, the MII have never heard really of community, and if they wanted to know about community, they won't ring any of us. They are not really- they're not really around for us. They are around for, but in my mind the progression should be the 60 hours, the community cases and then the family, or industrial or workplace, or whatever and that would be very- eh, it will be a more organic route for somebody to take. And it will also less of the political nonsense of that- political stuff that they have going on in there.

Interviewer: We talked about difficulties, what it would be main achievements or learning that you have had working in CM in Ballymun.

Interviewee 1: well, the center has just keep going over the years, I think our mediation services are running about 18 years, I'm there about 15 and-and I actually I came in having just finished a law degree. I had zero interest in mediation, none! and I had to be encouraged to get, well! I mean it was my job to pick up the projects and it was the only project. But both mine and the center staff appreciation for the opportunity of people to just resolve an issue without a solicitor is now hugely appreciated. And the value of the mediators and the contribution that they make, like the mediators really have to remain in a very disciplined position, they can't sit in your house all night while you tell them what happened to you, they would! But they can't. They know that they have to manage that discipline, and then they have to go off, and have to speak to each other and debrief about what they heard, and if did they hear this, did they miss a trick, was something else... they do that in their car, OK? and then back to home and get out with home life, and then they have to come back and regroup for the next private meeting and do it all again. And then the joint meeting and that's all happening at night, when the rest of us have gone home. And then they just come back, and when we resolve that problem and the matter have a final settlement and we're sending them the agreement they are, "can't talk now because the kids are gone swimming, I am off to something else". So that's massive, like if that service wasn't there, our solicitors will be let writings elderly mummies' letters about their adult daughters and the dispute that they got into about the money that was in the post office. That's not where you want the family to

be at, so our understanding and our value of the mediation has increased exponentially it's a service that they if the solicitors go to bed, the mediations would still be there. It's huge in my opinion, it is huge, and I think that will be the opinion of key staff members and the board.

My own personal learning out of it is, you can never just-ehh... every time somebody picks up the phone to me, I'm staggered by the story they tell me. I always go, "Oh my gosh I can't believe that happened", you don't tell them that, but in my head, I'm going, "wow, Oh my God". And then you hear from party B, and you are like "well something went wrong there" I don't know, you can't- you can't never tell, there is always another side! I usually I used to think that the other side was made up to counteract the party A side, but actually people get very entrenched and very invested in their perspective of the dispute.

Interviewer: in the practice you have been convinced of the power of mediation...

Interviewee 1: yeah well, they obviously were convinced before I came along, because they established the service, but like I thought I was going to be working on other stuff on the law center, and not at all- but I could see the value as cases started to come in and-and in, the service started up with community mediation, we now have family mediation into family, conflict coaching, peer mediation. Peer mediation has been a massive contribution to the primary school teacher and students. You forget about the primary school students is that they very quickly become secondary school students, as they progressed to a secondary school, the adult life comes calling on them very very quickly. Before they leave secondary school sometimes they have accumulated a family of their own, and they are involved in social welfare, they may be involved in court proceedings or whatever, so well you hope that they're not involved with court stuff, but if they have better skills as to how to negotiate themselves, how to talk, how to listen, how not to allow a situation to escalate that they can't manage. I think in the peer mediation, I know somebody asked me to do the stats on years ago, and it was 2500 kids that went through the peer mediation service. Now what it is now, I've no idea, but that's a massive contribution back into a community.

It is like the community, is very simple no bells and whistles its traditional stuff, we don't talk about bullies, bullying. We talk about respect, we talked about listening, we talk about feelings, and we talked to every single kid in the class, no matter the high achiever the child that is permanent in problems. I only want to talk the kid his parents are in trouble! But because there's games and stuff involved sometimes the teacher excludes those kids, because they see the game as being the rewards and I'm trying to remind them that the learning is in the game, and we need them play the bloody game. But there's nothing complicated in any of this, like all of this is about respecting people and saying you know, "have you heard what this person is saying", you know, "how do you feel about that". It's all traditional stuff. We work with the teachers, so the optimum is that you train the 5th class teachers. Now that's what we did originally. I trained all the 5th class teachers in Ballymun, and some of the principals or vice principals came too, so that they knew what their kids were going to be learning. I did not realize that by year 2, the 5<sup>th</sup> grade teacher will be now the junior teacher, or gone on maternity leave or something, and within two years the original group that were trained were gone somewhere. So that was just heartbreaking, anyway we moved on to do, to try and work with the teacher for a morning, one teacher in the morning to go through the manual to make sure they had an understanding of what was coming up. To brief them in advance of the next class, to leave very clear, - the manual is very very, if the manual said you know lock down the M1, now I will lock the M1, I don't go off script it's the manual. So, the teacher is never surprised by what I say, she can run to where I say it. Now the kids sometimes lead you in directions that you have to be very careful where you go. Aay for example there was an... there is often, there is less so now but when we start up, there were a rash of suicides in Ballymun because it was so easy to go up a flat tomorrow and come off it. I don't want that to sound disrespectful, it was just a geographical problem, an environmental problem that the environment supported this unfortunate taking off one's own life. But one of the questions in the peer mediation was let's have lots of solutions to a problem, and we gave them a problem, and you want them to give you lots of solutions, what you might do in this situation. And for a period of time kids said, "she



just could jump off the flats”. And obviously that has to be halted in its tracks, so you work out stuff like that with the teacher in advance. Some teachers will often tell you, “We’ve discussed it a staff meeting, this is what we’re doing if that’s the response that we’re getting or you’re getting” whatever, and they’d give you the- this is the line. And the line in that scenario was to stop everything for everyone and to say that is a very final solution to something that we can manage with some thought, and the teacher will pick it up and do some stuff and then the peer would move on so. That’s how the training is happening now, we’re working with teachers individually, but what you really don’t want is the teacher to say to you, “Oh my God I’m so glad you’re here because there’s so much homework stuff to catch up on and if you just take the class and they love you”, and they do love me because I come with sweets and games and two hours of work they take, you know, so this is fun time. And the teacher is going so, “goodbye” and just sit down at the back and-and they are doing the homework or whatever, and you’re managing a scenario with a kid who is throwing you a curveball and then out of nowhere teacher looks up and goes, “Mark sit down and shut up”, and you’re like, “God no!”. That’s worst-case scenario, it doesn’t happen often, but it just happened, and there the challenges you’re saying to the teacher, “I’d love to give you the two hours, but will you work with me for, and if you give me a half hour at the beginning and half hour at the end, in the middle hour will you not interject, but I need your help”. But the last thing I say to the kid is “shut up”, because we have rules on peer mediation.

Interviewer: how do you think CM in Ireland will develop in the following years?

Interviewee 1: See I have a very clear roadmap for how it should develop. I’m not getting any traction with that roadmap at all. So one of the core elements of community mediation is that the parties that you are mediating with, don’t have to meet you again in super value or Tesco’s or Dublin city council, you know? Yeah, you’re gone, you’ve come in, you’ve done the work, you’re gone. Community mediators cannot take referrals from a family member or a neighbor or a colleague, OK? they can’t because they will remain in the mix for too long. But they- they need to pool their resources and hired a girl or a boy to manage a phone for a couple of hours a week to take referrals and to promote the service. But because they’re all volunteers and they are solo traders; they don’t have the wherewithal to bring all that together. And when they come together, in order to form a grouping, they argue, they can’t agree what they should be doing. So, I can’t see how independent community mediators survive, unless they’re attached to Ballymun, South Dublin whatever. South Dublin has a large cohort of mediators. And if that was to be replicated around the country, I think community mediation would flourish. Because anybody volunteering to us wants to do it and they might come back to you and say I’m going to do a masters next year leave me off the list I’ll come back to you in a couple of you know in 18 months or something fine, whenever! They go and they’ll come back, but without somewhere to come back to, I can’t see how. I go to our regional meetings, and I go, I stopped going because they come, and they say to me, “how do you get the cases?”, and I go like “well I’m employed to get the cases”, I don’t mediate the cases. So, I’m the conduct in there; people will know we run the service, they ring us in, I take the referral out, they got the service. We don’t know any of these people. People have ringed me that obviously we do know or that we’re taking law cases on behalf of, and then there are conflicts, and you have to disclose all that, and work your way through it and you either refer them out or everybody agrees there’s no problem. That’s different if you are in a solo road, and if you’re a solo community mediator living in the country, you’re going to know people for hundreds of miles around. Like people in the country will tell you something that happened on that on a farm 150 miles away, but they do! they know! because that’s maybe their nearest neighbor you know. I’m exaggeration but you know what I’m saying. I spoke to a chap only two weeks ago who has a flourishing business, that he wants to give up because he has a family, and he wants to take mediation. He thinks he has good social skills, people skills, and this could be a really good area for him. Because we worked our way through it, it turns out he’s based in the country, he couldn’t take a referral for anybody within 250 miles. So, they need the services mount. Now, I work really well with mediators. I might have said this to them I can’t tell you how often, well to the point that I just got embarrassed like, “look I’m coming from the croissant and the coffee and I am going home”, because for whatever reason, and probably for good reasons, they can’t

afford to employ anybody. Maybe if there was a grant, I haven't looked in into that. There might be grants available to allow them to establish themselves, but if the mediation services in Ballymun wasn't under the Law Center, it wouldn't be happening. It will fall apart. So, you need that, you need somebody to pick it up. Or the other thing that they could do, which they don't do, is to align themselves with a solicitor's firm that they would volunteer to take the cases. Solicitors regularly get cases in that they know this is going to be massively problematic, it would be better if we could get these people round table and get them talking. But the solicitors themselves are starting to take the cases, it will be better if they sidelined cases out to individual mediators who were working with them, who would take the cases even for a nominal fee. Then there will be traction there for sure. Solicitors know..., when I started, I was- I was part of the working group that set up the civil mediation courts, the civil courts mediation service. And we all knew and accepted that no solicitor or barrister wanted to know anything about it, and all that, we were taking money and bread on their table and whatever. That scenario has changed now, and solicitors are advertising that they also provide mediation, but I say they will be usually relieved to not be the mediator. That they have a pool of mediators that they could call. And that and that the MII will run behind it.

I mean I kind think that these are the things that need, and that's not to say it won't survive. It's just that in my small world that's how I see it.

There are a lot of mediators out there worn out, worn out! And literally if I phone any of our mediators now and say I have a case in Antrim, they will be gone, they will go to Antrim tonight to meet somebody. Sometimes you say to the participants, "you know this is your problem" and you're telling me that you can't meet a mediator in any of the five days between 9 to 5 like, what?! But if you ring a mediator and say, "somebody has a problem, and they meet you at 8:00 o'clock tonight" gone they are gone, "I'm there" so there a massive resource.

## INTERVIEWEE 2

Interviewer: Can you tell me about the mediation service that you run? How does it work?

Interviewee 2: Ok, so we were set up in 2004, as part of a Community Law Center, so I suppose set up and extra service to what we offer. Our services are free, we have 56 mediators who are all volunteers, who made it with us, and we work on the basis of a co-mediation, so there's always two mediators in the room- for each, for each session.

The types of mediation we do, it was the biggest area that we would work in just because of the needs is I suppose family mediation, relations, separating couples. So, a lot of the work we would do be around access and maintenance, to do with the children. We don't do- the only thing we don't do in relation to family and separation is... we don't work with the clients in relation to splitting up the assets. So, we don't get into splitting up the house, pensions, anything like that. We would advise them to go and get legal advice in relation to that.

The other area of mediation we would work in a couple more areas. So, the other one is community. So, a lot of that I suppose neighbors' disputes, dogs barking, boundary walls, things like that. And the next one will do is in relation to family as well, we would do work with for example siblings in dispute over the care of an elderly family, or sometimes in relation to the will, actually family will, in relation to that. And we do a small bit of workplace, we would deal with community groups and staff that are in dispute. We would also work in the community in the sense of we would do communication, we would work with different housing agencies, if there is a feud with the tenants. And so, we work with Dublin City Council, Finglas City Council, or the private- a private housing agencies that are contracted by Dublin City Council, Finglas or one of the other Councils in relation to their tenants.

And so, to be honest it's quite wide range and pretty much we will do, pretty much anything in relation to community mediation. There is this service we offer, the conflict coaching. So all of our clients are offered at the beginning. Sometimes they don't take it because sometimes they don't really understand what it is, but a lot of the times mediators might feel that one of the parties or both parties might need it, in the sense of... specially if one party is just not saying much in a case, in session, if the other person is sort of a bit more, I suppose overpowering or taking control, trying! to take control and they're shutting down. So, that would be a one-to-one session, with a trained conflict coaching, to give some of the skills on how to deal with different conflict situations and how they do about it. Sometimes you have two or three one to one sessions. What else, that's a nutshell of how our mediation works.

There are not many community mediation services in Ireland, as you know. We'd probably be the biggest but eh... is very much relying on volunteers. We don't, there is not funding that, very little funding to run the service. So I'm manager, there's only one part time administrator, and so between me and the administrator really look after all the cases and all the clients and she does great job. So, we're very poorly funded, so we run the whole thing and... and I think that's it's in a nutshell.

Interviewer: yeah, that's perfect, and when you mentioned some workplace mediation, that will be with organizations on the community?

Interviewee 2: only, we wouldn't because it's free. So, we don't do it for any private organizations because one, we don't want to take work away from anybody else, and two if they can afford pay for it perfect.

Interviewer: how do the people access to the services in general? Can they go voluntarily? or they come through the Law Center?

Interviewee 2: all! all the above! Really.... I suppose we have... we run our own free legal advice clinic, so yes, they will come through that, and also, we work very closely with all the Citizens' Information Services, especially local ones. So, they would refer in, social workers were referring, gardai, and County Council from the state. So, I suppose for quite well established now in the sense, so it is fair.

We also do work with the courts, so we would work in the Dublin district courts, Wicklow Courts and in Swords. So, in the Dublin Court and in the Wicklow court, we actually have a service in Wicklow in Bray, and we- we would sit in the courts if so. We got a call, and we share, the Dublin one we share with Community Services in Dublin. So, one of our mediators would sit in the court, the judge on District Court is very big into mediation. So, if he feels it's- it's appropriate for mediation, he will send the person to- to the mediator. And we will explain, obviously they feel that they have to do it because the judge just sends them out. But that doesn't always work if they are sent by the judge either. So, we do say to the judge, "you know it is a voluntary process", they have to want to do it, because if they don't want to do it it's not going to work. So, we would, yeah, so we are widely known I suppose, especially around the north side of Dublin, where we're normally based.

And so, we've been doing mediation by zoom since the last year and a half and it's working quite well. So-so yeah, we have a lot of referrals from organizations as I said, social workers CIC's, garda all of that.

Interviewer: so, you have a good network on the area. In relation to volunteers, how does that work?

Interviewee 2: all volunteers. So, what I do is like for example by three years ago I just did a big recruitment. So, they obviously have to be trained to a level, they have done their full mediation training and separation couples training as well, the 40 there, the 40 hours, and-and they don't necessarily have to have experience, but they definitely have had their training. Then we would do a big induction with them and do some training with them in relation to, the most times they would observe on cases. But they are all fully qualified.

Interviewer: the training must be certified by the MII?

Interviewee 2: They have to have an MII certificate.

Interviewer: and how do you work the cases with the mediators? Do you see who is available or depending on the expertise that they might have?

Interviewee 2: sometimes if we know it's going to be a hard case, or difficult case, and-or one case where we have multiple parties so you need to have a strong mediator. So sometimes we might go but actually most of our mediators are with us for nearly ten years and more. So, we are very lucky. So yeah, but normally what would happen is we would-yeah, the administrative will put an email once a week with the cases we have available.

Interviewer: What is the profile of the mediators? Do they work as full time mediators?

Interviewee 2: I suppose until our last cohort that came in, I suppose the profile would have been very much retired people. So, we'd have retired teachers, actually would one of our biggest cohorts or any sort, of yeah so, a lot of retired people. But actually, now we've got a younger cohort, and so they will be working full time and then doing this up.

Interviewer: you kind of tell me a little bit of the difficulties that you have in the center related with funding. Which other difficulties do you face on the implementation?

Interviewee 2: It really is. We can't expand or anything like that, so we don't really have a place where to get funding from. City Council departments don't recognize mediation service for funding, and I think Ireland hasn't really jumped on the bandwagon for mediation. I think there's, there's not a great understanding about what mediation is really about. I think people see it for separating couples, prime to mediation as opposed to resolving little conflicts or you know a lot more complex than just parental mediation. I think sometimes as well, the language, the word conflict coaching things like that, that just people don't understand what it's about.

Interviewer: It is a general opinion that maybe the most extended is family or workplace depending on where you are, but specially community gets very difficult to fund.

Interviewee 2: people think it has to be either workplace, community as you know yourself can be anything really, and family can be anything, you know. But yeah, I think there's a lot of... I think there's a lot of lack of understanding of what mediation is about.

Interviewer: and in the positive aspects, what do you think are the main achievements or learning that you had experienced?

Interviewee 2: what we would see is a lot is people coming in- in conflict and hopefully walking out with a little bit of a smile or even talking to each other. Which they couldn't do, they couldn't even sit in a room together. You know which sort of trickles down ... for example this man came in to ask like two or three years ago, and he was actually delivering, he was a delivery man and he said, "hello I'm here for mediation" and he said, "I have no contact with my children", now he has a great relationship with them, you know? So, it trickles down even though there's two people in the room, it could trickle down to two whole families to help, you know? So it's a great process, and like is yeah, it got parts that are really positive for us, that's why we keep doing it. It keeps them out of the courts, that's we tried to explain to people, how hard it gotta to be, and there's also the judge will make the decision, you will make the decisions. So, yeah not just huge positives! We work with about 120 cases a year, and you know it could be 5, 6, 7 sections of each case, so positive goes that way for negative.

Interviewer: in relation with the parties how do you think they take the mediation process? What is the impact that the process can have on them?

Interviewee 2: I think it can be hard at the beginning you know. One, sometimes they're walking in blind, they don't know what are they walking into, you know that way? How it works for us is we call in party 1 and party 2. So, party 1 is the person who actually makes contact with service, and they give us details of party 2, and we contact party 2. First of all, we send a letter and just introduce ourselves and say that party 1 had contacted us and we would like to invite them to mediation, and then we wait. If we haven't heard from them in a week, we might give them a call because sometimes they are a bit scared of the whole thing. And then we would contact them and just explain the process and they might have to think about it and come back to us and say whether they want to do it or not. And I suppose the biggest issue around that is when it doesn't go the next stage is because party 2 doesn't want to engage because it's so broken then. Now what happens sometimes is they might think about it for a month or two and then come back, as the situation got so bad unfortunately, then they might come back.

Yeah, so when the first initial meeting happens each would have a private meeting with mediators for fifteen minutes each to just air why they're there or what they want to get out of it. And then again this is where they sort of- the mediators will talk them through the process, so it's all about equals. They all get equal amount of time, and then normally that goes, maybe go into a full session afterwards.

Interviewer: From your perspective are the parties able to practice the kind of empowerment or self determination to fix their problems?

