Ministry of Justice

Call for Evidence on Dispute Resolution in England and Wales

Summary of Responses

March 2022

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Response to consultation carried out by the Ministry of Justice.

This information is also available at https://consult.justice.gov.uk/

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Introduction

Background

The Call for Evidence on Dispute Resolution in England and Wales was published by the Ministry of Justice on 3 August 2021.

It sought evidence on a range of "dispute resolution" processes, defined as encompassing all methods of resolving disputes in the civil, family and administrative jurisdictions, apart from litigation. These included, but were not limited to, mediation, conciliation, arbitration, Ombudsmen schemes and similar, whether conducted via online platforms or with the assistance of other technology or not. Views were not sought on the operation of the court service, except in so far as it engages with these other forms of out-of-court resolution processes.

Contributions were invited from all interested parties, including the judiciary, legal profession, mediators and other dispute resolvers, academics, the advice sector, and court users.

The Call for Evidence was supported by the Master of the Rolls (Sir Geoffrey Vos), the President of the Family Division (Sir Andrew McFarlane), and the Senior President of the Tribunals (Sir Keith Lindblom).

The consultation period closed on 31 October 2021 and this report summarises the responses, including how the consultation exercise will influence the further development of policy in this area.

What we asked

The Call for Evidence focused on seven key thematic areas where we wanted further evidence and insight. Questions fell within the categories of:

- Drivers of engagement and settlement;
- Quality and outcomes;
- Dispute resolution service providers;
- Finance and economic costs / benefits of dispute resolution systems;
- Technology infrastructure;
- Public sector equality duty; and,
- Additional evidence.

The list of questions in each category can be seen in Annex A.

To widen reach and enable more detailed conversations, the Ministry of Justice also held a programme of online roundtable events with representatives from key sectors and the general public. The government will continue to engage with stakeholders as our work continues.

Overview of respondents

A total of 193 responses to the Call for Evidence were received (82 via the online Citizen Space platform and 111 via email) and 78 attendees participated across the series of roundtable events. Of these, the majority of respondents were dispute resolution providers, representative bodies, legal practitioners, and academics.

The organisations that responded to the Call for Evidence are listed in Annex B. Individuals who responded without specifying an organisation are not included.

Contact details

Further copies of this report and the consultation paper can be obtained by contacting the Dispute Resolution Project team at the address below:

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This report is also available at https://consult.justice.gov.uk/

Alternative format versions of this publication can be requested from **disputeresolution.enquiries.evidence@justice.gov.uk**.

Complaints or comments

If you have any complaints or comments about the consultation process, you should contact the Ministry of Justice at the above address.

Thematic analysis of responses received to each section

Section 1: Drivers of engagement and settlement

The significance of emotion and mindset

1.1 One factor that a number of respondents identified as having an impact upon willingness to engage with dispute resolution, and the success of those processes, was the emotional state and mindset of parties involved. This was particularly prevalent in family disputes involving children. In such cases, which are often high-conflict, parties were frequently cited as exhibiting significantly lower motivation to engage in dispute resolution processes at the outset due to their emotional attachment to previously entrenched positions and the potentially antagonistic attitude to the other party. These factors were also seen by some to impede reasonable and sensible resolutions being achieved where parties did engage. By contrast, however, some respondents did comment that in their experience parties to disputes involving children were more likely to participate in mediation in order to protect the best interests of their child during a family breakdown.

Knowledge and understanding of dispute resolution

1.2 Parties' level of understanding or previous experience with dispute resolution processes were also seen as a critical factor which influenced their ability to engage. A high proportion of respondents testified to parties' lack of awareness regarding dispute resolution processes and the absence of publicly available information to mitigate this. A wide range of stakeholders expressed this view, including Ombudsmen, legal professionals, mediators, academics and representative organisations. These respondents advocated for greater public education and stressed the vital role of government in making accessible and authoritative information and guidance about dispute resolution options available on its official channels. This was seen as particularly crucial for potential litigants in person, whereas parties in commercial disputes (with the exception of small businesses) were viewed as having a confident understanding of dispute resolution. Another aspect of this theme that some respondents highlighted was that legal professionals – both lawyers and judges – would also benefit from improving their knowledge about dispute resolution processes to ensure consistent messaging.

