

Challenges and opportunities in assessing the impact of neighbour dispute mediation

“Peace is a process to engage in, not a goal to be reached.”

Peace is a Process, Sidney Bailey
1993, Quaker Home Service

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Introduction

This paper explores ways of measuring the impact of mediating neighbour disputes. Drawn from work by Mediation Yorkshire in creating an impact assessment framework, it is hoped that that this paper will offer ideas and encouragement to the UK community mediation sector in measuring the results of mediators' interventions.

Mediation Yorkshire commissioned this Impact Assessment in order to secure independent evidence of the impact of mediation on service users. Not all mediated cases go to a joint meeting of the parties, but Mediation Yorkshire wanted to validate its belief that the journey of mediation is as important as the destination of a written agreement; and that those benefits could extend beyond any impact of mediation on the dispute itself.

Mediation Yorkshire will use this evidence to:

- Develop and improve the service
- Provide evidence to the mediators to use in promoting mediation and encouraging the parties to attend a joint meeting
- Show the benefits of the service to policy makers and donors - as local taxpayers, service-users are indirect funders of the service
- Show the value of mediation to local tenants and residents

Mediation Yorkshire is an independent community mediation service in West Yorkshire, England. The organisation provides mediation services in Kirklees and Wakefield. Mediation is provided primarily through a team of about 50 volunteers. A team of five office staff do some mediating, manage intake and case files, and carry out the organisation's other activities.

Mediation Yorkshire's main funders are Kirklees Neighbourhood Housing, Kirklees Environment Services and Wakefield District Housing. Members of the Management Committee are drawn from the community and from local agencies. <http://www.mediationyorkshire.co.uk>

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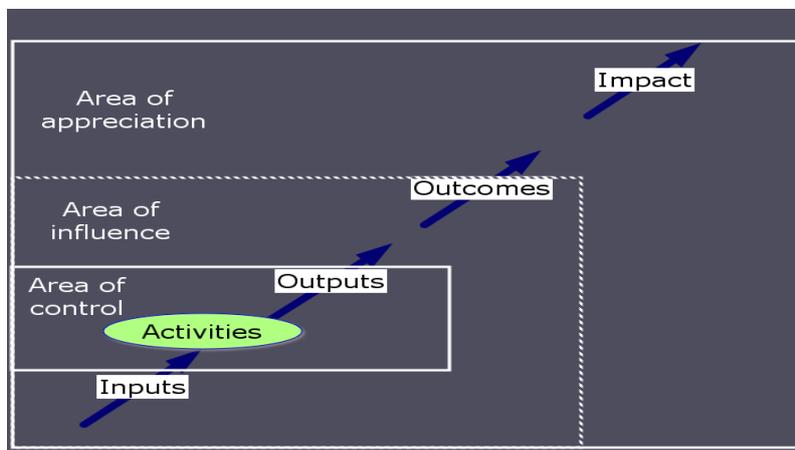
He is the author of *Responding to Community Conflict: A review of neighbourhood mediation* 2002, Joseph Rowntree Foundation; and *A tour of John Heron's Feeling and Personhood* 2005, Oasis Press. www.johngray.org.uk

Outputs, Outcomes and Impact

Sometimes the differences between these concepts, particularly outcomes and impact, are not made clear. Within a typical community mediation service such as Mediation Yorkshire, the following definitions can be applied to mediating neighbour disputes:

	Examples:
Inputs	Time, buildings, money
Activities	What staff/volunteers did, such as case intake, case management, and mediators' visits to the parties.
Outputs	What occurred, such as the number of party visits, round tables and agreements.
Outcomes	What changed - the resolution or mitigation of the conflict, as perceived by the parties, the mediators and/or the referrer. Measured either within people (the parties) or measured in time (short term changes)
Impact	What changed - changes within the parties' behaviours in this or other conflicts, or changes within their families, or in their health, or in their wider communities – community cohesion, racial tensions, and improved conflict resolution skills. Measured either within the parties (outcomes other than specifically related to the conflict) or measured within people other than the parties themselves (family, local community) or measured in time (longer term changes, or durability of the mediated resolution)

These elements, from inputs to impact, are linked together:



A mediation service can expect to have a large measure of *control* over its own activities and outputs. And though it can't expect to control the outcomes, it can nevertheless hope to *influence* the outcomes of those outputs.