Interviewee 2: that's a hard one to answer in the sense of you know, that's what they experienced. As I said most of the mediators are very experienced, so they can guide them through it, and you know because everyone gets a chance to speak, and they would encourage that obviously, because both sides have to hear each other I suppose that's the whole point of it. So, they are very experienced in facilitating that mmm... and also, we'll explained to them that they're not here to make decisions for them, you know? They're only here to facilitate the process, and so, sometimes it can take at least one or two sessions before maybe you know that they trust us and to understand why they're here. So, it really depends, obviously we do get the ones who are very controlling or, you know, in the situation, and again the mediators know when to stop the mediation, you know? and do check-ins with both sides, so things like that. Also, we do caucus, and so yeah... it depends really, it's- it's a hard one to say but absolutely just happens.

Interviewer: and on the case when the parties reach an agreement do you do a follow-up on the parties?

Interviewee 2: so, we do what we call an income agreement, so they probably put it into session for a two weeks' time. So, what the mediators would do is either would email us, email in what was agreed, and then it will go to the office, and we have a template sort of agreement and it would go out to the parties hopefully that day, if not the next day. And then yeah they have a date agreed for another two weeks and then obviously discussed how everything went, and then at the end they can have a final agreement, mmm... that's given to them and they can take that to a legal solicitor, if they want to make it legal, and that- that's completely up to themselves. I mean we wouldn't do that even though we are a law center, we don't do that because obviously there is a conflict there.

Interviewer: how do you think the field of community mediation will develop in Ireland in the following years?

Interviewee 2: It took so long for the Act (2017) to come in! and obviously we have a big issue with the Act in the sense of trying to fit into it because it's very it's very commercial. And so, there's a lot of apprehension when it came in, and how we were going to fit into it. So, luckily, I have legal people on top that could help



me figure it out what all meant. And so like, we did have to change some work documentation to sort of fit in with it, and as much as we could.

First, I don't know! I think there really needs to be a bit more education around, like we would do free talks in the community on mediation! just you know with organizations, and it's part of our spiel for everything we do at the beginning anyway. But obviously I would go into different organizations and just do a piece into what mediation is, especially organizations that work with clients and then... I don't know! It is like when people have rang they say, "I think I'm going to change everything and I'm going to set up a mediation practice" and I'm like, "oh Jesus Christ you better have other way of making money because it's not easy" (laughs). Most of our mediators would do some kind of mediation on the side, but I don't think they're making it- they're not making a full living on it yeah. And then the other thing is a lot of solicitors are mediators, so that's a matter on step practice.

I don't know, I don't think it's taken off as much as we all thought it would in Ireland for some reason. There's a lot of education around it that needs to be done. It's very small world, we would have people over the years, I haven't heard anybody in the last couple years, who would ring us that they want to step and open one, and it's just like, "you know, get the money first" (laughs), one thing first!. But the old... - I don't know what the new minister for justice, the last minister for justice... Oh my God! his name is completely gone out in my head! He was really into mediation, but he still wouldn't give us any money (laughs), they are, "you have been doing this for so long, you're like here doing fine". But you can sometimes be thinking of ... what is the phrase?... if-if we have to close down tomorrow, I don't know! which has nearly happened a couple of times to us, because we would have a bigger service, but we had to rein it in because it's not my only job within the organization. But now as I said we're still here so that's a good thing!

So, it's hard for mediators to keep going like this. Unless you get into family mediation service, and it used to be quite hard to get into the family mediation service, I think you use to have to have a masters in mediation, whatever which a lot of our mediators wouldn't bother to do because they were retired and happy to just help. But it confused them, I think a couple years ago they they left- the criteria, so a lot of our mediators have gone into the family mediation service. I say well it's good! because a lot of times they've given us some good years of their life volunteering, so I'm happy when they go in there, and I said you know they're well trained and highly skilled, like with the time you get loads of experience.

Interviewer: any final thoughts?

Interviewee 2: well as you said, there was more than one and now they are gone. We did try to cover, especially as we were in zoom, we cover Limerick city, pretty much north Dublin and then Wicklow. But with zoom we sort of took on cases all around the country, and there is a need, you know? But we-we can't facilitate more either but just I think there is a need out there. It's just, yeah there's more services needed unfortunately.

Interviewer: with the zoom experience, have you thought on continuing using it?

Interviewee 2: I suppose when after the 22<sup>nd</sup> of October, if all going well, our clients will be offered zoom or face to face, because a lot of our mediators are happy to do either or and... and sort of we've taken this stance as well if one party doesn't want to do zoom and the other one does, if they want to go ahead with this it has to be done by zoom. We'll see how that goes that's like it would be our first time obviously offering both, so so yeah... test it out and see how it goes. The zoom actually worked very well, in fairness to the mediators for like I think they were shocked to how well it worked. Now we did a lot of work with our mediators on how to use zoom, that was that was a long time! yeah that was that was probably the hardest work we did, because some of them would be a bit older so they were really scared of technology, but they are flying in that now, which is great.

## INTERVIEWEE 3

Interviewer: Could you tell me or describe the action of mediation that you use to do in MBC?

Interviewee 3: yeah, so- so I suppose I was part of the center, community mediation group, that was based in the Midlands in Ireland for several years. The group, we were all professionally trained mediators, and we-we had some funding from- mainly funding bodies that deliver initiatives... (interference). So, they received, we received, the group received funding from what was called Peace Ireland, International Fund for Ireland. So, there are various funds that support peacebuilding initiatives in Northern Ireland and along the border counties, and this was one of the border counties, the organization was called mediation border counties, it is called! it still exists Mediation Border Counties, I'm just not a member and active member anymore. And the-the idea originally was to provide mediation services, in... I suppose, in any context, but I guess we had been thinking around communities, and communities where there were disputes between members of communities or where there were conflicts, and perhaps conflicts that had been exacerbated perhaps by the Northern Ireland conflict. I guess that had been the original thinking, and when it all was open running what we found was happening was that most of the cases that were coming to our service were actually separating couples. So that was the majority of the work, of the service delivery was to couples, trying to negotiate a non-adversarial separation agreement. And there were a few cases here and there where there would be maybe people in a workplace, or a couple of cases in a community setting but the vast majority were.... were in that context. So yeah so, I suppose that's little bit about the service and the work that has been done.

Interviewer: So, you were telling that the main ideas and funding behind this was the peace process. So, in general you did not receive many cases related with dispute on this area?

Interviewee 3: I mean, look I guess you could say that every family in the north of the border has been touched by the conflict probably and- and that may be a factor in any kind of conflict; family or whatever so. But no, we didn't have this you know disputes that were directly related to the conflict there, they were very... I don't recall any of those myself but there may have been for other people but not for me anyway.

Interviewer: and I would like to know which were the main difficulties that you face while working on this group.

Interviewee 3: I suppose mmm while we had, we had funding and that worked well for a while and then the funding ran out, and when the funding would run out, I think that happened on two occasions, we were maybe a year we had non, you know, we had no- very little backup support and, you know? We were based on another center that, did other things gave other supports to the community, and so you would be kind of trying to borrow some admin support. And the people in that center were fantastic in trying to help us but it was all trying to be run on a shoestring, there was very little money for training, was very little money to give mediators- all the mediators are volunteers, but there was a kind of- and some had to travel so maybe 40 kilometers, 50 kilometers so that you would try and give mediators travel expenses, so those were the challenges when we ran out of funding. To be able to even give basic supports and we did have, we were able to use a center, a little center in the town for as a venue for the meetings which and I think the funding went out for that as well as far as I can remember. So funding was definitely a struggle, other challenges mmm... some of the challenges were there I suppose when you don't have funding then you don't have training and you don't have, I suppose supervision, and all of those things that then they tend to be run on a shoestring. So I guess ... I suppose, look it worked very well, given- given the fact that there were these conditions in place yeah. And people were very giving up their time, and I think the- the clients, who attendedm who got this mediation service, were very appreciative of this, and I think you know there were people providing a very safe space and allowing, you know, facilitating these conversations, and mediators always worked in pairs, so

perhaps there was a bit of a challenge when you kind of try to coordinate times for four people or three people, you know? That- that's probably was always a challenge for any of us.

I suppose the other challenge for any volunteer mediation services is that you know this is, this is something you do part time, it isn't something you have as much experience in, as if you were a professional. So when challenging cases come in, then you know... there were a couple of challenging cases where people ended up kind of trying to make decisions, and not feeling experience enough or not feeling supported enough, trying to make really hard decisions about how best to give an intervention where people might... you know?, when people are in conflict sometimes they turn on the mediator, you know? The mediator is an easy target, you know?, and-and there was a little bit of that really, in the overall very limited. You know excellent services were delivered by really dedicated people and I would say that's still the case, the center still runs and it move to another area and to another part of the county, the base moved so, the funding moved, so that's why I'm not, I'm- I actually still attend to what we would call "peer supervision sharing and learning meetings" held 5 or 6 times a year. And because I'm an advanced MII member, I attend those in that capacity and give support, people sometimes phone me for support and... but it's not a very formal support structure and again, you know I think it could be more formal if there was funding for that. I'm not saying I should be paid in that kind of sense; I'm just saying mmm, you know? if you- if you had a much more formal structure, I think everybody would benefit from that supports.

I suppose there's always the challenge as well of getting the word out, getting clients, making sure people know that there's a service and trying to balance, we've no cases or we have too many cases. Yeah, all at the same time, or not all at the same time, but you know, months with no cases, ones with too many cases and trying to manage that balance. And then mediators get sick or they have normal lives to live, and then they can't do the service and then you're trying to fill gaps. So those are the kind of challenges, but they're just normal day to day challenges as trying to run a mediation service on a shoestring.

Interviewer: Could you tell me more about that peer support group?

Interviewee 3: so, all the mediators meet in the group about five or six times a year. So, the Meditation Institute of Ireland, of which all of us are members, and which I am an organizational member, one of the- one of the practices, or one of the things that the MII suggests mediators should do is to join a support group called "sharing and learning group", and those sharing and learning groups, they're actually most of them are run virtually now, especially since covid. And there were several of them all over Ireland, and this particular group they have a group of themselves that meet, they meet in a "sharing and learning" meeting about six times a year where cases are discussed, training needs are discussed, and challenging issues. People might share "here's a case I had", maybe do a role play, you know? All sorts of questions that come up, and then other mediators would give their thoughts, "or what about this", "could you try that", and... I suppose sort of a peer supervision network.

Interviewer: What do you think were the main achievements or learning that you had in your experience at MBC?

Interviewee 3: achievements or learnings... well, I guess- I suppose all the mediators would probably say the same thing "the case has been settled" that "reached agreement". There's always a great sense of achievement when the cases reached an agreement, and I suppose there was also a sense of even if they don't reach agreement, you know, they had this opportunity, because the service of course is-, some of the times it was free, some of the times it was a low cost. It was depending on you know, whatever. I think we weren't allowed to charge while been funded and all of that. So, it was a fantastic opportunity for people who maybe didn't have a lot of money, and to have- have a forum where they could sit and have difficult conversations with each



other with a view to resolving issues around conflicts, mmm... and easing family transition to separations, to when the parents were separating and having a better life for themselves and their children a lot of that. So that's always a great achievement! when you give people the space to do that.

I suppose other- other achievements... I suppose it is just in general, that all of us together work collaboratively to make the service, and to keep the service going to, you know? We work together to try, and make sure we were always doing our best in delivering the service, always analyzing where do we need more training, and reflecting on our cases; what could we have done differently here, how could I have put it down there. So, I guess, that's I suppose a sense of achievement, that we kept that service going, together through our volunteer work, and because there were administration pieces that have to happen and that, and members had to kind of jump in and help out at that as well. And you know coordinate things, that that was a fantastic achievement as a group, and that- that service has survived! and that still offers you know low cost, it's a low-cost mediation service to families and to anyone in any conflict situation in Clones area now but it still covers the three counties. So, I don't know if that's yeah that's an achievement.

Interviewer: yes indeed,

Interviewee 3: I've seen many community mediation services come and go now over the past whatever 15 years that I've been in, that space so ! That service has survived through thick and thin and through dedication from the members really, and there's been a coordinator who's who has-has, the coordinator, the current coordinator of the center that we're now based out, who was previously the coordinator of the center we were based before. She has done a trojan work to keep that service, you might meet her, Angela. You know very dedicated and very hardworking, and very focused, and attentive to detail, and keeping us on track, you know always having an eye on the bigger picture, you know. That-that has been fantastic to have that support from her as well.

Interviewer: what do you think was the impact of mediation on the parties, in terms of how they take the process, how they react to it...?

Interviewee 3: yeah I suppose impact I mean for couple, separating couples really is really probably one of the most difficult or challenging areas of mediation, and it's- it's hugely personal for the participants. It's- it's hugely traumatic part of their lives, a point in their lives. Sometimes mediation does help them achieve agreements, sometimes it doesn't. Mmm... I would hope, I mean, I don't know really, I suppose all we- all we can do is, you know? go on the kind of feedback we would have gotten for participants, where they found it supportive or they found it helpful, or they were grateful, and... for the time even if it didn't achieve what they needed to achieve. So, I saw, I suppose- yeah. I don't know really what- what specific impact was for specific individuals. I can only assume from watching what they might have said or for what they might have shared. I know we-we thought that was probably one of the areas we needed to do more work on in our system, is in getting evaluations from participants but my own experience has been that once people have finished in mediation, they're out the door and they're going, and they don't care anything about you wanting feedback, they are gone (laughs). So yeah, so I suppose in a way you will always have to ask the client to get the true picture.

Interviewer: but in general, you have a positive idea of their experience, I mean they didn't come back...

Interviewee 3: yeah, yeah I mean they came back for session after session, yeah yeah and then sometimes it did settle, and sometimes it didn't, you know? And I suppose that was... that was part of the challenge as well when it didn't, you know?

Interviewer: how do you did you reach the community? how did you promote the service?

Interviewee 3: yeah, so different, yeah so different things so everything from sending brochures out to different agencies, contacting counseling services locally, eh... the garda knew about us, tell solicitors about us, telling local community groups. We- we, at one point for maybe a year, two years we had a presence in the courthouse in Cavan, every family Law Day. The family Law Day was the first Friday of the month, I can't remember, but there will be two mediators in a little room at the side, with a sign saying information sessions on mediation and solicitors might send appliance in so, you know all of- all of the above really.

Interviewer: Last question, from your perspective, how the field of community mediation will go on in Ireland on the next years?

Interviewee 3: oh that's- I mean, to be honest I don't know. I know one of the challenges for our group always has been that when we would seek funding because there is a state funded free mediation service for couples provided by the legal aid board, any government agencies will always say, "well there's a free service already, why would we be giving money to it, to do what's already been done yet for free". So that was one of the challenges when you're offering separating couples mediation mmm I suppose, I think any- any of the community mediation services they survive and thrive because people are passionate about mediation, and passionate in wanting to bring that to a community and- and, I think that passion will always live, even though somebody might say "OK I'm tired, I've done it, I can't do anymore, I'm retiring" or whatever the energy, and drive, and enthusiasm and I suppose everything that, that need all of us have as humans, for harmony and peace and wanting to have that happen in our surroundings is which leads people. Some people say, "I am going to train as a mediator", and at the end of the course says, "God I really want to bring this service to my community" or to a community in some format. I think that drive will always be there, and I suppose it's just about finding a place then to harness that, and a way to harness that. And I suppose you know if you look at you know you are probably going to interview northside Coolock service and the one in South Dublin, and the one in Ballymun and they've been there for a long, long time, and-and as I said the Clones service is 2009, I think it was, at least. Maybe before that it started with, I joined around 2009 so how much is that? 12 years? 11 years? and so I-I think because there's so much, mediation is very, it's an inspiring idea and I think that that will always bring energy and enthusiasm. And I think one of the things I have to say myself, so when I started as a mediator, I tell this as a joke to my trainees, but one of the first mediations I did the guy said he said oh, he was joking he said, "I thought you bring a candle because this is meditation" and I said you know, it was a joke, made a joke but if you google and it still happens. If you google the word mediation the next after the 4<sup>th</sup> result it becomes meditation, so google yeah mixes up.

So, but I definitely think things have moved on, so people know now what mediation is. The mediation ACT has kind of given a huge improve in the matter in terms of the legal profession. And if you go into any workplace and speak to any human resource professional, they know what mediation is. So, I think it's much more known now known about. And I would hope that people are as, human race is evolving! more and more towards those kinds of processes for resolving disputes, rather than the more adversarial, legalistic, long winded so... I mean look I have no idea what the prospect is, but I would be hopeful that passion, enthusiasm and- and that the human need we all have for, you know making things better will ensure there's enough people to keep community mediation on the agenda.

Interviewer: what do you think is the value of this community-based centers for the communities?

Interviewee 3: well I suppose, I guess like any of the community based services like this service in based on the Clones family resource center, so I guess you know it's a touch point for people who have crisis in their lives, it's a support point, it's a safe space for people, and I think knowing that- that there's someone you can turn to in in conflict, it's sort of normalizes conflict and helps people. "OK it's normal there's mediation service, we just go and get the mediation service to help us". That's what I suppose you'd be trying to do with any community mediation services, is to take the shame out of conflict, and-and take it away from being that kind

of positional of, “I hate that person over there” to a, “OK there's conflict, let's see if we can get someone to help us with conflict”. Just like you get someone to help you when your washing machines broken, you don't go like, “oh my washing machine broken, OK” and just scream and kick and cry, you say “OK I'll get someone to fix it”. I suppose, I think that's what any mediation service in the community does; normalizes, it makes easy, makes it doable, makes it possible for people to try and heal hurt.

#### INTERVIEWEE 4

Interviewer: Could you tell me about the work that you do with the service?

Interviewee 4: mediation board counties is a community- community and family and workplace dispute resolution, service available to people who live in the region of Cavan, Monaghan Leitrim areas. The origins of the group go back to the peace process, border area peace process, where- where mmm.... there are peace plans aiming at a peace building after the conflict. So, a lot of people have been trained in dispute resolution skills over the years and one area where there's seemed to be a need is for people trained in mediation skills, so that if people are in dispute they can turn to somebody that's trained and accredited in this area, and look for support. So, a number of us had completed the training in 2008, and we decided to form a community mediation service. So, it's still- it's still running, and it comes under the Clones Family Resource Center in Monaghan and there's a panel of 20 accredited mediators. So, when inquiries come in of family, community, workplace wherever is it need, if there are mediators available, mediators are assigned to a case.

So, it's a voluntary service, so the mediators don't get paid, but they are- I'm actually accredited and trained. They work as co-mediation, so you have two mediators working together and where possible there's a gender balance, so ideally there's a male and a female mediator assigned to a case. If there aren't enough people available, it could be two females or two me.