Common misconceptions and beliefs

1.3 Respondents pinpointed a range of common misconceptions and beliefs about dispute resolution which form a barrier to parties' engagement. It was claimed that

mediation is frequently perceived by parties as merely a 'hurdle to jump' before applying to court, which prevents parties' viewing the process as a serious route to a sustainable solution. Other misconceptions identified by respondents were that parties considered using dispute resolution to reach a settlement without a court battle as a form of capitulation which signals admission or weakness, and, in family cases, that parties viewed dispute resolution as an attempt to put marriages or relationships back together. Perceptions about the role of mediators were also cited as a significant factor, with respondents citing parties' frequent confusion and uncertainty regarding their impartiality and independence, as well as their ability to give advice or impose a decision. The theme which respondents often viewed as tying these barriers together was the strong association made by parties between the notion of court and justice and ingrained beliefs regarding the need to have one's 'day in court'.

Financial factors and the cost of dispute resolution

1.4 Many respondents highlighted how financial considerations impacted parties' willingness to engage in dispute resolution, both positively and negatively. Saving money was frequently cited as a direct incentive to engage in (and key benefit of) dispute resolution. However, the insights gained from some respondents showed how, in certain circumstances, the value of a dispute and relatively cheap court fees compared with the cost of undertaking dispute resolution can adversely affect uptake. Particularly where claims are of low value, with a correspondingly low court fee, the price of dispute resolution may be more (and disproportionately) expensive, acting as a deterrent to engagement. Free or affordable services and direct financial incentives, such as the Family Mediation Voucher Scheme, were seen to combat this well and respondents called for wider provision of such schemes. Meanwhile, costs sanctions (provided for under court procedure rules) for unreasonable refusals to engage in dispute resolution were seen as a highly effective and under-utilised tool, especially in commercial cases. Although respondents cautioned that this did risk parties engaging without any genuine intention of achieving a settlement.

The role of legal advisors and the courts

1.5 Another key theme was the vital role played by the legal profession (both solicitors and the judiciary) in successfully encouraging parties to engage with dispute resolution. Some respondents felt that, despite court protocols recommending that solicitors make an early referral to mediation, owing to their vested interests in pursuing lengthy litigation, referrals of clients by solicitors did not regularly take place. The adversarial language used by lawyers was also viewed by some to aggravate tensions between parties and provide an additional barrier to engagement with dispute resolution. In parallel to this, many respondents felt that the courts and judiciary could do significantly more to endorse and encourage parties to engage with dispute resolution. It was suggested this might be achieved

not only through more rigorous cost sanctions for non-compliance with protocols involving dispute resolution (as mentioned above), but also through softer incentives such as improved and more visible guidance.

Existing pre-court initiatives

1.6 Respondents had mixed views on the current pre-court initiatives in place to encourage engagement with dispute resolution, particularly Mandatory Information and Assessment Meetings (MIAMs). Many respondents felt that both of these measures were less effective than they might be due to the fact that there was no requirement for both parties to attend. Respondents expressed a wish for this to be amended and for attendance to be more robustly enforced by the courts, with reduced criteria available for exemption. However, despite respondents' reservations regarding the success of MIAMs in their current form, many also called for the expansion of the initiative across other sectors and jurisdictions and for it to include the provision of information of other forms of dispute resolution. A strengthening of the provisions for dispute resolution in pre-action protocols was also recommended by some respondents. A broader problem associated with dispute resolution initiatives in the pre-court space was that they were hampered by the lack of disclosure. Where not enough information was made available at this stage as to each party's case, this proved a significant barrier to meaningful negotiations through dispute resolution.

Diversity and inclusion

1.7 Several respondents also raised issues of diversity and inclusion regarding engagement with dispute resolution. They highlighted that the complexity of the dispute resolution landscape was a significant barrier for vulnerable parties, who may need or prefer to access legal support. Some respondents also cited lack of diversity within the dispute resolution profession as a disincentive for engagement.

Safeguarding issues and cases where court is the most appropriate option for resolution

1.8 Many respondents from across the professions strongly emphasised that cases within the family jurisdiction which involve domestic abuse, sexual abuse, controlling behaviour, risk of harm, parental negligence or safeguarding concerns are more appropriate for resolution within a court setting. As such, any push for greater uptake of dispute resolution should take care not to overlook the victims of abuse, particularly as they are often not aware that what they are experiencing would be classified as such. Although some respondents noted that there is potential for allegations of this nature to be used as excuses to avoid engaging in dispute resolution and suggested that once the urgency and immediate risk is contained, dispute resolution might still be appropriate. Aside from cases where safeguarding issues were present, a further range of disputes were also mentioned by respondents as potentially more suitable for resolution through court, including:

personal injury; cases involving fraud and dishonesty; probate claims; undisputed debt or possession disputes; complex commercial contracts; matters of public interest; defamation; intellectual property disputes; or cases where there is a point of law that requires judicial determination.