At the Outcome level and even more so at the Impact level, other factors which the organisation cannot influence or may not even be aware of will have an effect on the people and communities that the organisation works with. So assessing impact can be said to be more an exercise in *appreciation* (discovering and recording evidence of change) than establishing a causal link between the change and the original intervention.

In mediation terms, this impact chain could be restated as: a mediation service can record the number of visits and referrals (**activities**), and the number of joint meetings and mediated agreements (**outputs**). It can gather immediate and follow-up assessments from the parties, referrers and mediators as to the **outcomes** of the mediation process. And it can ask parties and referrers for their longer-term perceptions of how mediation has **impacted** the conflict and how it has affected the parties' families and neighbourhoods.

Impact assessment within the community mediation sector

There is little relevant published material. Two publications explore the measurement of efficiency and outcomes respectively, though not impact: J Dignan, A Sorsby and J Hibbert, *Neighbour Disputes: Comparing the cost effectiveness of mediation and alternative approaches*, 1996, University of Sheffield, Centre for Criminological and Legal Research; and I McDonough, *Community Mediation: Measuring Service Performance*, SACRO.

Fife Community Mediation has published an impact assessment focussed on health: Alison Marshall, *The Effects of Neighbour Disputes on Health* 1999 SACRO.

However, no sector-wide model or theory exists for assessing the impact of neighbour disputes in the UK. In addressing this issue Mediation Yorkshire is therefore blazing something of a new trail within the sector.

Critique of community mediation services

In planning an Impact Assessment Framework for Mediation Yorkshire, it was important to review criticisms that have been made of the wider community mediation sector¹.

- Services use a one-size-fits-all model of conflict resolution, namely mediation, without adequate appraisal either of the wider community context and the relevance of mediation within that context, or of how the mediation model might need to be adapted to meet the specific context of individual disputes and the parties involved.
- Some services do not make a rigorous assessment of the various theoretical models of mediation. In the UK two models prevail: *interest-based problem-solving* mediation (which focuses on the parties' underlying interests as a basis for conflict resolution) and *transformative, long-term* mediation (which aims to change the relationships between the parties as well as their perceptions of themselves and other parties). Without rigorous assessment and choice between them, both models may exist unacknowledged within a service. Mediators may even be free to create their own hybrid model, unevidenced as to its effectiveness and unchecked as to its alignment with the service's broader purposes and intended outcomes.
- Mediation does not address the wider societal context and power structures, nor the parties' capacity to resolve conflict. Any of these factors may have contributed to the conflict in the first place. In other words, community mediation is characterised by a lack of success in reducing state control and empowering individuals – particularly as mediation is supported and funded by the very systems to which it is intended to provide an alternative. Mediation thus risks reinforcing existing inequalities between disputants; and the mediator's

¹ Developed from Gray (2002) *Responding to Community Conflict: A review of neighbourhood mediation*. York: Joseph Rowntree Foundation. <http://www.jrf.org.uk/publications/responding-community-conflict-review-neighbourhood-mediation>

rhetoric of equality may conceal the ability of the more powerful disputant to coerce an agreement that is more in their favour.

- An over-emphasis by the mediators on the value of peace. Mediators encourage compromise, and conflict is too often characterised as a problem of communication or understanding, solvable by a process of mediation that is effectively cathartic or expressive to bring about resolution, rather than addressing root individual psychological or societal causes. To the extent that mediation improves communities or individuals' long-term ability to resolve conflict constructively, these changes are hoped-for effects: they are not made explicit to the parties; nor are they designed-for outcomes within the mediation process.

These criticisms of the sector may or may not be justified; nor it is suggested that any of them apply to Mediation Yorkshire. Nevertheless, they represent states of affairs which could exist – unacknowledged or unchallenged – within a mediation service.

This then has implications for impact assessment, as it is difficult to standardise an assessment process for which different motivations and interventions are at work.