So, the service is in high demand at the moment, I have a case through the service of separated parents and they're consulting about the needs of the children, and trying to reach agreement on school, birthdays, holidays, medical treatment for their children medical... one of the children's special needs, it's one of the cases I'm- I'm involved in. I've also been doing community cases, where families have fallen out over children for allegations of bullying and harassment by children of one family, and the case involved parents coming together and talking about their disagreements and reaching resolution. So, when parties to a dispute are assigned to a case, their- their assigned mediators contact them and there is a private pre-mediation meeting at the start, that's where it starts. So, at the private meeting the parties can talk privately, openly, and honestly about the presenting issues that are concerned about and they can talk about mmm.... what they hope to achieve for mediation. And so, the mediators may meet each side separately, and then they are checking things like, you know.... do they feel safe going to mediation? if they're meeting somebody whom they are having a strong disagreement with, and also, if there is- if they are there voluntarily, or are they being coerced. So-so if the mediators are satisfied that there's no risk to the parties proceeding, and that they would benefit from the service and -and if they're going there voluntarily, then they're offered a joint mediation meeting, and they're also given a consent mediate form which outlines the main conditions of mediation, and it's just explaining that the services offered under the Mediators Institute of Ireland code of ethics in practice, and that is voluntary process, and parties are free to withdraw at any time, and that is separate from the legal proceedings, and that the parties agree not- not to involve mediators on any legal proceedings. So, then you have the- they signed up before to return, you have the first meeting.

So, at the first meeting what you hear is presenting issues, and the first meeting is often very difficult because parties are very emotional. Typically, if it's family, if they're trying to reach agreement around the needs of the children, and maybe there's financial needs as well. Also concerns about boundaries where relationships are ended, let say mom and dad... the relationship is ended and one or the other wants to minimize contact with

the other, but the other person wants to keep in contact because-because they are looking to consult with them on needs of the family, such as children regularly, and they can't commit to just contacting at particular times because particularly with children problems can arise or concerns can arise unexpectedly and they might need to contact. So, it can be very difficult... the early meetings. After one or two meetings what tends to happen is that the parties have talked through some of the emotion, some of the emotion has gone out of the conversation and they are more rational, so then the mediators ask them to list the items, main items of concern. So, in our service we tend to write them up on the flip chart. So, if mom, says "I want dad to contribute more toward the school cost of the children and spousal maintenance, and "I would want to agree with dad on things around the family home", or "where the children go on birthdays and Christmas" and so on... that goes up on the board and if dad says "well, I would like to see the children more often", "I would like to have them for holidays and trips abroad", and "I don't have a whole lot of money, so I would like to review the pension's contribution". So, you create a joint agenda. If it's community, it might be about noise or parties, or children not getting on, people not keeping their garden nice, or could be anything like that.

So, the way the mediation service works through the process so, it starts with private meeting, then it goes into a joint meeting, where each party are asked to tell what is been happening, is called the storytelling, and then they are asked to list the items of concern. The mediator lists the items on a flip chart and it's called framing issues, and then the parties are advised to take an issue that concerns them and mediators help to have a discussion around possible solutions, so that's called the problem solving stage. So, problem solving continues onto all the issues are discussed and either agreement is reached, or it's not reached on the issues. And then at the end you have the-the agreement stage, where the mediator or mediators summarizes back to the parties what has been discussed and agreed or what does not been agreed and offers them a written or verbal agreement at the end. If all the items are or not resolved in... at one meeting, and usually with family cases they're not, mostly in workplace or community the issue can be resolved in one meeting, but-but family you tend to need more. So, you ask-you check in with the parties at the end, if they would find it beneficial to have another meeting to discuss the issues further and try to reach agreement. So, in most cases people will come back for additional meetings. So- so the that's the main information on service where I work and how it operates.

I supposed to just talk about the panel of mediators, there is... mmm some- some of the mediators are volunteer mediators, others are paid mediators ,professional mediators but they also want to do some volunteer work, because if they are doing paid work for example in commercial or workplace mediation, and if they do voluntary work with mediation border counties they're keeping their-their skills up-to-date in areas that they're not doing paid working. So, there's a nice mix of professional, full-time mediators and specially accredited volunteer part-time mediator. So, in my case I work voluntarily with mediation border counties, and I also do paid work I have a co-mediator and we do paid work. So, this year we've already done case with disagreements for family will, we took a case from separated parents where they were seeking agreement on access rights for dad to the child, and then we did another one of grandparents and the children had falling out over access rights to grandchildren. So, we took that case, and at the moment I'm including the separation couples' case and they have gone as far as drafting a mediation agreement or memorandum of understanding, on what they discussed and agreed, and there's a new case coming up now and it's a separating couple's case.

So that's just something about the service, and also myself as-as a mediator. I do work also for a local authority, and I work in the housing department so... a lot of community disputes come my way. I give you an example, I was talking to someone today, neighbors fell out over fence one neighbor put up a fence and the other neighbor didn't like the fence, so they were going about this. Another one that come in was about cats, with one chap saying cats are dirty in his step, his doorstep and he's blaming a particular neighbor, and the neighbor denies that the cats belong to her. So-so, there's a certain amount of dialogue that can help to resolve issues like that, and it is beneficial for someone like myself working for local authority to have the skills to address disputes, so I think to do training in this area is very beneficial, because I learned about, you know? Listening,

the importance of listening and the use of questioning to ask the parties what their main concerns are, but also to explore underlying fears, needs and emotions. So, that if the parties get to express their needs and they can hear each other, in-in a controlled dialogue or supervise dialogue then there that's a good basis for looking at resolutions to their dispute or conflict. In my case, I do work over the phone for the local authority, and face to face meetings. I used to invite people to a mediation meeting, but they didn't know what it was, so now I just, I don't call it mediation I call it a consultation. Because they'll go to consultation, they won't go to mediation because there are some fears, but it is, it's a mediation! Or I invite them in, ask them to talk about what they're concerned about, and advise them on ground rules that one person speaks at a time, they don't interrupt each other and they avoid shouting at each other or raising their voices or calling each other names, and then at the end I invite the parties to talk to each other and negotiate their own their own settlement, and then I offer them something in writing a letter or something at the end.

So I use the mediation skills every day in my job, and I found it very helpful to have done the training with the MII initially, and then to work part-time as a mediator it's been very beneficial in terms of building up skills and understanding the nature of conflict and how it can be overwhelming, like I mentioned a cat today in 3 months becomes threats, and violence or court action or legal action. So-so there are a lot of benefits to early intervention, and I think when people are in dispute if they don't have the capacity to settle the dispute, they often turn to someone in authority, so their council tenant, they may turn to it or local authority, or they might turn to police, or they may turn to a community mediation organization for assistance and that's very possible. And I think if they do turn to someone in authority for assistance, it's important that the person who's responding has some knowledge or experience on effective dispute resolution skills. So, I'm very positive about mediation and community mediation and I think it's a good alternative court action, it's much quicker, it's confidential, and the outcomes are usually better than court. Because then when people go to court, they have an expectation that if they tell the judge how terrible their neighbor is, or how horrible the person they work with is, that the judge will decide in their favor but very often eh... courts are evidence based and judges will only make a ruling based on evidence. So, if there's no clear evidence that one person is guilty of any wrongdoing there is no court remedy that will satisfy the person who complaining. However, if -... if the problems are relational rather than legal, If people can agree to go into the same room and talk about what is happening, how they've been affected and if they agree to listen to the other person, also talk about how they see what has happened, and how they have been affected, then there is a better opportunity to create some common understanding, and the parties then can consider whether they – they are willing to... they can make a request of the other person and say what they want. The person can hear that considerate it, and they can then decide if they're willing to give the other person what they are looking for.

So, in the case of alienated parents it could be an agreement around a revised financial contribution on the upbringing of the children, if the children are with one parent and not the other. Or it could be an agreement on access and visiting rights for the parent that doesn't have the children. Or neighbors can make agreements over noise, dogs and cats, and colleagues in the workplace can make mmm, can make agreements around workplace disputes.

So, I'm very positive about it...I think there is a need for more investment in community mediation services in Ireland, and I think there isn't- there aren't very many clearly designated places for people to go. I have seen in Tallagh, there's community Law Center and Coolock, I think they are Community Law Centers, and Ballymum. And it's very, very good to locate mediation services in the same building as court services, because what might happen is that people will go in to look for the day in court and then, if they become aware of mediation as an alternative, and there is a lengthy waiting period for a court hearing, and a lot of that legal costs, they may be willing to enter into me mediation. And I've seen this in Dolphin House in Dublin where the family mediation service has offices in the same building that the court service. So, I spoke to the courts clerk and the courts have told me that, you know, never together parents or separated parents that often come



in looking for a court date around custody access, guardianship or maintenance and the court clerk tells them about the three month waiting list or the six month waiting list, whatever it is, and they say, “well I can’t wait three months or six months for better maintenance provisions” or “I can’t wait three months or six months to see my children”. Then the court clerk would say “why don’t you go upstairs and talk with family mediation service”, and they’re usually able to give- arrange a joint mediation meeting within three to six weeks. So, I believe 80% of the people that go upstairs to Dolphin House to the mediation service don’t proceed court action as they don’t need it. So, there is very high success rates when people enter into mediation, and I know the court service are anxious for more people to use the mediation service because that will reduce the waiting list, and they can give more time to parties who need the benefit of the protections and supports of the court services.

Interviewer: what do you think in your view are the main difficulties to operate the services?

Interviewee 4: well, let me see... to operate these services, you needed funding, a budget. At the moment there is funding for free legal aid, so-so our view is that a portion of free legal aid could be allocated to free mediation aid, and then paid mediators could take some of the dispute resolution caseload, as an alternative to solicitors, because experience of legal aid is that solicitors are under pressure to win for their clients, they represent a client. So, the parties are very entrenched, one solicitor says, “judge my client is right”, and the other solicitor goes “No, judge, my client is right”, and then the judge has to make a call. So, this is leading to very lengthy, protracted legal delays were the judge makes a ruling and one-party think “Oh, that’s not fair, I’m going to appeal it” and it’s still in court. But the idea was that if funding could be- some of that funding could be diverted into the mediation service, I mean there a lot of very good professionally qualified paid mediators and they worked very very modest fees, but the mediators can offer a number of things that the solicitors can’t. The mediators can offer listening, they can help the parties to talk about emotions as well as facts of a situation, and at the end if everybody has been heard, and it’s their agreement, that they have negotiated themselves, it’s less likely that either is going to say well that’s unfair. They are more likely to view it as a fair arrangement because it’s their arrangement ,and they’ve agreed to it. So, there’s less likely that- there is less likelihood of the agreement unraveling at the end or as a court-imposed agreement can unravel because even though it’s legally enforceable the parties can appeal it or ask for review or just ignore the court judgment. And whereas with a mediation agreement, if they see it as fair that it’s more likely to be honored.

In tandem with that, I know that there are developments in other parts of the world where there are community mediation centers where- where particularly parents or parties can-join a peer group, they are call pegs, peer education groups. So, separated parents can go into a group and there are some-short courses on child development, and emotions, and dispute resolution. So, the parties going in and get a better sense of..., you know, what’s realistic in mediation. If everybody goes in just looking for everything, and they’re not willing to listen to the other person, then it’s- it’s unrealistic to expect they’re going to resolve the dispute in mediation, but if they’re willing to acknowledge the needs of the other party and if they’re willing to offer them something in return for something they’re looking for, then you get a good negotiate outcome. Also, if parents become more aware of the- the development needs of children at different ages, that can help to focus on the needs of their children rather than their own personal needs, and that can be very powerful way of helping parents to reach agreement. And then I think there are some- some areas where I think parents may not be aware of... I’ve taken cases where parents, separated parents are talking about a 6 month old baby, and dad says, “I’ll take the baby half the time, and mom will take the baby half the time”, but when there is a better knowledge of child development you are aware that a very small children should spend most of the time with one parent, and then when they’re older around 2-2 years it’s easier for them to split their time with each parents. So, if parents can become aware of that- that it’s not in the best interest of the child to be separated it’s the mother the main caregiver for lengthy periods because they can come very anxious and they can harm him emotionally, and

then they may be more willing to take account of that and agree to access arrangements of a shorter nature until the child is older.

And I think there isn't enough access points for parties of a dispute looking for mediation, because if you-if it's family related you can go to the family mediation service, but if it is community related, at the moment you can really only go to the garda or you can- yes you can employ a professional mediator, but there you still need the other, your neighbor to agreed to go to mediation, and you need them to accept the mediator is neutral and impartial even though one party has proposed mediation. So, to be really effective you just need a trusted service provider that is seen to be truly neutral and impartial. So, if somebody goes to Ballymun or Coolock family Law Center and there's no legal remedy, they can go to the mediation service, "can I talk about the problem with my neighbor", "I'd like to talk to my neighbor about X-Y and Z", and then the neighbor is more likely to be assured- reassured that the-the service provided is truly useful and independent. There is a better chance they will- they will avail of the offer to attend mediation.

There isn't a very good uptake in mediation, I mean even though I work for a local authority but if you ask "have you considered mediation?" people go "or I don't know anything about that", "would you like a consultation?" but whatever it's called, if people are brought together and they are able to address their relational difficulties, and if they can look an area of conflict in a way that's not so emotional as more rational, where there are mutually agreed solutions, and then there is tremendous benefit for everybody, in terms of reduced harm. And then well I'll give you an example, only a couple weeks ago complaints come in about a households saying they were away, they moved away and then you know, comments were made on social media about the mess around the house, and then the other family of course is reading these and relations became very difficult, and- but the fact that they had someone to turn to, local authority that found that the family were away visiting relatives for a period and so what happens is the parties then- there was a dialogue between the neighbors, and the neighbors then were reassured that they were doing, they were coming back and there was a bit of dumping around the house, that they were going to clean it up. So, if-if there is an organization or an individual that is in a position of trust, then parties to dispute then have somewhere to go other than the police and the courts or a solicitor. I think-I think ultimately if that kind of services can be established then mediation will become more accepted and effective in Ireland, and-and that's my hope for the future, and I do hope your research into this area will have some findings that will help to progress that.

At the moment I'm also involved in training, OK?, so the Mediators Institute of Ireland have an accredited training course so they are 40 hours of intensive training, 20 hours of research and presentations and a role-play assessment. And when candidates go through these courses, they are accredited as being competent to mediate, so the training is giving skills to people in the workplace, in family, in community. And the gardai, doctors are in it, HSE professionals and last course that I gave last week, there was one of the regional residential tenancies board at the training, so that's very positive. So, this person, the residential tenancy board offers telephone mediation for disputes between landlords and tenants, so that's very positive development. So, the residential tenancies board now are training their people to skilled them. The HSE has professional mediators as well because they have so many workplace disputes.

So, I Would think the way ahead have more centers, we mentioned to be established. Mediation Border Counties there is a panel of mediator, so one way would be to establish a panel of mediators and if people have means, they can pay for the service. If they are in a low-income then there could be a scheme to covers the fees of the mediators. I think, the best way ahead is to direct funding towards paid mediators or professional mediators, because-because it's difficult to sustain a volunteer mediator network like the one I'm involved in mediation border counties. Because there is a lot of effort in keeping the skills up to date, so mediators must join a learning and sharing group, and they have to do continuing professional development, and they have to reach a minimum standard every year. So, they have to attend the learning and sharing groups, they have to renew their code of ethics and practice training every three years, and then if they work for community service

provider they have to do garda vetting every three years, and also we have to put- is not enough to employ a mediator you have to put support. So, if there's a complaint made against the mediator there has to be a way of investigating that. If a mediator is stressed from the experience of taking a case, then there is the need for support there, because mediators are dealing with people who are very -very emotional and very upset and that takes a toll on your wellbeing. As a mediator you try to maintain your composure when others are visibly distressed. And also, you have to make calls sometimes to withdraw mediation if you suspect the parties are becoming so emotional that they may become abusive to each other afterwards, particularly if they live under the same roof. So, so because of it people .... people are paid professionals they put all that in place. So, they attended their CPD requirements, they join the learning sharing work, and they get support and supervision through the learning and sharing group. All of that takes time and money, so I think ultimately is not sustainable to seek to develop mediation services exclusively towards unpaid or volunteer members. While it's mmm... something very appealing, you know, thinking that people like myself are willing to offer the service on a volunteer basis most people couldn't afford to pay for their own training or go and go without support. The service that I volunteer with, they pay something towards my insurance and fund my training with the MII, so I get something out of it, but they don't pay me to do the work, so I couldn't do it- I couldn't do it full time, so I do it part-time. People who are paid like at the legal aid border solicitors are paid for case or per court day, I think that could be a very good sustainable low-cost way of making good quality mediation services available, widely more widely available in Ireland. And around the centers maybe it's not enough to just provide dispute resolution services, clients support!, parent education groups, neighbor education groups. Anything that gets people understanding dispute resolution or conflict resolution better or helping them to improve their relational or emotional skills better I think is a big help. I think Australia or Canada, there's more-more available there, in Ireland it's early days. Also, the court service, I don't- I don't think the courts and mediation services should run independently, I mean there's a certain amount of overlap and cooperation and coordination that will benefit everybody and... I think there is a need also for people to work in this area and go out and champion it, you know?, go and promote it, so people like me have to talk about mediation go on the radio and do talk to researchers and students, and you know go and spread the word that mediation is-is an effective way of setting disputes and that it needs to be more widely available and people need to have more of an open mind after taking up the offer or mediation.

#### INTERVIEWEE 5

Interviewer: Can you tell me about your experience working on the center? How did you get there? What was your role?

Interviewee 5: so, I started working with community law and mediation in October 2020, I think. And I found them on Google, because I wanted to just kind of get a more real feel of mediation in the real world. So, at the time I wasn't working because COVID shut down the place that I was working, so I initially reached out to them asking if I could apply for another opening that they had for a receptionist, but it was just for-I don't remember the thing that they said, but it was for people that were receiving some sort of government financial aid and I wasn't at the time but it wasn't the COVID payment it was something else. So, I said that's fine that's no problem just to let you know I am doing my master's degree in mediation if you have any other openings, I would be happy to talk to you about it. So, they interviewed me the following week and I started doing the admin part. So, I wasn't really with the mediators, but I was minding everything that goes on behind, you know, the documents and contacting the clients and setting up appointments, and everything. I stayed with them for eight months, if I'm not mistaken, just doing that. And we would have meetings every week or so, so I did get to meet with the mediators, but I was never really in touch with them working actively on the cases. I knew what the cases were about, because people were contacting me first but I didn't see... you know... notes or anything regarding their cases, it was more just the admin part yeah.

Interviewer: So, you were the first contact of the parties with the service, could you tell me how that worked?