The need for integrated support and services

1.9 Many respondents cited the need for a more holistic approach to solving parties' problems and disputes, which did not revolve solely around legal solutions. Particularly in family cases, it was viewed that the effectiveness of dispute resolution would be enhanced if provision was co-ordinated and integrated with other support services. To achieve this, respondents advocated for dispute resolution professionals to have access to training and information on a range of available support services and be able to refer parties to those where appropriate. Many respondents also recommended more mutual routes of referral between the Separated Parents Information Programme (SPIP) and dispute resolution providers. The discrepancy between charges for SPIP depending on the source of referral was also noted as a key issue. However, a few respondents expressed concern about preserving the independence of a mediator if they are expected to refer parties to other support services, emphasising the potential tension between being allowed to signpost clients whilst upholding a non-advisory, independent approach.

Early intervention and timing

1.10 A number of respondents regarded early intervention as key where parties should be provided with extra support and information to avoid positions becoming entrenched and problems escalating into full-fledged disputes. A number of respondents also suggested that interventions should be targeted at multiple stages over the lifecycle of a case. The rationale cited was that having dispute resolution available in parallel to an adversarial process widens its scope and opportunity for uptake, since parties can reflect and reconsider their positions as their dispute progresses. Some respondents also commented that each case is different, so the appropriate time for dispute resolution interventions can depend on the context.

Section 2: Quality and outcomes

Defining and comparing the quality of outcomes

2.1 A significant number of respondents testified to the difficulty of defining (and therefore assessing) the quality of outcomes achieved through dispute resolution processes. Respondents stressed that in any individual case the evaluation of quality or success was likely to be highly subjective and guided by the varying priorities of the parties involved. The fundamental differences in outcomes between court (decided according to the legal merits of the case, under which usually one party wins and another loses) and dispute resolution (decided by the parties and

which usually entails a compromise) were also outlined, highlighting the issues regarding comparisons between the two processes.

Flexibility and ownership of outcomes

2.2 One of the strongest themes on the question of better outcomes was the capacity of dispute resolution processes to produce more creative and flexible solutions, designed by the parties themselves and which often included provisions outside the legal and financial remedies offered through the court process. This theme was prevalent across jurisdictions and case types. A key aspect of this benefit, especially for organisations and business sectors was, that dispute resolution processes facilitated the opportunity for wider learning and improvements, particularly (but not exclusively) where they were provided via an administrative scheme or Ombudsman service. Respondents also expressed that owing to the fact that parties had been empowered to create their own resolution, they were more likely to take ownership of that settlement, which increased the likelihood of compliance.

Preserving future relationships and aiding communication

2.3 Another strongly perceived benefit of dispute resolution processes was that they helped parties to preserve their relationships and enhance their communication. In so doing, dispute resolution processes were seen as capable of producing more sustainable outcomes than court and reducing the likelihood for parties to need to revisit formal dispute resolution by giving them the tools to resolve future issues themselves. This was cited across jurisdictions but was particularly prevalent in responses focused on family cases and child arrangements.

Data gathering and user feedback

2.4 The need for more data and empirical research to understand the comparative quality of outcomes available through litigation and dispute resolution processes was a common theme. Respondents emphasised that this would need to include widespread quantitative data collection from dispute resolution providers (within the limits of confidentiality), which would enable outcomes and performance to be monitored over time. Alongside this, respondents consistently advocated that qualitative user feedback on dispute resolution processes would also be essential to understand whether parties themselves were satisfied with the process and that the outcomes produced were suitable and sustainable. It was the view of some participants that this data and research, if made publicly available, would help to increase the uptake of dispute resolution and promote public confidence in dispute resolution processes.

Compulsion

2.5 On the issue of compulsion, the views of respondents were mixed. The majority of supportive responses came from the consumer and public services sector, insurers,

and from mediators and mediation bodies, particularly in civil cases. The Civil Mediation Council, for example, is strongly in favour of automatic referral to mediation (with opt-out provision), citing the successful application of a similar system in Ontario where the Mandatory Mediation Program has been in place since 1999. Some representatives of the legal profession also recognised a need for greater compulsion, including the Law Society, which promoted the use of Early Neutral Evaluation. Respondents in favour of compulsion generally viewed directive systematic reform (with scope for exemptions where appropriate) as the only means of achieving a meaningful culture change. Some also felt that compulsion would remove the unhelpful perception of weakness attached to using dispute resolution.

