



Breaking down barriers: Trust is key

The positive effect of mediation is summed up in the thoughts of one of the parties involved a neighbourhood dispute which was resolved through open and honest talking.

He said his relationship with his neighbour is now 'brilliant' and had they not opted for mediation things would likely have become 'toxic'.

The signed agreement centred on both parties acknowledging inappropriate behaviours in the past, apologising for these and agreeing to be civil and respectful to each other in future.

Both also felt it important to include a point in the agreement that they would consult each other regarding any future issues before reporting or discussing with others.

Case Overview No.1

The case was referred by the tenancy enforcement officer at the housing association following a number of complaints each party had made against the other.

The issues ranged from excessive noise complaints to putting rubbish in each other's refuse bins and gossiping to other residents about one other.

The relationship breakdown had been a surprise to the housing association as the parties had in the past been good friends.

They had helped each other to keep the communal block tidy, planted flowers in their communal garden and on a more personal level, enjoyed attending social events together.

'Party one' was very emotional during the initial visit and was greatly distressed by the situation. He referred to a variety of past and present issues including disposal



of rubbish in his bin, owing of money, inappropriate behaviours and offensive remarks. He felt that 'party two' was constantly harassing him and visitors to his property and planned to move as he felt that was the only way he could escape the 'awful' atmosphere'.

Party two referred only to excessive noise in the form of slamming doors and was reluctant to discuss any other issues. He was very responsive to going ahead with mediation and had little to say during his initial visit.

Why was the process successful?

Because of the very emotional and vulnerable state of party one, it was important for the mediators to build a feeling of trust and understanding from the start.

A great deal of time was spent in the initial visit simply listening. The mediators ensured that they were open and non-judgemental, while carefully managing his expectations of the issues the process could look to resolve and those which could not be addressed.

Party one eventually felt able to agree to a 'shuttle' mediation with his neighbour - during which they would each be located in different rooms.

Party one was very angry, uptight and agitated during the early stages of the meeting and had brought a family member along for support.

On hearing that his family member could remain in the meeting, he agreed to continue. In the first instance the mediators allowed him to purely vent his feelings.

He began to calm down, but stated that he felt the process would not work and that the relationship breakdown had gone too far. The mediators asked him to clarify which issues he was comfortable for them to share with party two to try and move the situation forward.



Returning to party two, the mediators carefully recounted the issues that party one had agreed they could share. Party two responded by saying that he missed being friends with party one and wished they could re-form a friendship.

On hearing of the stress caused to party one, he felt willing to apologise for his past behaviours. At this point party two opened up about the issues from his perspective and it was clear he felt threatened and vulnerable and did not want the situation to continue.

The mediators returned immediately to party one and expressed that party two was willing to apologise. After explaining how party two felt about the situation, he became very responsive and willing to accept the apology.

Both neighbours agreed to meet face to face and spoke civilly, each acknowledging past mistakes.

The sensitive handling of this case by the mediators was crucial and ensured that the process didn't exacerbate the vulnerability of either party.

Though a longer process, the shuttle meeting was a necessity in this instance to allow each party some breathing space and to allow them to feel safe in the situation.

It meant that party one felt able to attend the mediation which he would otherwise have refused and allowed party two an environment in which he could open up. His willingness too apologise was the turning point and enabled a positive outcome for both parties.

Case Overview No.2

THE POWER OF MEDIATION: Simple but effective

The outcome of this case hinged on an extremely simple but hugely effective solution. It transpired during the joint meeting that 'party one' had hearing issues



which resulted in her watching the television at high volume. On the suggestion of party two, she agreed to visit her GP to ask for hearing aids.

The case had been on the verge of legal action only days before the joint meeting took place, with the referring ASB Officer feeling desperate for an alternative avenue but unsure whether the mediation would be of benefit.

The resounding success of the mediation came as a huge relief to the housing staff involved. The referrer praised the efforts of ADR for its 'excellent work'.

The housing officer responsible for tenancies described the result as 'fantastic'. It had come as a surprise to her, as in her words the 'issues have been on and off for years.'

The agreement proved to be of lasting benefit. Feedback from both parties was 100 per cent positive. They both reported no further issues and 'party two' was particularly pleased with the outcome saying had been 'lovely and quiet'.

She was extremely grateful that the mediation had resolved the noise issues which had been having a negative impact on her mental health. She said she was finally getting a decent night's sleep every night which had significantly improved her overall wellbeing.

Case Overview

The dispute centred mainly on noise issues, with party two particularly unhappy with the television volume from party one. She was also unhappy with the behaviour of dogs belonging to party one and alleged that they were urinating in the communal hallway.

Party one acknowledged at her initial visit that she listened to the television at high volume but alleged that party two had been rude and offensive to her. She was happy to meet to try and reach a solution.



Party two was obviously very distressed by the situation and couldn't understand why party one listened to her television so loudly. She also reported that party one frequently slammed her doors on leaving and entering her flat. She felt her neighbour was rude and offensive and tried her best to avoid her.

Why was the process successful?

It was clear to both mediators involved that neither party felt the process would be successful but they were willing to try.