Interviewee 5: so, I had kind of like a training before I started, and I was working with just one person and she was also my line manager. So basically, they have a website, and they also have leaflets and Flyers that they can deliver to people face to face. So, when people contact them at first if it's not via email they call, that call is answered by a different department and then that department would pass on the message to me or to her and say, "here's the form", so the form would be the person's name, their phone number, their email, what they're looking for, or some brief details of what kind of situation they're in. So, I would get their number or email, contact them then, and say I'm just getting some more information on your case, and I had a Word document that I would open on the computer just to see and follow and ask them those questions. So apart from phone, email address, and physical address, we would ask them: have they been in touch with the solicitor before?, have you looked for this type of service before?, have you engaged mediation before? do you know what mediation is? what sort of services are you looking for?, is it OK if we contact the other parties?, because we need to get consent, and so the primary party would always be the first point of contact and then depending on the situation they would say, "yes, here's the second parties name, phone number, email, address, whatever". So, we would send them a letter say, "this person has contacted us, they are looking for mediation because of this, this, and that. Are you OK to go ahead with the service?". If the first party said "no, I don't have their email, I don't have their address, I just have your name and phone number", then we would have to call that party with their consent and say, "this person is looking for mediation, you're involved in the case, are you OK to go ahead? So, if the second party said "no, I don't want anything to do with them", then we would go back to the first party and say "we contact the party number 2, they are not going to go ahead with mediation, you know they want nothing to do with you or whatever it is and you can talk to your solicitor" because 90% of people already have a solicitor when they contacted mediation, "you can talk to your solicitor, or we also have a legal advice so you can talk to them". It's literally just to tell you this is what you do now that mediation failed, but that was really very active, you know, even though sometimes people would still- party number two would say "I don't want anything to do with it", one way or another down the line they would find a way to do it, if not with us we would hear from them after just to say, "thank you" or to fill out a research just to say how was the service for you and then they would mention "Oh yeah, actually I found another mediator". So I would say success rates probably around 80%, just because every now and then the parties wouldn't really engage in the service, or they were looking for something very specific and the wait list was huge because of COVID and everything, a lot of people would just instead of looking for therapy they would look for mediate, you know?.

So, we looked at a lot of family law, so child custody, divorce or separation and... but also there was the other side of things that would be maybe parents or children having issues with each other, or neighbors having issues with each other, and yeah that was mostly what it was. Sometimes elder mediation, but it was mostly family law or neighbors dispute.

Interviewer: Do you think people that contact the service have a clear idea of what mediation is?

Interviewee 5: so, because most of the people had already been in touch with their solicitors, or they even got to court and then court said "you have to go through mediation" they had a very general idea of what mediation was, but you always have to ask because even when I asked, I would say "do you know what mediation is?" and people like, "Oh yeah it's like I'm talking to my solicitor", but you know, they have a kind of distorted idea of what mediation is, so we had a little script and we would just go over "mediation is confidential, we can't force you to do it, we can't force the other party to do it, and whatever is discussed is going to be an arrangement that is going to come from the parties, the mediator is not going to impose, but if you do reach an agreement at the end that's going to be binding", you know things that even the solicitors wouldn't really explain much.

I always got the feeling that people that would be referred from a solicitor, they always thought that mediation was going to be the end, you know "I will definitely find a solution for my problem going to mediation", which

is not always the case, and then whenever we mention or they hear from someone say you know if party number two is being a big sketchy, or they don't really want to, you know engage, we can't guarantee there's going to be a solution. So, that was kind of... this-this issue because if the person comes to you and they say I want to do this because I need a solution now, we can't really say "Oh yeah definitely, your- your situations is going to be solved in the next two weeks", you know?

So sometimes, specially with family mediation, is very tough to hear what people are going through and have to say, "I'm sorry but party number two is not engaging, or they don't want to go ahead", so then it kind of discourages people in a way to look for the service in the future. We always try to kind of say things and show things in a way that it would take the blame of us in a way, so just making sure that people understand "the agreement is going to come from you, not for the mediator", "we can't force you to go it's a volunteer process". So, they understand from the beginning that if things don't happen the way they want, they can't really blame the mediator, if party number say that they don't wanna hear, you know? We always had to be very clear that it's fine you can come to us, but we are not going to be holding your hand too much, it's going to be you, you're the person in control, the mediator is there to help you, not to take over the process.

So, sometimes it was a bit tricky because people had a different idea of what the process would be, but you know after you talk to them or they go to one or two sessions, they kind of get a feel of how things work and things will flow better, but in the beginning sometimes you have to be very patient to explain everything more than once.

Interviewer: You told me that they train you at the beginning, can you tell me more about that?

Interviewee 5: So, I had to answer to this one person, that was my line manager, and both of us reported to someone else, that was above her. Basically, the training was "here is the system", they had their own software to add all the- the diary notes and appointments and all that. They didn't really give me much training on how to talk to people on the phone, because I came from a hospitality background so that was already something that I knew kind of how to do it. And a lot of the way that I dealt with the issues, actually came from things that I learned in the masters. So, you know not disclosing information, if someone calls asking is this person on your services, "I can't tell you this is confidential". How does mediation work, I had memorized and learned from doing the tests and everything, I know exactly what to say if people asked how does mediation work, and I had the Act, all that open. So, a lot of the questions that they asked I didn't get trained for, but I think that it was because they knew I was coming for a theoretical background. So, a lot of the questions I might have, were already being answered doing the masters. So, they trained me on the software, they trained me on how to take the calls 'cause I had to download the phone app just to take the calls, and basically that was it. But because we had meetings every week or so they were always very much in touch with what was happening, so if I had an issue I could contact my line manager, or the person above her and they would be on hand to help me. They were always very good in that sense, but training was very much focused on more technical things, you know?, how to work the system and that.

Interviewer: you are the first entrance to the service and I guess it could be like a lot of emotion from parties. How did you deal with that?

Interviewee 5: I actually had to to ask for help before, internally and I also sent Sharon a message one time just because of what happened during that day and I just said "how do you keep your emotions on check?", because, specially when it's family law I have two very soft spots for older people and for children, so whenever people called and they mentioned whatever was happening and it was either one of these, I would always have to be like "I'm so sorry you're going through this, I understand" or "I'm sorry you're going through this, but I'm glad you contacted us". But it's very hard to try to kind of-- because you have to keep going with the call, you have to get the information, and sometimes you're touching on things that the person is not really ready to talk

about. So some, you know?, if it's not me crying on the phone, is them crying on the on the other line. So, it's hard, until this day I don't really know how to do it, I can't really tell you how to do it. I'm working with mental health now, so it's still the same, a lot of sensible information and difficult and distressing calls, but you just have to be glad that people contacted you, because that means that they can get help, regardless of if it's going to be now or in two weeks, or if the service is going to be good for them, or not if it's going to actually give them closure or not. The important thing is that they contacted you, so they're willing to get help, but I don't know... I think it depends on everybody, it was very hard for me not to take it personally, or not to think of my own family or my friends depending on the situation, but again they were very on hand to talk to me, and to make sure that I was OK, because if- if you're not ready to go through this with the client, they're not going to feel very secure going through the service, so it's- it's a very, it's very tricky.

Interviewer: I guess is beyond theory. It's interesting that since the first contact with the service they try to be very clear with the values of the mediation. What is your impression about the service itself?

Interviewee 5: So, actually my line manager was also a mediator, she just didn't take on mediation herself, I'm not quite sure why, but she-she was accredited. So, I knew that a lot of mediation, as far as I knew, was more about individuals providing the service, so when I found the center with... I think they had over 30 mediators at the time, everyone doing their own thing, but they all reported to the same place, that was the first time that I've seen something like that, that I actually researched. So and the whole thing was was pro bono, nobody had to pay for anything, before COVID, there was a 10 euros booking fee, but then after COVID they just moved everything for free, because they had a bigger flow of calls and that. So, I always found very interesting, and actually very nice of the center to provide this type of service for free. Because we know on the other hand it could be very expensive, extremely expensive! especially if you're dealing with family law, because it's something that can be dragged out longer. So, even sometimes people would call it and say, "how much is your service?", or "what is your fees? I'm just researching", and then as soon as I would say oh it's free of charge people be like "oh!, how fast can I get in?"(laughs) because they are already paying for solicitors, they're paying for court fees, whatever else. So, if they can save with this and if mediation can be helpful to them, they will be extremely glad that they came in, and they actually refer to services to other people as well, we would get a lot of referrals, a lot of referrals, and maybe from the same family, friends, you know?, people just see things moving fast and they go "I wonder how they're doing it", so that's how a lot of things came to be through referrals as well. So, because it was during COVID, I actually never got to go to the office, but some of them were doing sessions from there as well, so I think it was something good for both the clients and the mediators. For the clients because, not because just because the service was free, but because they could go somewhere a physical place and find people there to help them, instead of just looking up online individuals, you know? meeting at different locations they could just go there and they know there's someone there to help. And also for the mediators, because they were all over Dublin, and other places outside of Dublin, so it saved them a lot of hassle to try to find a middle ground to meet with the parties, they would just go to the center. Now this before COVID, after it was just all zoom, but still having the center there it was a very good support, even during COVID, because in the beginning they could still go, and I'm pretty sure they're going back to the office around now. So, you know it's just -the center was very very important for the community as well, and because people know where it is, they can just walk in, you know?, it's always nicer to know that you're walking into a place where all the people are in there, people that can help, so I actually really enjoyed my time working with them, I learned a lot.

Interviewer: In your opinion what were the main challenges that the service faced?

Interviewee 5: I think maybe one of the big challenges was the lack of information on mediation, or the wrong information being shared, and if people have their own solicitors they would already come with some sort of idea of what mediation is. But if people have no solicitors, and this is their first point of contact, sometimes it would be still- maybe I would have a feeling that it's not 100% clear what mediation is. So, I think that was

probably the biggest issue, and-and we can only reach so many people, you know?, they are very present online, they have a podcast, they have their own website with blog entries, and they have a LinkedIn profile, I don't know if they are anywhere else, but they are fairly active and one of the director's she does little interviews on the radio as well. So, they're trying their best to get the word out, but still, it's very, it's not something that the regular people would know, you know? Mediation is not as common, I suppose, still to a lot of people. So yeah, I would say information was a big challenge, even if you have someone like me, or someone else taking the calls and filtering the emails, we're sharing the right information but still, you know?, if you're on the phone I just want to get an appointment, you're not really listening to what I'm saying, especially if I'm saying all "according to this and that", you know? "the mediation act or confidentiality", we're throwing this terms that maybe the person is not really aware either, definitely information is-is the biggest issue.

Interviewer: Do you know if they do some kind of follow up of the cases?

Interviewee 5: people would get I think it was an email, or-or some people would get a letter just with a survey, just to say you know, it's kind of like a follow-up, just to say, "how did you find the services?", "would you come back?", you know, these sort of questions. Personally, I don't know if the mediators or if anyone else would actively contact that person mmm but to keep the information on the case would be safe for seven years, I think? So, if anybody at any point would contact us again, just to say "hi, just following up on this case" they can always refer back to it, but I don't think so, I could be wrong, but I don't think, it would be just in the survey.

Interviewer: What were your motivation to get involved in the mediation area? How was your personal experience with this work?

Interviewee 5: So, in the beginning I knew I wasn't going to act as a volunteer mediator because I'm not accredited, and so it was actually, I was happy to work behind the scenes because this is not something that a lot of people would know, the work that goes behind the actual mediation process, especially if you're working for an organization, so... and a lot of things that I was seeing with them I was relating to the theory, that we were seeing in class and sometimes the cases were fairly similar to the mock cases that we were doing in class as well, and that was actually helped me a lot, because sometimes I'm on the phone with the person and they're telling me this is what is happening, and say tomorrow I have a very similar case, because I was thinking about that situation for the rest of that day, the next day when we're doing the mock cases, I already had a question in mind. Or even things that maybe I ask the person on the phone you know just to get more information, I would use that on the classes, so it was very useful because it was around the time that we started doing more practical classes, so I felt more confident, and more prepared to see, and to study, and to understand about certain situations in some cases, because I saw them or I got in touch with the parties doing the volunteer job. So, that was actually something that I even told them when I was leaving, I just say "thank you for your time", and they helped me with that. They helped me with my dissertation, I focused on workplace related issues and I delivered a talk with them on that for all the mediators, the only one that wasn't accredited (laughs), everybody else, they did that every week, no!, every month, sorry, they will bring someone to just talk to them about mediation, and I actually participate in some of them about mediation and family law. So, I asked them "can I talk to them about my thesis?", it wasn't even ready at the time, I just said, "can I do it?", and I talked for one hour, and I took questions for 40 minutes, and I got very good feedback from them saying, "thank you for this", because I give them a different take on an issue that they also work with, which is workplace mediation, but I was doing it from a different side of it because I'm not accredited. So it was very beneficial I think, it was anyways, for me working with them because I learned a lot, and I put a lot of things into practice, but also for them because I was coming from a very theoretical background at the time, and I would tell them, "I am studying this in class" or "this was in class the other day", so we always had this back and forth going on, you know? I would say, "maybe do you do this, could you do that?", "could we work on doing this in the future?". So, it was a very positive experience for me, and I hope for them as well!

Interviewer: With all the experience, what do you think on keep developing the mediation skills?

Interviewee 5: yeah, I didn't look for the course to do the accreditation yet because a lot of things have been going on, but my plan is either next year, or the year after to begin the process to get my accreditation. I did HR management course in the meantime, so I'm just I-I love doing courses, and I love studying, so I'm trying to kind of you know?, get everything that I could, just focus then on getting accreditation after. The next course I'm going to do is a GDPR one, so just to, you know? keeping in touch with everything, hopefully in the future I might try to go into HR, but I would love to bring some of the mediation side of things with me. But we'll see how it goes.

Interviewer: so overall, the experience inspires you to want to follow on this path?

Interviewee 5: yeah, yeah! because mmm... this was the first time that I've seen mediation as a volunteer service, to be fair I've never really heard of mediation before, but getting in touch with the center was the first time that I've seen it as a volunteer service, and before in class I would always try to go for the community side of mediation, because that was where I felt like I would go to eventually, just dealing with community and maybe doing volunteer work. So, it was definitely something that pushed me, and inspired me I supposed to go into the career, I haven't really gotten around doing it yet but I plan on doing it but definitely it's something that like I have on my CV and people love to ask me about it how was it you know. So I'm still in touch with them, which is great!

#### INTERVIEWEE 6

Interviewer: Could you tell me about your work in community mediation as a volunteer?

Interviewee 6: OK, well I began when I was still working full time, in about 2014-2015, when I did the training to become a mediator. But at that time, I didn't have the time to practice mediation, so when I retired from the job, it was in in 2018 I went back in and did a refresher mediation course with the trainers I had worked with in 2015, and it was suggested by one of them that I get into Dublin Community Mediation to get some experience. So, I joined Dublin Community Mediation at that time, and I've been a member since that, well I've been a member since September... two years now I've been a member. So, that's how I got in there and I've also, I also joined... after that I joined CLM, which is Community Law and Mediation, which is in Colloock.

Interviewer: Currently you are volunteering in both place...

Interviewee 6: yes... yes

Interviewer: could you describe me how you organize the work with them, in relation to how they contact you with the cases....?

Interviewee 6: well certainly in DCM I know more about I suppose. It is a voluntary organization, is a charity, all the people who work on it work for free. We give our services voluntarily, there would be something under, I don't what the numbers are the moment, but essentially what happens is that you can contact the organization and the person in the office will will send an invitation to the voluntary members to come up the case. And we have a model of co-mediation, so there would be two mediators per case, OK?, and when people respond the mediators then get in contact with the parties and at the office level first is established that both people want to take part in the mediation, obviously the mediation can't happen if only one person wants to do it, and I wouldn't then be entitled to contact the other party, without that person having got permission first. All of those would be in place. So then what happens is that the- it's all by zoom at the moment since COVID... what happens is that the voluntary mediators talk to each other and they know very little or nothing about the case, they might know that's a neighborhood dispute or they might know that it's about children, or you know access



to children or you know?, it may be something like, that all they would know, that's all we would know. So, we then contact the parties and arrange meetings private ones first and then join meetings.

Interviewer: Then do you organize directly with the parties the times and place for the sessions?

Interviewee 6: yeah, in some organizations that it's done from the office, or that is done through the office and from the office. In DCM we're in a situation where we have got a CE worker, community employment worker, in the office who works 20 hours a week. So, we haven't had a huge you know- we haven't had total office to cover. And we have had nobody, we haven't had the funding to actually pay somebody to be in the office, so that would be a big sort of I suppose problem for us. There has been a problem for us because there's a limit to the number of hours that a CE worker works, and so on.

Interviewer: I would like to know your main learnings practicing mediation in this context?

Interviewee 6: I think mediation has a fantastic route to go when people are in dispute. I-I really I really do, though there are times when it's not going to work and I think you can get- you can get that sense quite early on in the first session or two, that it's going to be difficult. I mean sometimes people come for mediation, thinking of one particular case, they come from mediation about children may say, there may be a court order in place, there may be access arrangements in place but they're not communicating very well so they come to mediation to see if they can improve on their communication. But if the situation is that there are unresolved relationship issues there, it's very hard to get them on to good communication because there are so many kind of dormant and not so dormant issues that are still influencing and impacting upon their relationship or lack of relationship.

So, I've also learned that being a mediator it takes practice, that you can have all the training in the world, and you can read as much as you want about conflict dispute and so on, but it's actually doing it is when you learn most. And you also learn that each case is different, and you think you might sort of conduct everything in a kind of formulated way, you know?, go from A to B to C to D but it's not like that... and it's not like that, it can be much more chaotic. And you might be getting to the same place but depending on the clients you have to kind of go a little bit with them and what, you know?

Another factor is the co-mediator, because we operate with a co-mediation model, it's interesting to see the different ways that people work, and you have to adjust to other people's ways working. You may not always agree with it, you may no....so, I mean that's where building a relationship with your co-mediator is very important, I think you know having strategies worked out before hand about who would do what and how it is helpful, so nothing comes out of left field if you like for- for either mediator. And the beauty of co-mediation is that while... if you for example, if one is managing, the other person can sit back a little bit and bring another perspective to the questions. I mean I could go on for a day about what I've learned in the last couple years, but I'm sure you don't want me to be talking for a whole day. I recently trained in conflict coaching, so that means working with individuals to try to help them to manage conflict in their own lives, and the interesting thing about it is that you're actually working with one person. You can't change the other person, but you're- you're helping them to change the way they manage the conflict in their lives and that can be very powerful I think.

Interviewer: Is that related with the conflict coaching of LMC?

Interviewee 6: yeah they do conflict coaching as well. The particular model that that I'm trained in any way is synergy, the synergy model and that is something else that I've learned I suppose, there are lots of different models of dispute resolution and approaches like nonviolent communication, like those different sort of approaches to conflict which you can use as part of your mediation, or as part of your coaching. So you can

bring in aspects of them to enrich, I suppose, your coaching or your mediation depending what it is, and try to draw people out and help them to see themselves, you know?, and what's happening.

Interviewer: What do you think have been the main difficulties that you have had on your experience as a mediator?

Interviewee 6: OK, well I say to you that the first thing is I have... because I came in to mediation at a time when COVID, I started my practice when COVID came about, I had done my observations, which we do before we actually go into mediation, I would have observed three sessions of mediation and then that was in February, and in March then the restrictions happened. So, every single mediation I've done is on zoom, and the difficulties there would have been specially at the very beginning when zoom was on the glitches and that kind of thing, it's much much better now... and you could have interruptions in connection and things like that. You also have you know... the difficulties weren't so much to do with my problems as problems for people who are accessing the service, for example people were confined to... people might be in dispute and living in the same home. So, it was about having them to find their own space in that home and knowing, because we would insist on... we would request, that they'll be on their own in the room. So, making sure that they weren't in any way overseen or you know that they had privacy. I remember doing a dispute with neighbors and one of them was living upstairs and one of them was living downstairs, and we were doing it by zoom and the connection for one of them was extremely bad, and I suppose those are kind of difficulties that I would have encountered, and we would have encountered over mmm... over the past year. But it's amazing how well it can work on zoom as well. And it can mean that you can do- we could have a blended approach, because we are DCM mediation and so on, CLM has branches in Limerick and in Bray, but there is no need for you to travel each time. It also means we can- we've been able to extend our mediation outside of the physical confines of Dublin you know? or place you can't travel. So, I-I can see a blended approach working very well in the future.

