What is mediation?

Mediation as a form of dispute resolution is used in industrial, business, neighbour or family disputes, as an alternative to judicial litigation and arbitration. Mediation is a service offered both commercially and by voluntary organisations, often within a specialised field. There are various forms of mediation. These include facilitative mediation, where the mediator assists the parties’ own efforts to formulate a settlement; evaluative mediation, where the mediator introduces a third-party view over the merits of the case; and conciliation, in which the mediator takes a more active role in putting forward terms of settlement. However, all have in common certain conditions and the establishment of formal arrangements that enable the mediation to take place. These typically include the following:

- Mediation is voluntary.
- Parties to the dispute agree that the issues are amenable to mediation and agree who will be the mediator.
- The mediator must have no stake in the outcome of the process or any connection with a disputing party.
- Information can be exchanged face to face or via a go-between (shuttle mediation). Mediation can include, for example, an initial exchange of written statements, or an initial meeting of all parties involved, followed by individual meetings between the parties and the mediator, and further plenary meetings when the mediator considers that either an agreement or an impasse is imminent. This can be cyclical until an outcome is reached.
• Possible outcomes are: agreement on a solution or a way forward to reach a solution; a complete impasse; or agreement on some issues.

• All parties must agree with the final outcome, and the parties in dispute remain in control of the terms of settlement.

• All parties involved have a full understanding of the procedures to be followed, and agree to abide by these and by the outcome.

There has been interest in mediation in development control (Welbank, M, in association with Davies, N, and Haywood, I, 2000; Welbank M, Davies N, Haywood I, Shenfield M. and Ayvazyam T. in association with Grant M. and Dean J, 2002). However, a new piece of research, commissioned and published by the ODPM, looks at international experience of using mediation in plan-making. The report, which is downloadable from the ODPM web site, is *Participatory Planning for Sustainable Communities: International experience in mediation, negotiation and engagement in making plans*. It is the work of a team from Heriot-Watt University, with international partners. This sees mediation as just one aspect of “participatory planning”

**What is participatory planning?**

As well as mediation, there is a spectrum of actions that singly or in combination constitute participatory planning:

• **Engagement** means entering into a deliberative process of dialogue with others, actively seeking and listening to their views, and exchanging ideas, information and opinions, while being inclusive and sensitive to power imbalances. Engagement is probably, though not necessarily initiated by the planning authority.

• **Negotiation** is a process of reaching consensus by exchanging information, bargaining and compromise that goes on between two or more parties with some shared interests and some conflicting interests. Negotiation is likely to be part of the process of mediation, but can also happen outside of any formal mediation and without the assistance of a neutral person.

• The aim of stakeholder dialogue is to achieve the kind of agreements that mean there is no need for mediation of a dispute. Such dialogue can be seen as **pre-mediation**.
Through listening to, and resolving potential disputes, agreements can be reached which are then built into the plan.

**How does participatory planning differ from public participation?**

In ‘public participation’ the ownership of the plan is with the local authority, and the public are largely reactive to a set of ideas produced by the council around the assumption that the draft plan already represents a balance of everybody’s interests. In contrast, participatory planning starts by recognising diversity and expects that there will be conflicting interests. It seeks engagement, negotiation and pre-mediation – often at the same time – to try to reach consensus. Thus the plan becomes owned by a range of stakeholders – but if agreements have not been possible there is still scope to use an independent mediator to try to resolve matters.

Outreach to include marginalized groups whose voice is rarely heard within orthodox public participation is a central concern in participatory planning. The results may not always be successful, but awareness of exclusion is vitally important – otherwise participation is likely to further strengthen the hand of those who are adept at operating in public meetings or other forms of lobbying.

**Skills and attitudes**

The research that we did for the ODPM found that skills and attitudes are very important – a bad mediator can make a difficult situation worse! We did extended telephone interviews with experienced trainers and mediators in North America, and from this work we identified the following skills that are required for participatory planning:

**Organisational Skills** - Ability to:
- Plan, organize, and prepare well;
- Manage resources (financial, human and time);
- Remain focused on objectives and deliver on them within time constraints;
- Keep the process moving; not getting side-tracked;
- Make sure people are comfortable; deal with logistical issues to create the right environment;
- Use effectively various group methods/techniques as appropriate;
- Convert agreements into implementation on the ground.
**Analytical and Cognitive Skills** - Ability to:

