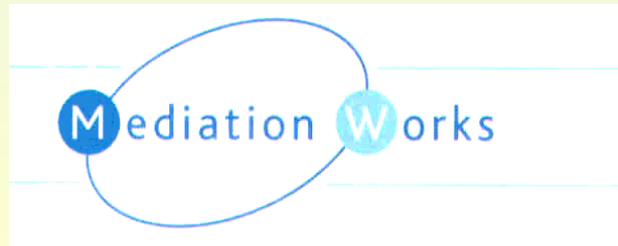


Equalities Mediation Service

www.dcs-gb.com

Provided by Mediation Works

www.mediation-works.com



The Equalities Mediation Service responds to:

- ✓ Alleged breach of DDA
 - ✓ Part III – Rights of Access
 - ✓ Part IV – Education
- ✓ Other Equality Strands
- ✓ Air Travel Accessibility complaints -
EC1107/2006

The Referral Route

- ✓ EHRC Helpline or Third Party Referral
- ✓ EHRC Casework & Litigation
- ✓ Equalities Mediation Service (formerly Disability Conciliation Service, DCS)
- ✓ Case Coordinator / Conciliator or Mediator appointed
- ✓ Conciliation / Mediation Meeting
- ✓ Written Outcome Form:

“Full & Final Agreement”



Legally Binding Contract

“No Agreement”



Legal Action still possible

What is Conciliation / Mediation?

- ✓ Alternative dispute resolution
- ✓ Impartial
- ✓ Independent third party manages process
- ✓ Voluntary, non adversarial and informal
- ✓ Negotiated settlement
- ✓ Confidential
- ✓ Informal
- ✓ Focus on future

Court or Mediation?

COURT	MEDIATION
Polarised positions	Common interests
Argument	Discussion
Imposed date and location	Parties agree date and location
Parties usually represented	Direct discussions between parties
3rd party imposes outcome	Outcome generated, negotiated and decided by parties
'Win / Lose'	'Win / Win'

Types of cases

- ✓ Age
- ✓ Disability
- ✓ Gender
- ✓ Race
- ✓ Religion & Belief
- ✓ Sexual Orientation
- ✓ Air Travel Accessibility
- ✓ Pre-16 cases
- ✓ Employment

What do people want to achieve?

- ✓ Changes in policy, procedure and practice
- ✓ Changes in physical features to provide access
- ✓ Equality & Diversity Training for staff
- ✓ Apology
- ✓ Compensation
- ✓ Publicity
- ✓ Compromise Agreements
- ✓ Equality within the workplace

Does it work?

- ✓ Since January 2007 - 420 cases
- ✓ 77% Full and Final, 15% No Agreement, 8% Withdrawn
- ✓ Quick turnaround, usually 8 weeks from date of referral
- ✓ A total of £36,806 compensation agreed within the first 5 months of 2009
- ✓ 87% of parties said that conciliation met or exceeded their needs
- ✓ 93% said they would “recommend using the Equalities Mediation Service to others”

Systemic change

Our service helps to promote 'systemic change' within society

- ✓ In 54% of cases the outcome benefits the individual (Apology or Compensation)
- ✓ 64% of cases the outcomes benefit the wider public (Change in Policy or Procedure, Training, Reasonable Adjustments, Publicity)

Sample Outcomes 1

- Rolling plan to make all bank branches accessible (Rights of Access)
- Staff training in Customer Service and DDA Awareness (Rights of Access)
- Publicity, a joint public statement (Rights of Access)
- Provision of a note-taker (Post 16 Education)
- Changes to admissions procedures: assessment conducted before offer of place so that reasonable adjustments in place at start of course (Post 16 Education)
- Compensation, £10,000 to include the refund of course fees (Post 16 Education)

Sample Outcomes 2

- 2 return flights to a destination of choice (Access to Air Travel)
- Change in policy ensuring specified seating for persons with reduced mobility (Air Travel Accessibility)
- Staff training and changes in policy to ensure compliancy with legislation (Air Travel Accessibility)
- Compromise agreement (Race Discrimination - Employment)
- Voluntary redundancy package (Race Discrimination – Employment)
- Implementation of Equal Pay scheme (Sex Discrimination - Employment)

Case Tracks

Tracks A, B and C depending on complexity

- ✓ Track A cases allocated straight to Conciliator / Mediator (single incident; individual service provider)
- ✓ Track B and C prepared by Case Coordinator (complex issues, big organisations, all ATA, all strands outside disability, legal involvement)

Role of Case Coordinator

- ✓ Telephone based role
- ✓ Engages parties, explains how the process works
- ✓ Clarifies what the issues are - establishing the meeting agenda and discussing any concerns with parties
- ✓ Provides information - knowledge of law / experience of past outcomes
- ✓ Can not give advice or make judgement on merit of case – will signpost to relevant agencies if appropriate

Role of Conciliator / Mediator

- ✓ Facilitates meeting
- ✓ Helps parties to communicate effectively
- ✓ Keep parties focused on the agenda and the law
- ✓ Helps parties to negotiate
- ✓ Helps parties move forward
- ✓ 'Captures' agreements

Does NOT:

- ✓ Give opinions on merits of case
- ✓ Make decisions

Quotes from Service Users 1

This is a very useful service. It avoids the need for costly and stressful legal action. Many thanks for your help.' Complainant

'During the meeting, the Respondent gained a more detailed understanding of my issues. The conciliation procedure has increased understanding on both sides and will lead to better arrangements for the disabled in the future.' Complainant

'The service was very beneficial in allowing us to understand more clearly the issues concerned and agree actions to benefit all our customers.' Respondent

Quotes from Service Users 2

'It's been a long time since anyone has been so helpful and sincere towards me, and even though I did not get the result I wanted, I feel relieved and entirely satisfied with the way it was dealt with by the Disability Conciliation Service ' Complainant

'I can't stress how wonderful the service is for both parties. I hadn't heard of conciliation before - It is a fantastic and fair service. Conciliation sorted out in a day the things that I have been trying to achieve for a year... Conciliation gives us a feeling of importance rather than just someone who complains.' Complainant

Who's Who?

Mediators and Conciliators: too many to list!

Admin Team: Laura Moore and Jake Johnson

Case Coordinators: Mike Tite and Laura Moore

Practice Managers: Ros Barney and Mike Tite

Service Manager: Susanna Diegel

Please contact us with any queries...

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