Interviewer: how do you think that the parties take the process of mediation?

Interviewee 6: normally, when people come to mediation is because they want to come, because people cannot be coerced into going to mediation. If somebody is being coerced for that mediation is not appropriate it's not going to happen, or it shouldn't happen. So, when people are there, they're normally disposed towards coming to some kind of resolution but what can happen is that they need to get rid of their anger and their sense of frustration, and often they come to mediation never having been heard, never having had their story heard or listened to. And the thing about mediation is, as you know, that you have a private consultation first of all, you a private session with each person first, and then you get them together and they have to tell their story again but in front of the other person, and you're not you are not liberty to reveal anything you hear in the private session that is not also disclosed in the joint session. So. in answer to your question, I think people who really want to resolve the issue find it beneficial, if they're prepared to stay there and stick with it.

Interviewer: you mentioned earlier that you could notice early in the process when parties would not engage...

Interviewee 6: circumstances where that was the case. I'm actually thinking of two, two now that I think about it mmm.... in the first case I think the person in question didn't really understand what the process was about or how it should be, it was actually a conflict coaching situation that I was dealing with, and I don't think the client understood what she was there for, she thought it was more like a counseling thing even though it had been explained to her at the office and everything at that, she wasn't, she won't- she-she kept telling the story, you know?, she kept telling the story, telling the story and was very hard to get her into the future, you know?, to get her to think about the present and the future rather than thinking about the past. I think it was just a lack of understanding of the process. The second situation, the mediation was suggested by one party and the party was referred by you know an organization that helps out and supports families and the partner if you like, the

father of the children, I think he agreed to be there but he eventually disengaged, because as far as he was concerned what the courts had laid down was what he was going to adhere to anyway, so it was not in his interest to remain engaged. It's very hard to say- to make a general statement because each case is completely, each-person is different.

Interviewer: How is the support that the centers give to you?

Informant 6: Well there are different things that happen for example in DCM we have a sharing and learning every month on a Saturday morning, everybody is advised to come along and we have the opportunity to do maybe mock cases or we have the opportunity to hear speaker or you know?, so we have lots of that. We have had this year a huge amount of professional development, we've had talks on non-violent communication, conflict coaching and even before we did the actual formal course. And we have the same in CLM, sharing and learning, that's the way the support is given. In terms of the actual mediation cases individually, they're between the mediators and the clients and there is a confidentiality agreement, so we wouldn't be we wouldn't be discussing each of cases, except anonymously for purposes of learning, but you know, you stay with the case, but as you know the mediator has the right to withdraw at any time and not give an explanation and so that's the client. So, I would say I would think is very good support from that point of view, and the offer of training which sometimes is for free, sometimes it has to be paid for but, you know? that is up to yourself, to be available or not.

Interviewer: Can I ask you what does motivate you to enter this area of work?

Interviewee 6: It goes way back; I have to say I've always been interested in the whole idea of negotiation and- and yes negotiating settlements that kind of thing. And I-I suppose, I worked for many years as a teacher as a school principle and I came across so many different types of disputes between parents and students to their children, between teachers and other teachers, between you know children and their teachers, between students and their teachers, between parent... anybody and everybody indeed with teachers and the principal and you know, I observed over the years that disputes are pretty much avoidable if people are heard and they listen to each other, and there are ways around them, and again having a neutral party is-is, it can be a very effective way of giving people the space to be heard which is often what does not happens in disputes. So, I suppose it's just been an interest I have for a very long time. I can't why, I just now you know.

Because whenever you have people, you see the same sort of problems, and I think that, you know, it can be applied to any situation really really really can be applied to any situation. And I suppose another thing that I would have been interested in, and would have introduced into the school when I was a principal was restorative practice, that whole kind of way of updating the matters of discipline, you know? That took some convincing, I suppose some people think that students should be thrown out their heads, should be given on a plate, but especially about that age when they're 12 to 18, they're only growing, you know? They-they need to be accompanied and they need to be shown. So, restorative practice would be very very important to me in school, as a way of sidestepping things like suspensions on all of that kind of thing, you know? Trying to keep people engaged and trying to increase their empathy for each other.

Interviewer: What do you think is the value that this community centers have for communities?

Interviewee 6: I can only-I can only talk for what I experienced before lockdown and when I first joined CLM in Coolock, I went into the center and I was very, I suppose, I was very impressed by the center, you go in and it's like a hub or this is the way it comes, I come from the outside so I don't know, I haven't used the services. But community law and mediation, it strikes to me like the kind of place where people, well people can come in and out all the time within the community, it strikes me as a hub of information, a hub where people can go, where everything is kind of together in the community. Now our situation in DCM is different we have an office in a center in Whitechurch in Rathfarham, and so we're not part of a big community set up



like that, but we are renting rooms from the web, which is an organization which looks after people with disabilities, so they're using that all the time and they are landlord if you like, and we just use a little office in that place, but it's a nice place to work. I don't work on it, but it's a place that is friendly and-and community oriented even though it's much much smaller scale than CLM, I suppose.

I suppose the best examples I saw in community of good service was when I went to New York. I was involved in the Rialto community because I worked in Crumlin. I work at Crumlin and I was, I was the chairperson for a good long time of principals network, and the whole time that the mansions were being regenerated, the old fashion luncheons were still there and then they were demolished and new things were built, and we were working with members of the community, and it was extremely difficult for us to talk to each other, because people in the community were suspicious of us, and we didn't know much about them. So a trip was set up with the funding of Chuck Feeney, who is a philanthropist, and he set up a trip to New York and nine of us went out, members of the community and school principals, primary and secondary. And we went and we visited, about in a four day period, we visited about nine or ten different community settles in New York, and it was a fantastic insight in what it can work. So, if you would have a health center near to the school, you have young mothers possibly in the case of some of them could have been Dominican Republic, Colombia, there different places in different parts of the city, and they would be going- leaving their children to school, and then they would automatically have access to health, and dental and all of that... I thought it was just a fantastic model, so I would have been inspired by that, and I think the community in coolock is a little bit like that, I don't think there's a Health Center there, but there's a school nearby, and you know that kind of thing. So, I think when you make things accessible for people, is when it works best. And access comes in such a different forms, sometimes people just simply don't have the money to travel and so on. And there is also the fact that we are moving further and further away from a cash economy, so there are people who don't have cards and they don't have the experience to work on-line. I mean so much of what we do actually is online now, and sometimes they don't have the access to the online facility or the access to pay the money to go to an Internet café, or whatever. So-so much is cut off from people because we're moving away from a cash economy, apart from the that people actually just don't have money in some cases.

Interviewer: we are aware that there are very few community mediation centers like the ones that you are involved. How do you think CM in Ireland will continue the next years?

Interviewee 6: that's a difficult question to answer because it's something we ask ourselves. I mean first of all, there is no money involved in it. One of the things I suppose which is brought it to- to the front, is mediation Act 2017. Now because legally solicitors and judges and whatever have to propose mediation before bringing people through family courts and the likes, or in other situations where there is dispute, people are more aware of it. But I would say to you that that awareness, awareness of the availability of these free services is what is not there! Now people like the Garda, citizens information, the citizens advice bureau, it's through these organizations, I think, that we could get the word out, and we are beginning to get one or to referrals. We have been in contact for example with the gardai trying to set up, trying to, you know, get them to refer cases to us. The citizens advice... unfortunately COVID has meant that people have had to kind of retract their work to certain extent, and to sort of look after to their own patch, and they're not able to sort of think about expanding but the other thing is is finances, finances is not an ongoing thing, because you can't run an office on a shoestring, you just can't do it. So we've recently got some funding and we are going to be able to do that, to you know have somebody in the office on a part time basis but it's not ideal, because what is actually happening is that it leans very much on the volunteers and volunteers are not only doing mediation, which is why we came into it, what we're doing a whole lot of administration work as well, and other kinds of work, which is not what we really wanted to be doing but you know you don't-don't stop, because you want the organization to flourish!. So, I think is about getting people aware of A, that a mediation is an option and B, that that service can be free. Because people are terrified, I think, especially in this country, where most things have to be paid

for, people assume that it's going to be expensive, and it would be expensive! if you have to pay for it, but it is for people who need to have free mediation, it is there.

Interviewer: and as you were saying before, maybe have a blended approach would be a way to expand....

Interviewee 6: that'll be one thing, or one solution, it's only part of it though, because you have to get people on board first you have to get people to realize that mediation is available first, and then how they come can we workout afterwards, but it's even just knowing what it is and what can achieve. Most people actually don't know, naturally enough, why they would know. And also very few people are making a living out of it, you see that's the thing! Very few people can make a living out of being mediators, so that's one thing you have to, I don't know, I don't know if you get involved with organizations and companies and things like that maybe it's a different thing. And I suspect that a lot of solicitors are now getting, are doing qualification as well, and doing mediation work themselves, because they see that it could be lucrative, but people expect to have to pay solicitors and therefore they would presumably pay for the mediation as well. But the people in a community situation, that we are happy to work with people that can't afford those kinds of services.

Interviewer: it is very challenging to keep the services going...

Interviewee 6: yeah, some people like myself who are doing it now retired, like getting paid is not a motivator particularly, but that's that's - at the same time I would be very interested in doing work in organizations and schools particularly because I have such a knowledge of them, that would be nice. But at the moment it isn't a motivator particularly, a strong motivator, but I don't have to make a living of it, so that's fine for me to say that, but I don't have to make a living from it, but I wouldn't like to be somebody trying to make a living from it, because I think it takes a long time to establish yourself.

Interviewer: There is something else that you would like to add, or that you think is important for me to know.

Interviewee 6: I suppose I do think that- that the granting of funding for the administration side of things in the community would be- would be fantastic, without having to jump through a whole lot of different hubs to do it. I think once an organization has set itself up, registered as a charity, got all its documents, its constitution, registered with the relevant organizations, I see no reason why, once the organization can show that they are actually doing what they say they're supposed to be doing, that there could be some kind of grants for administrative purposes without having to go through a whole lot of hubs to get them. It's very difficult to get grants, it takes a huge amount of work on the part of volunteers, who should be actually mediating. So, that could be something that I think would be very useful. I don't know if it's going to happen, but you know always be hopeful is what I say.

And you know, people- we've been educated in a way which is confrontational, which is competitive, that's our world!, and that is our world and we're trying in mediation or non-violent conflict or whatever you like to call it, but what we're trying to do is unlearn that, unlearn that type of behavior, and which says that one person has to beat the other, one has to be competitive, has to be better, I suppose we're trying to get around to the other side of that and get people to see each other as equals.

## INTERVIEWEE 7

Interviewer: Can you tell me about your practice on mediation?

Interviewee 7: Even in the short piece of time that I have been training and working as a mediator I think I developed a good experience in that length of time. I... my role within the prison service, especially in the prison service where I'm working with extremely challenging behaviors, in that role it's a psychologically difficult environment that's all about relative to care rather than custodial, it's more of caring than custody, about patience and that seems to work well for myself. I certainly find it challenging and rewarding. I ended

practicing mediation skills every day yeah, de-escalation, communication, feedback, and using those, some of those big tricks that we have in our toolbox in terms of active listening and reframing some of the... some of the language that you're hearing, while at the same time you're trying to hold very clear boundaries, set up well what the expectation are, take the time to explain to people what their options are, the choices and consequences for those choices, and asking them to maybe choose something that works for them longer term rather than that immediate self-gratification. And it's-it's really also about role modeling, modeling a slightly better way of doing things that isn't- that doesn't mean reverting to aggression or violence and it's about managing the risk.

We are working with separated couples and there's a lot of upset and anger in the room, those skills that I learned in work or practicing in my main role (prison), translate over to mediation, the things that I do in mediation translate over, you know is a two ways street. You're learning as you go and as mediators we have to continuously practicing, we have to continuously trying to upscale and continue our personal development. You continue your development as mediator through peer support, learning and sharing groups the entire time. At every meeting, at every conference, at every seminar, absolutely that's what- that's my core message, that we have and we learn from each other, so we don't reinvent the wheel it doesn't matter what role or function you have inside the mediation, there's always someone out there that have a different perspective, and our bread and butter is to take the time to learn what other people's perspective are, and then working with that trying to find the bridge in the middle.

Interviewer: Did you mention that you receive various referral in DCM from services, what kind of cases do you usually work with?

Interviewee 7: on the service are mostly like neighbors, community... about who puts the bins out, parking disputes, where the cars are parked, and... whether some people you know... there are two households that are side to side, I am thinking about a particular case, a recent particular case, where there was a problem between neighbors in a little cul-de-sac on within this area. 3 or 4 houses all together, everybody get along quite well, one person passed away, the house was sold, a new family moved in, and... nobody was doing nothing particularly wrong, or bad, or antisocial, but the root of the case was very much that the other three households didn't want the dynamic to change, and obviously the dynamic is going to change because is new people and people always bring their own energy. And it was a bit of like (connection problem) ... I was just saying that sometimes it's not- it's not just about an agreement, taking time in mediation, especially in the community mediation piece I think is really important, you do a little bit of work with people outside of the mediation to prep them for what they are going to face. So, I am going to make, maybe a little bit of conflict coaching asking people to be a little bit more aware of themselves and how they are triggered in conflict, mmm... it's hard to do it a voluntary space but it is well worth doing it, if it better equips the parties to reach their agreement. So, a little bit of challenging, a little bit of invite people to think about how they found themselves in a similar situation before.

Interviewer: That conflict coaching is part of what the community mediation center offers?

Interviewee 7: for me is a personal approach, what we do with private, but the community mediation pieces it's a much narrower time frame, so it's harder to deliver that especially when you're bringing in two mediators, and you're physically visiting locations, and people are giving up their time, and giving it up freely, you can't really go into all that as much. But there is a benefit in doing it and exploring it slightly so it's more about priming people. So, in the pre-mediation session you might visit a location, you might see what war the cars are parked, what way the houses or the grass, what way the hedges are leaning or not being cut, whatever the matter of the dispute is, and ask the party to walk you through what's happening for them, what a day in the normal life is like, and how they're being impacted by the ongoing conflict. In that you might see some of the conversation, with asking them how they might be contributing to themselves, because it's never always

just the other person's fault, it's a dynamic, and it's how both parties are interacting in it, and what they're bringing to it, because people's conversations are positional, saying what they want but not really addressing or understanding what it is that they need, the conflict isn't going to get resolved, because they can agree something but if the heart issue- at the heart of it, what they're really griping about hasn't been dealt with or their need hasn't been met, it's only going to continue on, and maybe in a slightly different form. Maybe not as toxic, and maybe not as regular in terms of frequency or intensity. But unless that need is clearly identified and expressed to the other party, as to why is a need, it won't lead to a sustainable and lasting agreement, and that's really important! And it's really important for the mediator to be aware of that themselves, how often that has happened, how often this could happen again in the future, and this is what we call the reality testing. So, we come up with a solution and it seems to work on paper for everybody, take an extra 5 minutes to think with the parties and just, to test it, and just put it under a little bit of pressure, just tweak it slightly... it tempers the agreement, it makes it stronger, and makes it more sustainable for the future which is which is absolutely important. And that's for a voluntary mediation case or are separating couples dealing with all- the all the child protection pieces as well. Take the time to do it right. I regularly say to clients "we are here to get it right, and not to be right", and that seems, that seems to resonate with people, when they're willing to listen but you might be a couple of sessions into it before they really really understand what- what's expected of them, and how they might get something out of it for the future.

Interviewer: How do you think parties react to mediation?

Interviewee 7: the soon I get that first phone call, or first referral... is-is just a venting session, you know?, is "hi! how are you doing ?", "are you available", "this is my problem, bah!!", and it all comes out, but it all comes out because it has to come out. What I like to do is to engage them, engaging to say "can you put it on a scale of 1 to 10" whatever number, "can you tell me where you are with this!, sometimes I use much very plain language and just "how piss area you?", you know, use the language that I thought I'm being greeted with, just get-get down on that level with whoever you're talking to. So, "Just give me a number 1 to 10, where are you with this", you know?, like how intense is it?, how ..is it safe to put you in a room with the other person?. And if they say "it's 10", "it's red hot!" I go "ok, tell me what's going on" we won't be talking to the other side for one or two weeks because it's not safe to put you into that, you're not going to be your best self, and not put your best foot forward. But you will keep talking for a moment. And then you will face to the other side, and will invite them in to process and this is about buying time, is about settle things down. 90%, nearly all cases it all comes out in the first-first few minutes, and it's raw, and it's emotional, and it's, and it's right in their tummies. And when you talk to them you can, even if it's over the phone, you can hear their voice, you can see their body language, you can see the shoulders drop, you can see the little veins subsiding. These are the cues that you're looking for, it takes it takes time to learn those, you know? because I don't know the person, I asked them to put a number on it, and then if I do that, I know that I used that as an intervention, and I use the same intervention with party B when I'm talking to them. At some point I'll introduce that into my set of notes when referring to one, and checking the notes referring to the other, party A and party B. I put them side by side and go like "I used one intervention here and there", and after the joint session, you go "OK so I can see how upset you are", "I can see how passionate you are", you know, If they both reported very high numbers of upset, I give them the feedback. Then with 3 or 4 sessions later I go, "can you both just text me the number 1 to 10, about how you feel right now". And it's interactive, but sorry this is in a context of working over zoom, and remotely as it's been for the last while. I have to come up with new ways, normally I get people to get up to it on the white board, it helps circulate and it gets people moving, it can be quite sedimentary when you're in a room when you're just stuck at the table. "I can see that you want to tell me something", "you want to share something, and it might be difficult, can you write down? can you put on that whiteboard for me?", and that's the trick to get people just energized and moving. So, in two or three sessions in, you are making progress, you try to frame the progress, " how are you getting on guys?", "can you both quickly let me know a number where you feel?", and I try to put a little bit of a narrative piece on, based on what I'm seeing between

the parties, a little bit of cheerleading is important, you don't also get that in communities since we really have pre-mediation, joint meeting, agreement or no agreement, you might go to a second session, it's hard you don't, you don't really stay - you don't really stay working the relationship with them in the same way you would do with separating couples. DCM do family mediation. A couple of years ago, DCM would have been involved in a research project about implementing the Canadian Family Law Mediation model in Ireland, and basically, it's about fast tracking through the courts access guardianship and custody matters, and prioritizing them, taking them out of the regular family court lists, and deal with them but only with those. And you will give 14 hours of mediation, we do everything in the 14 hours, pre-mediation, joint sessions, and co-parenting plan design, and this is what I based my own business of, because it works. I think it works anyway! And you can package the service quite neatly and you can sell the service quite neatly. When it comes to your children, if they are priority in 14 hours joint work at the absolute maximum, including drafts of agreement, you will have a plan. So, one day of really good hard work, and we will have something that will keep you going for six weeks, six months, six years, depending on the needs of the children, and if we need to revisit, we will. So, I like take it into the building blocks and stepping stones, if you deal with everything all in one go I don't think it's going to stick. If you make it, you break it down into digestible and accessible parts, you give them a time frame, that it's going to do that people can access it and accept it more easily, and more readily, and you can mark progress with them.