2.6 Unsupportive respondents came largely (although not exclusively) from the legal profession, academia, and the advice sector. These respondents opposed compulsory participation for a number of reasons, based upon its potential impact upon the quality of the process and outcome of dispute resolution. Some felt that compulsion would undermine the fundamentally voluntary nature of the dispute resolution process and thereby jeopardise its efficacy. Others expressed the view that compulsion would risk dispute resolution becoming a “tick-box” exercise in which parties did not genuinely engage and therefore simply an additional barrier (both in terms of time and cost) to users’ ability to access justice. Many respondents also spoke to the significance of timing regarding the prospective success of dispute resolution and cautioned that mediations held at ill-timed junctures often deterred parties from future attempts. The most widespread and substantial concerns raised, however, related to fears that compulsion could prevent cases which involved safeguarding issues or significant power imbalances being managed effectively, particularly in family matters, and may lead to victims being placed in positions of danger, as well as unfair outcomes. The potential unintended consequences of introducing compulsion were also mentioned, as well as the risks of a blanket implementation which did not consider the particularities of different types of dispute.

2.7 However, many of these respondents did support a greater degree of compulsion. Multiple respondents raised the point that compulsion to find out about dispute resolution options is not the same as mandating participation in the process itself. As such, a number of (but not all) respondents supported compelling both parties to family disputes to attend a compulsory MIAM session, and some suggested the extension of a MIAMs across other jurisdictions to educate and reinforce the benefits of mediation. Even more prevalent was the support from respondents to develop and more forcefully apply the court’s powers under pre-action protocols to direct the use of dispute resolution and utilise cost sanctions for non-compliance.

Information, advice, and legal rights

2.8 A common and consistent theme in the responses was the widespread lack of understanding of dispute resolution and the need for more accessible, early guidance explaining the process and what it can achieve – both for professionals working in related fields and the public. For users, respondents wished to see more effective signposting to a single source of reliable and realistic information setting out the range of options available to them. It was felt this should seek to facilitate ease of comparison and choice for parties, as well as setting clear expectations for different processes. However, respondents also wished to see information and education on dispute resolution promoted more widely within fields able to influence user uptake, including the legal profession and judiciary, advice organisations, and public services. In addition to this, many respondents highlighted the need for mechanisms which enabled parties (particularly litigants in person) to understand their legal rights and entitlements alongside dispute resolution in order to ensure fair and informed choices and negotiations during the process. In this regard, respondents stressed their support for greater provision of free legal advice as a means of supporting both the uptake and effective use of dispute resolution.

Compliance

2.9 Respondents cited highly positive compliance rates for dispute resolution processes, with very few cases of non-compliance noted. Many connected this to the use of legally binding contracts or consent orders to cement agreed settlements. Administrative schemes and Ombudsman services (both statutory and non-statutory) were also seen as highly effective in encouraging compliance.

Section 3: Dispute resolution service providers

Current regulation of dispute resolution providers

3.1 There is no single regulatory body or set of requirements that apply across all dispute providers, who are free to practice without restriction. However, many dispute resolution providers are currently self-regulated through membership of a patchwork of industry bodies. These bodies set and review standards; issue codes of practice; supply training and continuing professional development; ensure practitioners are insured; and provide complaints procedures. They include the Civil Mediation Council; the Family Mediation Council; Ombudsman Services; and the Chartered Institute of Arbitrators. More formal legislative regulation of dispute resolution providers exists in the consumer sector under the Alternative Dispute Resolution Regulations 2015, where designated competent authorities (including government bodies, such as the Gambling Commission) provide oversight. Respondents generally felt that dispute resolution in these regulated markets worked well. They cited the regulators' ability to tailor requirements to the sector and work closely with dispute resolution providers as strengths. It was suggested

that this model might be replicated in unregulated markets, where standards are less effectively policed, and would enable safeguards to prevent bad practice. Although the general lack of regulation of dispute resolution providers in comparison with the legal profession was seen to create confusion for users, we were not provided with evidence of widespread professional misconduct. However, many respondents did support a requirement for accreditation to practice, and some went further, calling for the mandatory regulation of practitioners in order to improve standards and accountability. Respondents highlighted that any regulatory regime would need to account for variation in skills, practices and standards across different types of dispute resolution.