They were both clearly very nervous about the prospect of coming together. Party two in particular was concerned about having to encounter party one in the reception area. She was re-assured that the first to arrive would be taken straight to the meeting room so there would be no waiting around.

Within a short time, tensions at the joint meeting eased and both parties were readily talking and exploring solutions to the issues between them. Party two had no idea that party one suffered with hearing difficulties and so immediately understood why the television had been so loud.

She suggested a visit to the GP to help the situation. She also asked why party one slammed her door so loudly. Party one explained the need for force in order for it to be shut properly. Both agreed to ask the housing association to fix the door.

This case demonstrates how simple but effective mediation can be. The key to the process is empowering individuals to seek their own resolutions. Supporting the individuals to find the confidence to come together in a room to confront the issues was all that was needed.

The mediators facilitated communication which enabled both parties to understand the reasons behind the issues after years of speculation and mistrust. The solutions



found enabled both parties to live side by side without the discomfort of feeling angry and aggrieved.

Case Overview No.2

THE POWER OF MEDIATION: Building trust and making a difference

The outcome of this case surprised even the housing officer responsible for overseeing the tenancies of both parties - she expressed how 'shocked' she was that the mediation had generated such a positive agreement.

In the past the situation had escalated to the level of police involvement. The parties had such a long history of complaints against each other that she hadn't expected the mediation to work.

It was great news for all involved as well as housing association staff who had been attempting to resolve the dispute for many months.

Follow up calls to both parties revealed that the joint meeting had been a complete success. One party described their current situation as 'how things should always have been', the other that relations were 'brilliant' in comparison to the past.

Both parties reported that there had been no further issues, intimidation or arguments. They were both very happy with the outcome and grateful that the mediation had taken place.

Case Overview

The dispute mainly related to noise complaints and was referred by the Community Safety Officer at the housing association after all other avenues for resolution had been exhausted.



The referral outlined that 'party one' continually complained of 'party two' banging on the floor. Party two claimed that this was in response to excessive noise levels from party one, in particular the bathroom light switch being used constantly and continual opening and closing of doors.

Relations between the parties had become hostile, with one party alleging that the other was verbally abusive and threatening if they came face to face.

Concerns had been raised by the housing association that there was the potential for violent behaviour if the issues remained unresolved.

Party one presented at the initial visit with a fairly conciliatory attitude. However, he did feel that his neighbour was deliberately making his life difficult by causing excessive noise, to the point that he had moved out on a temporary basis.

He had also re-homed his pet dog due to the stress he reported the animal had suffered. He felt that his neighbour was 'following him' around the flat upstairs and intentionally banging doors directly above the room he was in.

He claimed that he had been physically threatened by the other party but did mention that there was a time when they used to 'get along'.

During the second visit, party two presented a completely different story and it would have been easy to conclude that the situation was beyond help.

He cited similar issues to the other party with door and light switch noise and claimed that his neighbour was deliberately mirroring his location downstairs.

He also felt his neighbour was 'watching' him and was adamant that he wouldn't be in the same room as him for the joint meeting as he feared he may himself resort to physical violence.

Why was the process successful?



In this case, both mediators worked closely together as a 'tag-team' to support one another and step in where the other had reached an impasse.

During the initial meetings the mediators remained calm, graceful and non-judgemental, whilst gently encouraging exploration of the issues behind the breakdown in the relationship.

One party was a little more submissive and open to resolving the dispute, whereas the other was far more aggressive towards the situation.

During both initial meetings the mediation team worked hard on building trust and rapport by demonstrating that they were listening and taking the issues raised by both parties seriously.

The turning point in both initial meetings came when the mediators expressed an interest in the personal pursuits and life stories of the parties. Listening attentively to these matters helped to ease tensions and make both parties more relaxed.

One party in particular was happy to share the details around his engagement to his partner. When one resident refused to be in the same room as the other for the joint meeting, the mediators negotiated calmly and identified the benefits of resolving the situation between themselves rather than the housing association having to take more serious steps.

Both parties were reassured that the mediators would facilitate a safe and neutral environment at the joint meeting. The fact that a rapport had been established carried a lot of weight and both parties eventually agreed to attend the joint meeting.

Armed with initial meeting disclosures, the role of the mediators during the joint meeting was to help both parties to see each other's view point, despite the fact that they might not agree.

After each party had shared their viewpoint during their uninterrupted time, it became obvious that many of the friction points weren't deliberate or based upon



intentional behaviour. Both parties found common ground and thought of alternative ways to resolve issues in the future.

The mediators at this point were able to successfully develop an agreement which both parties signed.

It centred on them both being more mindful of noise during certain hours of the day. Simple solutions such as looking to contact the housing association to resolve particularly squeaky door hinges also transpired.

Both parties agreed to be respectful of each other in future and to approach each other to discuss issues calmly before situations could escalate.

This case serves to reinforce the power of the mediation process. It is vital to recognise the importance of not 'writing off' a case as a lost cause.

Building trust, and treating people with respect and openness can make the difference between achieving an agreement or not.