The community piece, you may be getting some of the conflict intervention pieces, some of the conflict coaching pieces, may try to get people more aware of themselves in the mediation. It's very important to signal to the parties what's going to happen next. It is almost if, especially in the community mediation piece, where you're coming in at your best behavior, and this is something the mirrors in the language of restorative justice, restorative practice, that the people are coming together, that's the hidden piece. It might not be transformative but that's where we get people together, and we already know basically what everybody's going to say, we already- you had done all the work outside and you are literally bringing them back in together, and it's not counselling, it's not counselling on any shape or form. But I am fond of queuing up what comes next, so everybody has a clear idea what we're going to do on that meeting, what my expectations of them are, and it makes it easier, then to say you're back citing the point we have discussed, the possible agreement in relation to that area, we breathe, and we would stay future focused.

And especially in the community mediation, where it's a narrower space, and you only have a shorter time to- to get your... get your ducks in a row, you got to keep people queued up, you got to keep people going, you got to keep people focused. Sometimes it might be the case of posting the agenda before the meeting, you keep it informal, you know, these are these are the three areas we want to work up, you know. If we were working for two hours like it was 40 minutes per topic, we will be able to take a 5-minute break between each, and we should start this time, finish at this time, and at the end you'll be able to very neatly recap, and that also gives people the confidence that they are progressing through their issues.

DCM are working recently with a lone parents support network in Ireland, and they are advocating for single parent rights, education... just...they are a really empowering organization. So, we will take referrals from them at moments and it's basically working in a more coaching piece, we are working individually with parties to bring them up to a level where they're comfortable or confident enough to go into mediation, but it also doesn't have to mean only separating couples. It could be people working in the community sector, it could be people working in the community as well. So, a lot of people are giving a lot of good, and they give a lot of their time, effort, and energy, and sometimes that can be difficult because of all the stresses of normal life going on around, and they give a little bit more. And it is to support that as well, you know? It is what I like to do, I like to give a little bit back. I had a very great deal of wonderful opportunities in life, some of them I've been able to take advantage, some I haven't been able to for whatever reason, but I like to give a little bit back and that's- that's important.



So... the community space, you're learning from others and you're learning as you go, and the more you put into it, the more you get back. So, it's-it's great! you know, you are dealing with conflict. In the conflict coaching piece very much, you see how you want to respond to this do, you want to react, or you want to respond, react is sharp and pointy and immediate, where responding is a little bit easier a little bit more mellow reacting might be red, as if it's hot. Responding might be green, a little bit gentler. And you can have to break down things to people sometimes, and everybody knows this stuff because it's age old, but they not be living it, so you're coming in in that mediation piece, especially in community mediation, you're championing, you are really trying to championing, "let's take a breath, how is your breathing?, just breathe" because it's people, and it -it is... community mediation is not going to be people in an organization, They are not there because the power of their contractor or they HR department, it's going to be probably people that just want to get on with their lives, you know, they want to be left alone to do their own thing, or they need somebody to do whatever thing, that it is important to them. It might be about kids playing on the street, or someone not parking the car in that place, it might be not having kids playing in a certain area or jumping off the neighbor's wall, because they might don't want them to be hurt. It is about facilitating the conversation for people that can't get across, when they've lost the ability or never had that ability in the first place, but when you break it down with them they kind of go "Oh yeah, I kind of knew that", "that makes sense". But maybe they are just stuck, so a good mediator coming in to be that third party, is going to create a little bit of space, and that's that's what we do, and that's when we get the best results, is when you're leaving people to make their own agreements, but you just keep the language clean, you're making sure there's a good framework around it and giving people the structure to have the conversation, which doesn't always come easy to be.

Interviewer: What do you think are the main difficulties that you face on your work?

Interviewee 7: well, taking the focus on the community piece, mostly for me, I am not based in Dublin, and the service is based in Dublin. So, geographically there's a barrier for me to go to volunteer. So, what I would like to do, I'll minimum do one boundaries dispute and one separating couples of DCM per year. You could do a little bit more ideally, but just on the location, you know?, once we're operating remotely and over zoom I'm happy to do more, balancing that piece with my own work- my full time job, to raise my own family, the cat, taking care of my parents, you know?, having a social life. Community Mediation can- when you work in the community can- if you let it, it can take over. It can... you can do a case every week, you could-you could give over an entire day off every weekend to volunteer in. It can become all.

Interviewer: So, there is a need for the community service, do you think?

Interviewee 7: absolutely, and there's two or three mediation services in Dublin that are community based, future focused, and they're all doing excellent work with resources! It is not enough. If you were to charge the Dublin County Council, our main funding partner, if you were actually charge in the professional fee for the work that done, even if you're running in a nonprofit basis, and like nobody takes a penny in community mediation like everything goes straight back into service just to keep the lights on. You could absolutely charge the professional service, and it may be something that would have to be considered and later shared. Even if is only a statement amount, but what it- what we would have to do is if a party's exit a mediation after being referred, and we go to the process, we put mediators in place, we do a pre-mediation, joint sessions and people leave, if they want to come back, we do have to charge them, because you have all of the costs of bringing the mediators back up. That's all-people's time, their troubles, their effort, their energy, and it takes a lot of goodwill. I personally think I would like to see that service... there is a lot of competing interests in this area. So, you have Researcher Justice Ireland would like to put together a network mediators like we have, just as practitioners, we have people mediating in the community- in the community arena, it says that the barristers kind of have taken over the professional mediations kind of thing to the exclusion of community mediators, and there's a massive brain drain then from people that want to work as mediators but can't access it to earn a living. Like I don't think anybody's going to earn a living in mediation if it's their full time job, because it's

not... you're competing against with the other legal services that are much more well established. The mediation act was about bringing mediation and dispute resolution in as a third pillar, you know solicitors, barristers and mediators. But what is happened is our legal professional cousins have whitewashed the mediation space, have retrained themselves as mediators, may or may not be members of MII, and community mediation has been relegated to the side. You can do the boundaries dispute, you can do the noise disputes, but will look after without the financial aspect to it. And if that's the case, so be it! That's the reality of the day, and if there are profits being made in that area, maybe some of the profits could be kicked back to support the community mediation piece, that has built up the reputation of really good mediators, because the people that are doing this work are passionate, heartfelt and interested in people. And we need that, because these-these people are that going to, away from the legislation, these are the people that are going to champion dispute resolution in the community and at the lowest level, and obviously the sooner a matter is resolved, the less of the cost there is in terms of human energy. If you could put that energy into something else, maybe that better for society. It has a cost for the garda intervention, maybe an ambulance, maybe the fire brigade, you have time in custody, you have the District Court, you have a solicitor and a barrister in the circuit court, you've the attorney general's office, not the attorney general office (laughs), but you may have the DPP involved, you have prosecution defense, the adversarial nature... all that has a cost!, and all has the societal cost for something that possibly could have been resolved with a good mediator coming in and having a chat, and just people being put their best foot forward in the sense to being able to do that, which we don't always. So, would be nice.

Interviewer: Brainstorming, how do you think community mediation could develop on the next years?

Interviewee 7: I would like to see ... how do I say this correctly?... There might be a slight rivalry between community mediation groups in Ireland. There's a little bit of positioning, prestige, and there's a little bit of adversariness about it. My perception is, and this is entirely my perception, that there's a little bit of rivalry between the different community mediation groups... but more generally, I think... I don't think you get too many mediators to agree on what's the best strategy. I personally try to build on what I know works, what I've seen work, and if I feel something could work for clients and I only offer to them when they're out of ideas, when they're exhausted from trying to come up with something themselves.

I think some of the issues of community mediation is that we are very small, we're under resourced, there's a lot of people that are at the limits of what they can do and give. So, we have a high turnover of people that come in and are interested in mediation, there's other people trained in mediation, then they go to practice then ... there is lot of burnouts early. So, we need to have- Community Mediation needs a structure, it needs a program of professional development through the MII. The MII holds the community chair on the mediation council set up under the act, the MII hold on some of the other chair rules, so even our umbrella organization has been relegated to voice in the community mediation role, but when they do so much more, they are being held back by structures of the existing legal structures within the country, and that's just such a shame. So... but we have to work with what we have, we have to work within the space, so I think upscaling, creating a really high standards and ask people to meet that, ensuring that our mediators are trained at a third level. That's-that's important, you know? education lifts everybody, rises all tides, rises all boats I suppose. I've trained, I've put a lot of energy into it, I continued to train, I continue to put energy into it, is something I find rewarding, I think that should be the model for everybody. I think we should see this reflected in our code of ethics for the MII. I think there should be particular reference to community mediation, and should be promoted, each in their communities, in our localities and on a national framework. I think we do our best to do that, the people that are running the show for the MII, again much like in the community basis, they give so much of their time effort and energy, but it's- it's hard to get a unified voice of mediators and about what people think mediation should be, and I would love for it to be a transformative model where people come in and every has the paradigm shift and an epiphany, and they go away fulfil, but it's not that. I rarely see that in my work. I've



seen people come to good, solid sustainable, agreements. I've seen people come with some really creative stuff, that they never thought they could reach for themselves.

I would like to see the different community organization working more closely together, I would like to see further integration between broaden in the services to bring in conflict coaching. We're working with peer mediation models, co-mediation models, co-gender mediation models, all what we can! That we can offer these services because we put as many tools into the toolbox as we can.

People might retrain in restorative justice, restorative practice programs and be able to be subject matter experts in those areas, because there's a whole other group of people that are doing their work practicing mediation skills, but not using the same language. There's other people that are just doing professional development coaching, and a whole lot of that is to try to teach a language that is familiar to us in mediation, that could be brought in to work within our organization with our community organizations and bring a whole new lot of energy, within that more specialist field, that personal development piece. There is a lot of people trying to achieve the same goals, the same skills and it's probably like there are different tools, but there's a lot of similarities that we can learn from each other, so let's- let's do that, let's build those relationships, let's learn from each other. It's the core of what I would have said when we first talked on the sharing learning groups are for, go learn from the people. What we get on the textbook is, it's great to have a structure to have the conversation with so it doesn't become a runaway train, but do you need to learn what tool to use in what situation "do I need a hammer? or do I need to fill?" It's the right tools for the right response, I feel you only learn that through practice. and that that's been my experience.

#### INTERVIEWEE 8

Interviewee 8: just for you to know I haven't been doing much community mediation in the last 18 months, and I'd say in the last five years most of my volunteer time with Ballymun has been with family mediation.

Interviewer: that's fine because doing this research the people that I have talked to are mainly doing family mediation in the centers that I'm studying. So, I'm kind of like trying to understand more Community Center itself and their practical in general.

Interviewee 8: I think what happened, I know XX has always been frustrated that we weren't getting more community cases, and we have done things like talks and we even... about 10 years ago I remember being part of the role play at a lunchtime talk showcasing, we did a kind of a practice meeting, you know? a case study role play to show people what would happen in a community mediation. So, we have done a lot, but it's still the need... the need is more into separating couples, and I think it's maybe that people don't understand that community mediation could help prevent a conflict escalating. What happens is it tends to be when things have really got bad that people come for community mediation, anyway.

Interviewer: Well, the idea is you can tell me about your experience in the center. How did you get there? how do the experience have been?

Interviewee 8: Oh yeah OK, OK that's interesting. I suppose for me how I got interested at all in mediation was much further back, like in about 1996. I was running small number of mental organizations with the Irish Refugee Council, and I went from being on my own with maybe a couple of volunteers to and taking on... because the number of people seeking asylum increased kind of over a year or two, and there was too much work. So, I began to take on... we didn't have the money to employ professional staff with proper salaries. So, we took on one of these community employment schemes, where the government gives you money to employ people who can't find work that are either graduates, or maybe they didn't go to university, and it's sort of seen as a training program, but they do work that needs to be doing in the community. So, with scheme I had to take on 16 of these people, plus a manager overnight. So I went from working on my own, and I felt the need greatly

to learn about handling people, and teamwork and management and all that stuff. So, I went on a course which was for managers of voluntary and community organizations, but I found the course very theoretical, it was all about the structures and the life cycle of organizations and the theories of management and all of this and I really didn't find it helpful at all. But Geoffrey Corey came as a guest lecturer one night and he talked about mediation or conflict resolution in a very practical way, about the skills that you can learn, and ways you can change your thinking to be more, you know... to be able to handle conflict and not run away from it, not to be frightened of conflict like I was. And at the same time, a colleague of mine she had attended Geoffrey... it was an evening course in the university, and it was it was eight or ten weeks on conflict resolution and mediation, and I heard her talk about it because I said to her, "look, I heard this man and I really was interested", and she said, "well I went to his course and it was fantastic". So, at Christmas instead of staying with the management course, which was all about theory, I just gave it up and I went off to UCD at night and I took up Geoffrey's.... the first part of his conflict resolution mediation course, and then I discovered that that was the first part of the 60 hours of the MII course.

And so, what he did after you did, if you're interested enough after the first term, he then on a private basis he took you on and he did further weekends and he did lots of role play and then eventually you ended up being able to get the certificate, to be able to do the video, they do a video of you doing a role play, and they assess it to show that you have gained the skills. So, basically then I took you know.... I found that learning about mediation conflict resolution helped me more as a manager. So, initially I did it for completely different reasons. I did it because I wanted to learn about handling people in the workplace, but then having ... as I was progressing through it.... I had always had an interest in prisoners rights, and in prison conditions, and so we had an option at the end of the 60 hours to choose a special subject and we did some role plays in our subject and also we did a written assignment. So, I did my written assignment, because of my work in interculturalism on what the prisons were doing in relation to prisoners from Muslim and other backgrounds and how Muslim chaplains were treated in the system. Now here in Ireland at that time, we would just calling everybody who wasn't white Irish indigenous foreign prisoner we weren't even counting ethnic minorities or anything. But in the UK I could find online, I could find material about the experience of foreign prisoners. So, and my special subject was restorative justice. And then Geoffrey also told me that there were other people who had graduated from his courses who were interested in restorative justice, and wanted to promote restorative justice not just in juvenile or petty crime, you know, some small minor crimes, but in serious crime: rape, murder, armed robbery and all of these things. That group was called "facing forward". So, I joined that group, and I'm still on the board of that group. So, in a way my ambition was to- to be restorative justice practitioner. So, really... so I got very involved with that organization, who did lots of training, we did training for ourselves, we brought people over from The States, Canada, Australia, UK and also Ken Clocke, that you may have heard of him in terms of mediation, he's a writer as well as a practitioner.

In the meantime, one of the people who came actually to that particular Cloke's training there at Facing Forward was Sonia, and she had just started in the job. So, the thing about it was that we were talking about the future, where there would be this work in restorative justice facilitation, but the reality was the only options apart from going into the commercial side of mediation, which wasn't my options, the options were too volunteer in the community, and I got to know Sony at that point, and that she was setting up a community mediation program or whatever. And I knew that some of the other like Geoffrey, Geoffrey was training the community mediators in these community services. So, I began to realize that that was a way of not losing my skills if you like. And there has been a time of around 10 years since I did the initial course, and I liked the sense of it of being a mediator, but I of course I didn't have the confidence and I didn't have any practice. So, I suppose the thing about Ballymun was that I live near Ballymun, it's an easy bus ride, and it's a disadvantaged area, so it's an area that, you know, I felt that normally I wouldn't go into a disadvantaged area and say, "oh, here I can help you", because it's people from the area who to work out what they need, and how to do all that, you know?. But with mediation, I suppose I felt well this is a specific skill that at the moment people from the

area don't have and obviously that is an issue for Ballymun, and they have tried to get people from the area trained up, but again maybe that was the wrong role for them, or they were the wrong person or... you know? I felt well... I had something that I can specific to contribute to, which you know hopefully people from the area will also be trained up and they can take that over, but that hasn't happened yet.

So, anyway, that's how I got in touch with Sonia and I said look now I have the part one MII course, but I'm going to lose those skills if I don't get back to start using them. So, the system they had was.... there was a very experienced practitioner mediator, who was my mentor. So, I started co-facilitating, and this person I think they had to kind of keep a report on me and they they gave me feedback, we both filled in feedback forms on the first few sessions, it was quite formal. It was a mentoring, and then when I had done so many hours, and I remember doing a video with Geoffrey, I had to do the assessment as well, and have, you know, I have feedback from him and marks and everything, and then eventually I was registered as a certified mediator and then I was able to take cases with another mediator. There may be a less experienced mediator, and that was around 2008 you know?

Then in 2012 Ballymun decided to establish a family mediation services as well, and initially I would have said, "I don't want to touch family mediation", separating couples! couples all that angst, and emotion, and everything. But Geoffrey was doing the training, and I love him! He's a really good educator and a brilliant trainer. And then somebody he mentored in the government run family mediation service, she was employed by Ballymun to be the mentor mediator on the new family service. So, I did the training and I started with her, and then she moved on obviously but and it was amazing, because she she had been mentored and trained by Geoffrey, 10 years. And then, I suppose then I became one of the more experienced mediators which was a shock for me! (laughs) you know? but then Sonia would be pairing people and saying, "Oh, yes you have to work with Nadette, she's very experienced, and I'm trying to say, "but I am still a beginner, I feel like I'm a beginner." And XX would say, "no, no you're not", "no look how many hours, look how many years you've been doing.... you know. So, I suppose in terms of everybody else... so I would have taken on people who were new to family mediation.

And they run that course a couple of times... they run that course periodically, because what happens is you see a lot of people come in as volunteers to community mediation services, in order maybe to get enough experience to move up to practitioner level with the MII, I never done that, because the only reason I would really need to do that is either if I wanted to become a trainer of mediators or if I wanted to go private and do family mediation on my own. But anybody I know who's done that, from Ballymun... family mediation, because people are paying, you tend to do it on your own, you know? although some solicitors now will partner with the mediator to do it. But the problem is then you have to charge a fee which covers both of you. So, I wouldn't do either community or family mediation on my own. I believe in co-facilitation. I believe in it completely. I believe it's the only way, because it's so complicated, it's such a volatile situation, that you need two people to be able to see what is happening with the two parties, judge everything that is motion, in family mediation you're doing a lot of figure and issues as well. So, the second person, whoever is talking at one point, the second person can be saying, "are we missing something?", "how are they reacting", or whatever. And you know you forget that the other person can ship in.... I just think it works as a pair, and I wouldn't ever want to do it in the other way. And I've talked to people who've gone on to be private family mediators, and they say you know like.... In Ballymun mediation we take our time, we can do we say five or six sessions in family mediation, we say two private meetings and community mediation in a joint session. But if the joint session and community mediation doesn't come to a resolution. we can say, "we give you a second session". Or in family mediation, if we need six or seven session, or if people go away and something happens they don't implement the agreement and they want to come back and re orders some new circumstance, they can come back in a year, and we can give them another session because it's free. Whereas, if people are paying for it, this woman said to "oh, you're spending an awful lot of time on that, on the finance bit, or in the family home",

or whatever, we need to speed this up because they know how much they're paying per hour, you know?. So, I wouldn't want that to come into it, that would just spoil it for me, you know?. And now I'm lucky that I have another job, I don't need it for my income, but for me what works is doing it in a pair and there are books, there are people that promote the co-facilitation like the only way to do it. So, there you have how I got into it, and, and then... and as I say a lot of people move on... you know.... they use it as experience to volunteering and move and also things happen in their lives!. if they get a new job, and they move away ,or something. So, I would find that I'm one of the longest still in the service.