- Synthesise complex technical information so that it is easily understandable;
- Understand a complex process involving diverse interests;
- Detect what people are really meaning, get to the heart of issues and unearth hidden agendas; understand where people are coming from; reframe statements and situations in order to identify underlying values and goals;
- Understand the role of individuals and the group and the relationship between the two;
- Learn from experience (sometimes bitter);
- Work with ambiguity and uncertainty and share, and encourage this quality in others;
- Document and record accurately;
- Constantly evaluate, reflect and synthesise

**Inter-personal Skills** – Ability to:

- Zoom in on people’s state of mind and emotions; understand the principles of emotional intelligence;
- Understand group dynamics and elicit creative responses in individuals; ensure that everyone is heard and has equal access to the process;
- Deal with difficult situations and people; manage conflict and confrontation; rein in over-dominant people;
- Think quickly on your feet in front of large groups; deal with the unexpected; be flexible;
- Actively listen;
- Get stakeholders to explain and evaluate their positions, not just assert demands or jump to conclusions;
- Negotiate, strive for win-win situations;
- Communicate well, verbally and non-verbally; be self-aware (eye contact, facial expression, body language, tone of voice, choice of words, clarity); promote communication amongst all members; ability to communicate in the first language of the participants is very helpful;
- Remain neutral and unbiased;
- Ensure the group takes responsibility;
- Inspire confidence in the mediation process

Because inter-personal skills are so important it follows that personal qualities and attitudes also matter. The experienced mediators and trainers whom we interviewed identified a list of such qualities.

- Patient, even under pressure; calm;
- Results-oriented, persistent in achieving objectives;
- Honest, authentic, personal integrity, trustworthy;
Can participatory planning work in Britain?

We ran two workshops at the Planning Summer School, and tried to use them to show how consensus building can be done. We also wanted to get some responses to the ideas coming from our research report for the ODPM. We had already run three similar workshops in London for ODPM, and the results from all five have been written up and will also be on the ODPM web site next to our main report.

We began each workshop by giving everybody in it a ‘post-it’ slip – a small piece of paper with an adhesive strip across its back. We then asked each person just to take a couple of minutes to think about and then write down in one or two sentences their own response to the questions “Can participatory planning be made to work in this country?” Then we asked everyone to pair up with somebody they did not know, and exchange their post-its with their new-found partner. Each pair were then asked to discuss their views and try to reach an agreement on an answer to the question.

We then asked pairs to combine to form larger groups – of four to seven persons. These bigger groups were then set a new question – “What action needs to be taken for participatory planning to work in this country?” Again, to start, each individual was asked to write down the two most important steps that, in their own opinion, would make it happen. Then the ideas were pooled within the group who were given about 15 minutes to agree on the one single action that they would recommend. Before anybody had written down their two main points, we asked each group to choose one of their members to be “the mediator” who would try to steer the various suggestions into one agreed proposal. The outcome from each group was then put on a flip chart. Every person then was given a chance to vote for their first and second choices amongst the proposals that all the groups had produced. Everyone also had one red card to play if they opposed a proposal. Thus the approach we
adopted was inclusive, involved negotiation between pairs and in larger groups where a form of mediation took place.

What were the findings?

Analysis of the initial thoughts that each person had written on their post-it revealed a very clear pattern. Many felt that participatory planning could work here. One comment that was optimistic in every sense was, “Yes it will require rethinking how planners work, the processes we use, and many study tours to the USA and Australia.” However, almost everyone recognised barriers that would stand in the way. One answer, written in Welsh, translates as “Perhaps, but I do not believe that the bodies / organisations with the basic powers are likely to accept the results - i.e. the Government in Westminster and the National Assembly.”

The most widely endorsed proposals for how to overcome the barriers were:

**Workshop on 11 September**

- **Commitment for local authorities, councillors and opinion leaders to participatory planning and enablement of the community.** 12 votes and 11 second ones.
- **Resources for training and buying in skilled people.** 4 firsts and 15 second votes.

**Workshop on 12 September**

- **Participatory planning needs political commitment at national and local level to empower local communities to get involved.** This received 18 first choices and 6 seconds.

Thus it is very notable that both workshops arrived at very similar conclusions. We can confidently say that there is a consensus amongst those 66 persons who took an active part in the workshops that participatory planning can work in the UK if there is political commitment at all levels and empowerment /enabling of the community.

**References**

School of the Built Environment, Heriot-Watt University with Department of Geography, DePaul University, Chicago and Christine Platt and Studio Spokane (2003) *Participatory Planning for Sustainable Communities: International experience in mediation,*
negotiation and engagement in making plans, Office of the Deputy Prime Minister, London.