Challenges for assessing the outcomes and impact of community mediation

In addition to these critiques of the UK community mediation sector, other more generic challenges have been identified in evaluating peace mediation ²:

- *Complexity of context.* Mediation depends on the context in which it operates, often characterised by a variety of complex political, economical, social and cultural processes. This calls for context-specific analysis and makes it extremely difficult to devise general “rules” for evaluating mediation.
- *Subjectivity of success.* Mediation success is in the eye of the beholder, as it is manifestly linked to intangible factors, such as justice, fairness, or personal satisfaction, which cannot be objectively defined or evaluated. Moreover, mediation success differs depending on when the evaluation is conducted.
- *Flexibility inherent in mediation.* Mediators thrive on flexibility. What may work for one mediator in one context does not necessarily work elsewhere. This makes it difficult and even counter-productive to identify best practices and codify norms against which the performance of mediators is evaluated.
- *Result-focus of evaluations.* Most evaluations assess quantifiable results of an intervention, whereas the value of mediation is often intangible. Thus, the impact of mediation on the relationship between parties may be more important than whether or not a peace agreement has been achieved.
- *Confidentiality of mediation.* The concessions that conflict parties make at the negotiating table often contradict the hardline positions they may have articulated beforehand. To allow for progress, mediation processes are mostly confidential. Evaluation could be problematic and even counter-productive in this context because it exposes the dynamics and inner workings of the process.

² From Lanz et al (2008) *Evaluating Peace Mediation*. Brussels: Initiative for Peacebuilding. http://www.peacemediation.de/pub/Evaluating_Peace_mediation.pdf. See also: *Reflective Peacebuilding*, Lederach et al, 2007, <http://kroc.nd.edu>; <http://www.crs.org>

Criteria for assessing outcomes and impact

Given these challenges and complexities, it became evident that service-users should lead in defining the impacts for themselves of Mediation Yorkshire's work.

This would allow a systematic but flexible assessment of completed cases. It would ensure the parties' views were paramount in identifying satisfaction with the process and in assessing the shorter and longer-term effects flowing from the mediators' interventions. And it would avoid the process being led by Mediation Yorkshire's expectations of what ought to be the effect of mediation.

To create a framework for this user-focussed approach, it was also proposed that the service adapt the assessment criteria for evaluating peace mediation, identified by the Organisation for Economic Co-operation and Development's Development Assistance Committee ³.

1. *Relevance*. How does the intervention respond to the needs of the broader community context?
2. *Effectiveness*. Has the intervention reached its objectives?
3. *Impact*. What are the short- and long-term effects of the intervention?
4. *Sustainability*. Do the benefits of the intervention continue after its termination?
5. *Efficiency*. How do the costs of an intervention relate to its benefits?
6. *Coherence (and co-ordination)*. Is the intervention consistent with the larger policy context in which it takes place?
7. *Linkages*. Does the intervention link with activities and policies in other peacebuilding sectors?
8. *Coverage*. Does the intervention cover a broad range of stakeholders, issues and regions?
9. *Consistency with values*. Is the intervention consistent with the norms and values of donors or implementing agencies?

All of these criteria could be usefully examined in assessing a mediation service's interventions in its local communities.

Criteria 5 to 9 would be most relevant in revising organisational statements of vision, mission, objectives and values.

The first four criteria are particularly suited for follow-up with people who have gone through the mediation process. Accordingly, these criteria formed the basis of Mediation Yorkshire's Impact Assessment Framework:

1. Relevance	Testing the suitability of the model to the parties' context and of the communities in which they live.
2. Effectiveness	Exploring any shifts in the situation that the parties experienced during the mediation process, and how desirable those shifts were viewed.
3. Impact	Asking what are the short and longer-term, and intended and unintended outcomes, of the mediation process.
4. Sustainability	Testing whether the benefits last beyond the conclusion of the mediation process.

³ From (2008) *Guidance on Evaluating Conflict Prevention and Peacebuilding Activities. Working draft for application period*. Paris: OECD-DAC. www.oecd.org/dataoecd/11/44/38789256.pdf

A summary of Mediation Yorkshire's Impact assessment process

Using the DAC criteria and guidance, questions to cover each of the four chosen criterion were developed between the consultant and the staff team. This ensured that the framework was adapted to Mediation Yorkshire's unique context and experience.

An initial group of five parties were identified and the consultant tested the questions, including gathering feedback from the parties about the questions, via telephone interviews. The questions were then slightly modified and a further group of parties were invited to take part in the research. Twenty-three agreed to do so, making a total of twenty-eight parties spanning twenty-six cases.

All interviews were by telephone, and interviewees were offered a £10 shopping voucher in recognition of their time.

A survey of current and former Mediation Yorkshire volunteer mediators was also carried out to explore the impact of volunteering as a mediator.

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