The community mediation cases by large happen in the evening because of course that's when the people who are involved in these disputes have time. They're working or studying, that's when their available. So, community mediation tends to happen out of working hours, whereas family mediation we need the administrative backup for the office, because there's lots of paperwork involved. With community we don't look at paperwork, if people come with you know documents, we said to them, "look, it's all going to happen in the room. You and the other person are going to talk, and listen to each other, and you're going to come up with your solutions. Family mediation because it involved property and finance, we do take copies of people's financial situation, their tax, and pension, and you know wages, and salary, and all that stuff. We need that information in order to come up, because there is such a long written agreement, whereas in community mediation it's very clear and the agreement is handwritten, but it's only.... it's only a paragraph, it's only, you know, "I agree to keep my dog in between these hours", or "I agree not to trespass on the neighbors garden", or whatever it is, but it's relatively small stuff, so we do it at the moment. Whereas with family mediation the two mediators have to meet back in the office again, look at what was agreed, fill it in. For confidentiality reasons we're not allowed to take it home, so we have to spend time up in the office computer putting it all into the agreement, and all that stuff ... so and the couple then come in and pick it up. So, there's a lot more administration involved in the family run through and family mediation cases could take three or four months

Interviewer: how do you think the mediation process impacts to the parties? how do they react?

Interviewee 8: looking back at community mediation I remember one case that was about noise, and it was.... they were living in an apartment before the blocks.... the high-rise apartment blocks in Ballymun were demolished. So, they were living over each other, and you know I think there was an issue about a dog and a balcony.... constant things, and maybe an overflowing washing machine and stuff. And it was an older man and it was a young couple, and they were very much loggerheads, and they didn't agree with each other, you know, at the beginning; but by the end not only did they agree and understand the old man's distress about the noise and everything that had happened, but when I looked out the window the three of them were walking together, they were walking home chatting. So, that's the miracle if you like, I mean the magic of mediation. We say that, you know, there is something intangible that happens in the room, you have all your theory, you have your power balancing, you have your skills, you have your experience, but... and we try to explain this to people, because they are skeptical at the beginning. When we meet them privately, again they have documents complaint letter or something, and then be full of all, "that person doesn't listen and doesn't care", and you know, "that person is a terrible person and they've done all these terrible things to me". And then the second story will be equally like that, but that party, the second party will also think that the other person is terrible, and doesn't listen, and is doing things to them. So, often it's like... they're completely incompatible, we never... how would we ever get any sense out of this? but when you do bring them together, you know, we've told him that "look in our experience even though you've had these this conflict and it's been going on for some time, and you are very distressed, and you think the other person is trying to harm you, and all these things; that actually our experience is that once people listen properly to what the other person's experience has been, that actually most of our clients do come to an agreement". So, we give that hope, I suppose our thing is to give the sense that even in the midst of this terrible situation where they feel very bad, and they feel very hurt that there this hope.

So, I mean my experience is that yes! that collaboration does happen. Now obviously we would have situations where there are mental health issues, or you know other conditions say autism, or you know conditions where maybe it's just very difficult for somebody to move out of their own experience, and I really have that empathy to move across into the middle between them and the other person, if you like. We did have one of those cases more recently, a community case about noise where I think one of the parties, their own mental health was not allowing him to even accept the compromise that the other person had made. The other person seemed to be making, from our point of view, a lot of compromise but nonetheless the distress that the person was experiencing may be more to do with just the way that they are, and that they are not able to break out of that because of their own mental health condition, you know? So, apart from that my experience is that something happens in the meeting, where people kind of get ah... you know, "that's not just a bad person shouting at me", they actually have been inconvenienced, or distressed, or upset by something I've done, and it is a two way, you know, there is a two way street here, and it's sort of making that human connection with the person. They have dehumanized the other person, they have made the other person into a monster. And when they get in the room, and you allow them.... initially people, often they will talk to us, they will talk to the mediator, they won't look at the other party. We're very careful about how we arrange the tables, if we have a table, or the chairs. So we try to have it so that the parties are facing each other in community mediation, and in family mediation is a little bit different because we have to work more as a team, and use a flip chart, and we have... we have to take documents and make figures up, and so we tend in family mediation, we tend that the mediators will be beside each other, and the parties are there. So, at the beginning again, there's such heightened emotion, they can look at us, they don't have to look at each other, because in family mediation it might escalate everything if they're looking at each other, whereas in community mediation we tend to try to get the parties, the mediators may not be sitting side by side, we might be sitting opposite each other and the two parties also opposite to each other, and we will just sort of go with visual cues, because we don't have to get up and look at a flipchart, or consult with documents, you know? So but the seating arrangements are very important, we find that the seating arrangements are very important in setting the scene for community mediation particularly.

We're not... not always in control, and in our own center, if we have the joint community mediation and we have all the family mediation in our own center so we're completely in control, but the problem with community mediation is for the first... for the individual meetings with each party, the person who has instigated case and then the second party who agrees to come in, we tend to meet them in their homes, and you're... you're completely not in control there. So, that is quite difficult and I remember that the experienced mediator that I started with, my mentor, she was very strict when take any documents, you wouldn't take a cup of tea, she said we have to be completely omni-partial, not impartial but omni-partial partial to both sides, we're interested in both stories, we don't say, "well this story is more true", or "I like this story, and I don't like that story", you know. We have to believe everything even though it might be contradictory, we have to accept not so much believe, but accept everything, that everything is part of the mediation process. and so she was very strict about not accepting a cup of tea now, not everybody would be as strict as here. I have another interesting experience, there was another mediator, and he was brilliant throughout because he was studying to be a psychotherapist, and he had been a policeman as well, so he did know, he was a brilliant mediator, and he was into restorative justice and everything, so I loved working with him. But one interesting experiences, there was one case where they were two Irish Africans, Africans living in Ireland, who were living side by side, in this kind of complicated house, where you know your bedroom could be there, and somebody's living room here, and they're living there in your bedroom...so, and they had got into a dispute, and I think it never went to joint meeting, because one of them had taken an assault, but anyway we went into these two meetings, in the two houses, and I went in thinking "I'm the beginner, I will listen to the other mediator and let them take the lead", is with an African households, I'm used to working with Africans, and they were talking very loudly in African English, the children were running around the living room, it was complete chaos, and the



experienced mediator was completely out of their depth, no familiarity with African English, it didn't know what to do about the chaos, and the noise of the children running around, or whatever. And I found myself being able to take the lead, because I was accustomed to African English, I wasn't going to understand everything, but at least I wasn't fazed by it, I was able to probe and ask questions, and screen out the chaos, or whatever. And we came out of there, and he went "What was that, I didn't understand a word, I didn't know what was going on, you tell me", you know? So, that was an interesting experience for me that I found myself at home and able to cope with that and not completely thrown, whereas he was utterly thrown by that, you know, by the different culture, you know.

There was another case that I did with the first mentor mediator, and that was two African women in a voluntary sector workplace, and they were actually from the same country and everything, but they had somehow got off on the wrong foot with each other, and had really you know, couldn't work with each other. Now I think that did go to a joint mediation, I think it went, it did resolve itself, but I think there was a power imbalance because one was maybe permanent staff on the other was on shift work, and when they had a conflict in the workplace the employer then privileged the one permanent, and didn't give shift work, in order to avoid the conflict, didn't give work to the shift worker, because they were in having problems working together. So, it was certainly in the interest of the shift worker that they resolved, and so that she would ... the employer will then... but that was also wrong action on the part of you the employer, and we didn't have the employer in the room. We were dealing with interpersonal issues in the workplace, but the request came to the community mediation program, it was really intercultural in the workplace, but because it was a local Ballymun community employer, they requested that. So, sometimes there are issues there, in the background, especially with the workplace and there are other actors that you can't-you can't bring into the room. So, all you can do is help those two people to resolve their relationship.

So, what was the original question again about how the party react?... in family mediation then it's quite different, because obviously these are people who have known each other intimately for 10, 20 years, have children together, so it's much much different and more difficult if you like for them. They often have to vent, "you did this and you destroy the family in your addicted to gambling", or "you're addicted to alcohol", or "you have another woman", or you know, whatever it is the all kinds of revelations come out. And I suppose what I found at the beginning was just for me not to be shocked, or not to show that I was shocked that I have to just listen to all of this and show, "that's fine we just let it all come out", you know. So, I suppose... it's harder for them to laid out aside to deal with things, you know, what we say is this is about co-parenting, this is about dealing with the common assets that the family owns, you know pension, or whatever, this you know you're going to live separate lives now but you're still the parents of those children. So, we're we're trying to bring them to a place where they can collaborate, and we're trying to explain to them that most people in family mediation do get to an agreement, and they do find that it's better because the alternative is they go to court and the judge decides everything for the rest of their lives, and you know the judge hasn't got time, the judge is gonna make some quick decisions. So, I suppose we're trying to bring them to that place, that's why we do more sessions with them, and we allow time very often. What we find with family mediation is one person have given up on the marriage or relationship ,has decided definitely it's gone, I tried we went a couple times to counselling, we this and that, and the other person is still hankering to get back together again, you know. So they are at different stages in the journey, and we have to allow for that. So, we often would deliberately allow a month in between our sessions, we rarely have a week, we usually would have at least a fortnight between session, but in some cases we might encourage it, would say, "you have more homework to do, you need to go to the estate agent to get a valuation", or whatever, but we don't tell them this, but as well we know that they need time emotionally to process, and for one to accept that yes!, this is over, and there isn't any going back. So, that's kind of yeah... there is a big difference and we have had cases where in family mediation where people have gone back to their solicitors because sometimes one person just can't let go , so on the third or fourth session they're still in the conflict, so we have had to say to them "look you are still running this

conflict, but this is mediation, we're not we're not managing a conflict, we're trying to get you beyond that onto the practical decisions that you need to take, and you're just not ready. So maybe in another few months you can come back to us if you think you're ready". So, and then other people, where money... people were not being honest about money, and we have them to sign that they have to disclose everything. So, we have some people say, "well, look that's not enough money, I want more, I'm going back to court because what you're offering isn't enough", and we have to... we do screen in family mediation, we meet each party separately as part of the first sessions for 5 or 10 minutes. And we talk about decision making, how they make decisions in the relationship before, but also it's to see if there is any oppressed- oppressive, coercive control, we haven't had that training yet but with new legislation now we need that training, but you know any kind of situation. If there was domestic violence obviously, we would- we would withdraw, or if we felt there was too much pressure and one party wasn't really making decisions, wasn't able to, they were psychologically too subdued or you know controlled to make free decisions. And there is another aspect that we haven't integrated yet in Ballymun, but they do in the family mediation services, if there are children under 18 involved an especially trained person will interview the children and ascertain their views. We do that through the parents, and I don't think that enough, I think we need to integrate special children's interviews in order to be comparable with the government servants at the moment. So, we ask the parents what they you know... and we tried to say, "look you're both parents of these children, so what do you think is in their best interest?, what do you think the children need?", and you know. So, we tried to get them into that conversation, but I don't believe it's good enough at the moment, I think things have moved on now, and I think we need to get the voice of the child more integrated into our system or process.

Interviewer: I would like to know about what do you think are the main difficulties that you have to face in the practice on the centre?

Interviewee 8: well, sometimes it's access to space, ballymun has moved while I've been with them, they've moved ,this is the third location, the third building they've been in, and ... I suppose the difficulty sometimes is that the rooms that we use for mediation, for the joint meeting in community, and for the family mediation all along, one of them is used as an office as well. So, it's limited, and then when we arrive, we have to move the office furniture, and we have to put our table and chairs there. And then the other is used to the boardroom, so then again sometimes we have to dismantle all these tables and fold them, so you know sometimes it's just very practical things like that, and that has reduced... that has meant that the only time family mediation could be on maybe a Friday morning, you know? when those staff were not there, certain staff we're not there, and that means that we're down between the mediators on the cases, we have a waiting list, and there are many more people and maybe mediators could be free on another morning, but there's no space. So, that space constraints have been a bit of an issue in the current premises. They were less of an issue in the previous places, where there was more room.

Also kind of location, the current premises... I think we've got to know it now, but it's a bit out-it's not easy to see, even when you get directions and you arrive there and there was only, there's only a door, and all the windows and the rooms are kind of at the back of the building. So, there's no presence on the street, you know?, there's no kind of... you don't, that's one sort of practical things. Other than that I suppose with the family we get good administrative support, you know, all of the parties get notified, we don't have to do that, there're reminders, they get the documentation, consent forms, and all of that.

And so you know that goes well, we have access to the file that when we're on spot but the one thing I was half saying in community mediation again is that sometimes the location of the people in community mediation means that they're not... they haven't always been in Ballymun. So, we've taken refer from other areas, so sometimes then we've had to arrange meetings in community, or church buildings, in other locations and that involves getting keys and arriving at places in the evening, and it can be difficult, that can be logistically difficult. We have to turn up in buildings that we're unfamiliar with, and again we don't have time, or we've



very little time to prepare the geography of the room, then you know it might be a very big room, and work we're trying to make it cozy in one corner, and the four chairs or whatever. Now that I think about it, we don't have access to the center, the Law Center in the evening generally, so we've had to arrange our own, even in Ballymun, I forgot about that. So, we've used the school, a secondary school because one of the mediators teaches there, we have used council offices, or you know, so we've had to rely on other buildings and access, caretakers, and keys, and all that complications, you know, because there isn't... there wasn't a way of letting us maybe have a key and the alarm code for the actual office building in the evening. So as far as I know, it's not really used, there's no use in the evening, so I suppose that could be an issue in terms of community cases, of having a premises that we have easy access to evening meetings, yeah.

Interviewer: What do you think is the value that the service has for the community?

Interviewee 8: well again, it depends on... I think awareness, I think we're not getting the volume of the referrals in community cases, or in family cases from Ballymun. At the beginning, when we set up the family and service we thought we would be getting mainly Ballymun people, and that a lot more will be on social welfare, or they might be on low wages, or whatever. But in fact a lot of the family cases we're getting are people who are coming to us either because the free government service has it too long waiting list, and is also based in city centre, and these people might live somewhere out from the north side, they might even live out in county Meath, and it's a more accessible to come to Ballymun and we have a shorter waiting list. So, a lot of these people would have two salaries, and they might have several properties, so they're more economically advantage than the average person in Ballymun. So, on the community side we have... we do cases obviously from Ballymun and surrounding areas, Santry and stuff, but we also get cases from other parts of the north side the West of the north, which are not covered by the Coolock service, and then the Southside service covers the South side. So, places like Blanchardstown, Coolmine ... I have done cases out in those kinds of areas because there isn't another local service there, so in a way there is probably a need for a Blanchardstown based service, but it doesn't exist. So, Ballymun will get those referrals and the question is for me and probably now is a question for the board now to address, you know, is that part of the responsibility or the mission of Ballymun Community Law and Mediation Center, or should it be more rigorously focusing on its geographical area, but then if it did, how would it generate more referrals? because we're not getting those referrals, we're only getting see the noise cases.

I don't know if you're aware of this as well but the three community services in Dublin have an arrangement with the court service, the civil court service about... and I did for a couple of years, I used to go down some Fridays, and I would sit in the court, and the judge would when a noise case came up, they would say, "look these cases never work out well in court, because I have to make a decision and neither of you'll be happy, so I would like it to talk to mediators", so, you go out and talk to them, you don't mediate but you explain individually, separately to the two parties what mediation would offer them, and that you will refer them geographically to whichever of the services is near to them, and you make the referral, now you never know if it's not referred to your service, you never what happened with that case. In recent years, Sonia has been going herself to sit in court 23, so I haven't gone down there. So, she was explaining there's a lot of change personal, the manager of the civil court has changed, and also the judge sitting in that court has changed, and that's why we ended up with those cases in Blanchardstown and places, is because they were referred to us. because Coolock only covers the kind of the east side of the northside, and we will have to cover everything else. So, I think it's good that we have that arrangement, but again we're getting them through the courts, we're not getting them for word of mouth of people who have used our services, or professional that have come to our lunchtime talks, or done training course with the Law Center and who understand what we offer. So, I think... and yet Sonia has been doing fantastic work in the schools, and secondary level with the peer mediation program, you know?. So, there are far more families, who know about mediation through all that work with the school kids, you know? but it doesn't seem to have translated into direct referrals. I know she has told to

the guards endlessly for years, for years! about trying to pre-empt disputes before they go to court, before they go to an assault, or whatever. But that doesn't seem to have resulted again in any serious. And we also talked, we have a case once which was neighbors... when the regeneration process happened, when the new housing had been built, there was a neighbor who had bought her own house and she... actually no, it wasn't between neighbors, it was her taking the council, she complained to the council because the fences that were put up between the gardens of these houses were substandard. They were substandard, and they fell down in the wind, and she now had a situation where all the neighbors children, dogs, and everything we're running through her garden all the time, and she felt like I paid for my house I deserve to have decent quality fences, somebody has to replace the fences. So, the person who was responsible at the head of the housing department of the council, he was really slippery and awful. And he came in saying "I did a masters in mediation, I know all about mediation", but he had been refusing to mediate with this woman. She want... she had not got nothing out of all her letters complaining, so she offered mediation and he had been refusing. So, we met her, and then we met him, and we got all this nonsense from him about how he knew more about mediation than us, and all this kind of stuff, which was insulting but we just said nothing of course, and basically he kept stalling, but then she rang us and she said, "thank you, thank you so much", it never went to a joint meeting, "thank you very much, a big truck arrived yesterday and all this new fencing came out and they fixed all the fencing ,and it's fine". So, we never went to the joint meeting but he obviously realized the game was up and he couldn't just ignore her anymore because we knew about it ,and whatever, so he obviously just phoned call and he got these guys to go, and fix it. So, sometimes there are outcomes, which are not mediated outcomes, but you know the fact that another project was aware of the fact that he was negligent and not doing his job, he was obviously embarrassed but he just put up a good front to us you know, "oh of course! I'm happy to meet you", "Oh yes yes I'm very happy to do all this", you know. But anyway, as far as she was concerned, the outcome that she wanted happened, and she thought we were responsible for this. Well whether we were or not, I don't know.

We would have wanted to do more of those cases, we would want more of those cases and why we're not getting more of those referrals from people in Ballymun, with those sorts of problems I don't know. And again the council, he told us that the council had their own internal mediation system to deal with claims and all of this, but I mean they never allowed her to go into that, so again there were all these people talking about mediation, but you know it's not, they're not doing. The gards, and the councils, they all tell you a lovely story about how they understand about these things, but they're not engaging in it, you know? So, you know if they were serious, the council would be referring and they would be offering to mediate, you know, with people making complaints but they're not, so there are bigger issues here you know. It's all very well to say, "yes we should be spending our volunteer time on people who are actually disadvantaged living in Ballymun", but why are we not getting those cases is the big question, despite having a worker who's been out there trying, connecting all of these agencies. They know very well that we have a mediation service, and they're not bothering to engage. So, there're bigger issues here that we as a small voluntary service.... you know. So, if the board decide, "OK, we can't take referrals from outside Ballymun", will then have to go back to the courts and say, "well we're not doing the rest of the northside, we can't. And it doesn't make much sense why they wouldn't, I mean, they need mediation! We are a free service! And I dint know.... they don't-they don't want their employees to be exposed and I don't know what it is, you know. And the gards, I don't know how many times XX, she's always gives us an update about her outreach work, and the schools work, you know. When we have a sharing and learning session, which we have to do because we have to do so many sharing and learning sessions, to keep up with the continuing professional development for the MII.

Ballymun pays our mediators fees, we will pay them and they give us a refund. But, I actually discovered that was supposed to do the code of ethics and practice training with the MII, every three years or something I only discovered that, recently and I've just paid and I I wasn't able to go, so I'm hoping to do it in November. Now, that's another thing that, you know, because we're volunteers, Ballymun needs to help us to fulfill the requirements to keep, to keep our training up to scratch and they do that.

Interviewer: So, my last question how do you think the field of Community Mediation could develop on the next years in Ireland?

Interviewee 8: well the other sense that I feel that I got from XX r is about community mediation is, within the MII, community mediation is a bit of a Cinderella, because it's mostly us volunteers doing it, and you know the people with the loudest voices are the people in commercial mediation, workplace, and commercial disputes, private family mediations. So, I suppose.... there is apparently a subgroup in within the MII on community mediation, and I know people who have gone to meetings, but I've never gone. And I've never gone to MII conferences either, because the amount of money you have to pay to go to their conference is huge, you know. And Ballymun will usually have one person or two people, and I think that... I was trying to attend the online, I think it was free last year because it was online, but generally when they have face to face conferences their default position is they assume that you are making a living as a mediator, so we're a bit of an anomaly as volunteer community mediators, and therefore we don't really get a look in when all of these things on policy and legislation are being considered. So, I wonder if there maybe we should be more proactive, for example XX obviously has lots of contact with Southside and Northside, and they an office in Limerick now. But she has contact, but we as mediators we never meet. I happen to know through restorative justice, though Facing Forward, I know some people in Southside mediation, and I hear things about what they do. That's accidental, it's not deliberate. So, we don't get together, I mean you know even having a community mediation conference where we would share practice and share case studies or something. I suppose the confidentiality also is a kind of a difficult one, because you don't want to breach confidentiality and it's difficult to... you have to anonymize case studies, or something you know there must be some way of doing that and.... There are people around the country, it's not just Dublin now, you know. My first community mediator mentor, she works down in county Offaly, and I did meet her number of years ago at a conference in Maynooth, and she was doing virtual community mediation, and they would turn out where you were. They didn't have a premises, they we're doing it on a voluntary basis, they didn't have a admin, or an office, and they would just whatever town or village you were in, they will come, and find a venue and do it on the spot. She wrote about actually about co-facilitation, I can't remember the name now.

So, there are other people around the country doing co-facilitation, community mediation and I suppose... maybe that would be something we need to be more proactive, is getting a network going for the mediators, and especially with online we could now do that on zoom, we could have a joint sharing and learning between a number of services, you know. So, that's maybe something to propose.

In my intercultural work, I've been involved... I was involved with an NGO that pioneered something called intercultural mediation, which is a triangular relationship between the mediator who understands the culture of the client, who could be Roma, could be African Irish, whoever they are, and the professional in the statutory body that we were mainly looking at the health services. And- what happened there was that generally again the relationship was completely broken down between the migrant or minority ethnical family and the service provider, before the service provider would refer the case to our service, and we would you know, the people were being paid, it wasn't voluntary, they will be paid on a social basis. It doesn't exist anymore, but there are a number of people in different parts of country trying to recreate these roles. You have the right to have the intercultural mediation there in your first interaction with the service provider, which would then help to ensure that conflict didn't arise, and that cultural misunderstandings, and miscommunications didn't arise. It was always seen as a last minute thing, so it was crisis intervention the intercultural mediators are doing, and in a way that's also true for community mediation, that we are being invited when the relationship is broken down, and people are going to court, or whatever. I would like to see such a public awareness campaign, and understanding of what we can offer, that people would be coming to us at the first sign of tension with the neighbor, or the workplace, or whatever it was. Obviously with family mediation it is going to be crisis intervention, nobody is going to involve a mediator you know when they're on their honeymoon, but with

community mediation, I think if the message got out there and also preventative courses, courses basically. In in my in my Glencree work, we are working in five local authority areas in Dublin, 4 local authorities in Dublin and one in county Wicklow. And the idea is we're going to set up a network of people from diverse and indigenous communities in those five areas, and eventually offer them some sort of conflict resolution, and conflict prevention skills training. So, that they can... and that will have to have an intercultural element obviously, so that they can see possible areas of tension, and sort of plan to mitigate those things at an early stage, rather than wait till there's a death and injury or a battle between young people from different ethnic backgrounds, or whatever. So, I suppose maybe... I wonder is that something, you know, conflict skills and conflict prevention training, is that something that could be added to the basket of skills in a community mediation service, so that you're offering leaders in your community, and also part of that would be knowing when to refer people to community mediation to try for them to understand, that we're referring people earlier, when they see signs of conflict emerging between people in the community. I'm trying to think of other cases that XX told me back then, there were conflicts within religious congregation and community parish congregations, you know splits and stuff... so, there all those things are happening in the communities

And there is a whole thing about community safety, and you know we need to be talking to... there are local policing committees and everything, and I don't how Ballymun Community Law Centre... hoy they connected it with the local policing committee on in this whole concept of community safety, and trying to plan for a safe community, and you know, what is the role community mediation.

I suppose other of my questions for Ballymun, as well as the community becomes more diverse, most of us in the community mediation, you get a few men who come when they're done their training, want a bit of experience, and then they disappear off for various reasons. We are mostly women, I think there's one or two two men involved, we are mostly white Irish indigenous middle class women, right?. So, we're working in a working class disadvantaged area, and that area like all the rest of our areas, is now very culturally diverse. So, you know, I feel that we also need intercultural skills. And we need to be, if we're talking about training up local people, that really it's local people living in Ballymun who should be running this service, who should be the volunteers. So, and we also need to look at the diversity in that. So, that's another thing that's missing. Now the person that I do most of my family mediation with, she would have good intercultural skills because she was a principle on the secondary school and she had a lot of diverse students and she's a lot of experience with...dealing with people from diverse communities. So there's a couple of those who would have that sort of intercultural competences, but is not built into the training. In family mediation we have an African parent and a Central European parent ,you know. And again there's nothing there's, nothing built in to the training in terms of looking at the intercultural competence or the anti-discrimination, or the anti-racism practice within that. So, you know, all of those things.... they're all out there, and I think maybe we need to empower ourselves by connecting, connecting with other community mediators, and I suppose we haven't because we're sort of giving a couple of hours, it's our commitment, and we rely on XX as the staff person, to kind of do all that other networking. I'm obviously in my day job, I'm on the other side, I'm the person who is organizing things, and then I might delegate things to volunteers, you know.

So, I understand that obviously Ballymun also with the legal constraints, GDPR, all these things are impacting, have impacted very much on our practice, you know. Because before we could... we might bring some documents home, or you know, we could do some typing of an agreement at home, but we can't do that now, you know. So, maybe we've become a little bit disempowered, you know, as mediators, and I don't know how you can keep keep fresh. we do have the sharing and learning, so we've been doing them on zoom, but it's lovely when we do them in practice, we have a lunch, you know, we got to meet people from different backgrounds, because very often in Ballymun I will only meet in a whole year, I might only meet two or three mediators with whom I would do co-facilitation with, but I won't meet the other, unless we have the sharing

and learnings, I won't actually interact with the other people because we might be working on different days, volunteering on different days.

There is also an issue that we are not of Ballymun, you know, we're not people who grew up there. I suppose that's- that's a question, you know. Anyway, you know they need jobs, so maybe if we get the money for paid mediators, then people from the community would do the training, if they felt there was a job at the end, but if they are struggling to feed their families. But it is a question, why we are not getting people from the community, even when I know the Law Center itself, does have volunteers from the community.



## References

- Ballymun Community Law Centre, 2017. *Ballymun Community Law Centre Mission*. [Online]  
Available at: <http://www.bclc.ie/about-us>  
[Accessed 15 April 2021].
- Baruch, R., 1996. Review: The Unexplored Possibilities of Community Mediation: A Comment on Merry and Milner. *Law & Social Inquiry*, 21(3), pp. 715-736.
- Bhushan, S. & Alok, S., 2011. *Handbook of Research Methodology A Compendium for Scholars & Researchers*. 1st ed. New Delhi: Educreation Publishing.
- Bodkin, P., 2015. This is everything that went wrong with Ballymun. *The journal*, 4 March.
- Bradley, S. & Smith, M., 2000. Community Mediation: Reflections on a Quarter Century of Practice. *Mediation Quarterly*, 17(4), pp. 315-320.
- Breeze, J. & Turner, R. a. P. P., 2003. *Anti-Community Behaviour Ballymun Citizens' Jury Report*, Dublin: Vision Twenty one.
- Bryman, A., 2016. *Social Research Methods*. 5th ed. Oxford: Oxford University Press.
- Cherry, K., 2019. *How Does the Cross-Sectional Research Method Work?*. [Online]  
Available at: <https://www.verywellmind.com/what-is-a-cross-sectional-study-2794978>  
[Accessed 12 May 2021].
- CLM 40 years. 2015. [Film] Directed by Community Law and Mediation. Dublin: Community Law and Mediation.
- Clones Family Resource Centre, n.d. *Clones Family Resource Centre: About*. [Online]  
Available at: <https://clonesfrc.wordpress.com/about/>  
[Accessed 23 September 2021].
- Clones Family Resource Centre, n.d. *Clones Family Resource Centre: Mediation Border Counties*. [Online]  
Available at: <https://clonesfrc.wordpress.com/famaly-mediation/>  
[Accessed 23 September 2021].
- Community Law and Mediation, n.d. *Community Law and Mediation services*. [Online]  
Available at: <https://communitylawandmediation.ie/services/>  
[Accessed 24 September 2021].
- Community Law and Mediation, n.d. *Community Law and Mediation: About CLM*. [Online]  
Available at: <https://communitylawandmediation.ie/who-we-are/about-community-law-mediation/>  
[Accessed 24 September 2021].
- Community Law and Mediation, n.d. *Strategic Plan 2019-2023*, Dublin: Community Law and Mediation.
- Corry, G., 1997. *Benefits of Co-mediation*. s.l.:Mediation Network of North Carolina.
- Corry, G., 1997. *Training Handout: Benefits of Co-Mediation in Community Mediation*, North Carolina: Mediation Network of South Carolina.
- Corry, G., 2014. In: E. Rafter, ed. *Deepening Reconciliation. Relfections on Glencree Peacebuilding*. Dublin: Graphprint, pp. 17-35.
- Corry, G., 2020. *The Story of Dublin City Mediation*. Dublin: s.n.

- Corry, G., 2021. *Community Mediation Introduction*. Dublin, Independent College.
- Coy, P. & Hedeem, T., 2007. A Stage Model of Social Movement Cooptation: Community Mediation in the United States. *The Sociological Quarterly*, 46(3), pp. 405-435.
- Di Cicco-Bloom, B. & Crabtree, B., 2006. The qualitative research interview. *Medical Education*, Volume 40, pp. 314-321.
- Do Nascimento Souto, P., 2013. Beyond knowledge, towards knowing: The practice-based approach to support knowledge creation, communication, and use for innovation. *RAI – Revista de Administração e Inovação*, Volume 10, pp. 52-79.
- Dominguez, F., 2014. Re-bounding, Facilitating Relationships: The Role of Community Mediation. In: H. Neves, C. Pinto & C. Cruz, eds. *Social and Community Mediation in Europe: Experiences and Models*. Coimbra: The Faculty of Psychology and Science of Education. University of Coimbra, pp. 260-269.
- Donohoe, J., 1999. *The impact of the partition crisis on Cavan and Monaghan 1914-1926*. Dublin: National University of Ireland Maynooth.
- Dorney, J., 2019. *The Irish Story: Without Law or Justice: Class conflict in the Irish border counties 1920-1923*. [Online]  
Available at: <https://www.theirishstory.com/2019/04/17/without-law-or-justice-class-conflict-in-the-irish-border-counties-1920-23/#.YUojkLhKjIV>  
[Accessed 21 September 2021].
- Flick, U., 2013. *The SAGE Handbook of Qualitative Data Analysis*. 1st ed. London: Sage publications.
- Glencree Centre for Peace and Reconciliation, n.d. *Glencree Centre for Peace and Reconciliation*. [Online]  
Available at: <https://www.glencree.ie/>  
[Accessed 9 September 2021].
- Government of Ireland, 2018. *Government of Ireland: Peace Programme: Northern Ireland and Border Counties*. [Online]  
Available at: <https://www.gov.ie/en/policy-information/0dbc6f-irish-border-counties-peace-programme/#>  
[Accessed 24 September 2021].
- Haggerty, B., n.d. *Irish Culture and Customs*. [Online]  
Available at: <http://www.irishcultureandcustoms.com/ACustom/BrehonLaw.html>  
[Accessed 01 September 2021].
- Harvey, B., Kelly, A., Mc Gearty, S. & Murray, S., 2005. *The Emerald Curtain: The Social Impact of the Irish Border*. Carrickmacross: Triskele Community Training & Development.
- Hayes, T., 2018. Community Mediation- Choosing a Direction. *Journal of Mediation and Applied Conflict Analysis*, 5(1), pp. 687-694.
- Hedeem, T., 2003. Institutionalizing Community Mediation: Can Dispute Resolution “of, by, and for the People” Long Endure?. *Penn State Law Review*, 108(1).
- Hedeem, T., 2004. The Evolution and Evaluation of Community Mediation: Limited Research Suggests Unlimited Progress. *Conflict Resolution Quarterly*, 22(1), pp. 101-133.
- Higgins, N., 2011. The Lost Legal System: Pre-Common Law Ireland and the Brehon Law. In: D. Frenkel, ed. *Legal Theory Practice and Education*. Dublin: ATINER : Athens Institute for Education and Research, pp. 193-205.



Kintrea, K. & Muir, J., 2009. Integrating Ballymun? Flawed Progress in Ireland's Largest Regeneration Scheme. *The town planning review*, 80(1), pp. 83-108.

Library and Research Service Houses of the Oireachtas, 2020. *Dáil Éireann Constituency Profile Cavan-Monaghan*, Dublin: House of the Oireachtas.

Library and Research Service Houses of the Oireachtas, 2020. *Dáil Éireann Constituency Profile Dublin North West*, Dublin: House of the Oireachtas.

McGreevy, R., 2019. *The Irish Times: The history of the Irish Border: From plantation to Brexit*. [Online] Available at: <https://www.irishtimes.com/news/ireland/irish-news/the-history-of-the-irish-border-from-plantation-to-brexit-1.3769423> [Accessed 21 September 2021].

Montague, A., 2020. *BALLYMUN – A Brighter Future. A plan to tackle the underlying causes of addiction and crime and to tackle open drug dealing*, Dublin: Dublin City Council and Ballymun Local Drugs and Alcohol Task Force.

Nashir, M. & Hamiduzzaman, M., 2009. The Philosophy of Science in Social Research. *The Journal of International Social Research*, 2(6), pp. 654-664.

Neves, H., 2014. A Theoretical Approach on Social and Community Mediation. In: H. Neves, C. Pinto & C. Cruz, eds. *Social and Community Mediation in Europe: Experiences and Models*. Coimbra: The Faculty of Psychology and Science of Education. University of Coimbra, pp. 213-222.

Neves, H., 2014. Conceptual Road Mapping of Social and Community Mediation. In: H. Neves, C. Pinto & C. Cruz, eds. *Social and Community Mediation in Europe: Experiences and Models*. Coimbra: The Faculty of Psychology and Science of Education. University of Coimbra, pp. 161-166.

Nowell, L., Norris, J., White, D. & Moules, N., 2017. Thematic Analysis: Striving to Meet the Trustworthiness Criteria. *International Journal of Qualitative Methods*, Volume 16, pp. 1-13.

Oireachtas, L. a. R. S. H. o. t., 2020. *Dáil Éireann Constituency Profile Dublin Bay North*, Dublin: House of the Oireachtas.

Olive, J., 2014. Reflecting on the Tensions Between Emic and Etic Perspectives in Life History Research: Lessons Learned. *Forum: Qualitative Social Research*, 15(2), p. Article 6.

Palihapitiya, M. & Obstfeld, K., 2014. Addressing Parenting Disputes Between Estranged Parents Through Community Mediation. *Sage Open*, 4(3), pp. 1-10.

Prasad, T., 2018. Case Study Research, Philosophical Position and Theory Building: A Methodological Discussion. *Dhaulagiri Journal of Sociology and Anthropology*, Volume 12, pp. 72-79.

SACRO, n.d. *Community Mediation: Helping to Build Positive Communities*, Edinburgh: SACRO Community Mediation Services on Scotland.

Saunders, M., Lewis, P. & Thornhill, A., 2019. *Research Methods for Business Students*. 8th ed. Harlow: Pearson.

Shonholtz, R., 1987. The Citizens' Role in Justice: Building a Primary Justice and Prevention System at the Neighborhood Level. *The Annals of the American Academy of Political and Social Science*, Volume 494, pp. 42-53.

Shonholtz, R., 2000. Community Mediation Centers: Renewing the Civic Mission for the Twenty-First Century. *Mediation Quarterly*, 17(4), pp. 331-340.

Thomas, L., 2020. *Scribbr*. [Online]

Available at: <https://www.scribbr.com/methodology/cross-sectional-study/>  
[Accessed 26th August 2021].

UKEssays, 2018. *Research Onion - Explanation of the Concept*. [Online]

Available at: Available from: <https://www.ukessays.com/essays/psychology/explanation-of-the-concept-of-research-onion-psychology-essay.php?vref=1>  
[Accessed 12 May 2021].

Washington, F. & Julie, S., 2019. *State of Community Mediation 2019*, Louisville: National Association for Community Mediation.

Zander, M., 2017. *Community Mediation In New Zealand*. Wellington, University of Wellington.

Zumeta, Z., n.d. *Styles of Mediation: Facilitative, Evaluative, and Transformative Mediation*. [Online]

Available at: <https://www.mediate.com/articles/zumeta.cfm>  
[Accessed 03 05 2021].