Compulsion and regulation

3.2 Many dispute resolution providers supported the idea that practitioners should be accredited to work under any mandatory referrals system, and felt that, in such circumstances, citizens would expect a greater degree of regulation. However, views were divided on the extent of regulation and whether a legislative solution was required. Some respondents felt that legislation would enable a professionalisation of the sector that would be helpful. Others were not persuaded and expressed concerns that introducing legislative regulation would damage supply by erecting barriers to entry and produce a chilling effect on innovation in the sector. Some, particularly those in the legal sector, felt that the market was already sufficiently self-regulating, and stressed that many practitioners were legal professionals and thus already regulated by other means. Greater regulation within the consumer space was felt to be more justified. Alternatives to statutory regulation proposed included: MoJ maintaining a list of practitioners and their membership of industry bodies; establishing an overarching mediation council to include existing bodies such as the Civil Mediation Council and Family Mediation Council; and the Ministry of Justice setting qualifying conditions for dispute resolution providers, which might be monitored and enforced by one or more independent bodies.

Training and CPD

3.3 Respondents were near-unanimous in their support for training and continuing professional development (CPD), which was seen as critical for developing the skills and experience to deliver quality dispute resolution services. Many highlighted the important role of industry bodies in ensuring registered mediator training courses meet the required standards, requiring registered practitioners to complete CPD, and providing forums for sharing best practice. Despite generally high levels of support, however, respondents also highlighted that measuring the direct impact of training and CPD was extremely difficult. This was largely due to the fact that industry bodies do not work with unaccredited providers, which meant comparisons with a ‘control’ group were not possible. Only one respondent cited an academic study in which the quality and skill of the mediator was shown to be key to the

success of mediation. A number of respondents in the commercial sector highlighted the impact of skills and experience upon the speed at which resolution was reached. Respondents were generally, though not universally, opposed to imposing standardised CPD, though some felt a degree of harmonisation could be helpful. Arguments against standardisation included the existence of an already functioning market; the variety of training required for different forms of dispute resolution and different areas within each of those; lack of a universal framework for qualifications; and varying levels of complexity and experience of different providers. Arguments advanced in favour of standardisation included: enforcing minimum standards; demonstrating professionalism; and easier benchmarking of providers. On a jurisdiction-specific issue, respondents from the charity sector advocated for mandatory training on domestic abuse and coercive control for those operating as family mediators.

Public information on providers

3.4 Many respondents felt that clearer public information and guidance on dispute resolution services would be needed to facilitate greater uptake. It was reported that users often faced difficulties understanding the range of options available to them and how to make an informed choice about the type of service or provider most suited to their needs. As such, there were suggestions for a public information campaign for users advising them to use only an accredited professional and where and how to check for that information; providing an information hub which draws together all the approved list of providers in the sector and provides a clear easily understood glossary of common terms; and for more available information about the positive impact of dispute resolution, sharing experiences of others.

Market Considerations

3.5 Respondents were very clear that any policy reforms to establish standards, increase the degree of regulation, or increase the use of dispute resolution, need to consider the quality, capacity, and long-term viability of providers. Some respondents stressed that standards should not be allowed to fall if more parties were encouraged to use dispute resolution. The Law Society, in particular, cautioned against ‘cheapening’ the process (by measures such as introducing a fixed fee lower than the market rate), noting that doing so could lead to a race to the bottom in quality, with more experienced providers exiting the market. Other respondents flagged concerns that supply issues might arise should there be a substantial increase in demand or an increase in standards or regulation. Several respondents highlighted the Whiplash portal as an example of an initiative where a lack of supply of neutrals (meaning mediators or negotiators) impeded the project’s original aim.

Section 4: Finance and economic costs / benefits of dispute resolution systems

Calculating the charges for dispute resolution

4.1 Many respondents provided information on the fees charged for mediation or arbitration, including law firms, mediators, professional bodies and not-for-profit mediation services. The range starts from around hourly rates £100 for non-lawyer mediators to several thousand pounds for experienced lawyers or QCs in arbitration cases. Responses highlighted that both charges, and the ways in which charges are calculated (hourly, by stage, etc.) vary substantially. Private dispute resolution fees are market-led and highly competitive, although some providers have fixed fee schemes in place. In many cases, fees vary by the value of the claim. Respondents indicated that mediation by law firms tends to be more expensive than by other mediators, and that some law firms charge the same rates for mediation as their legal charging rates (but with the costs shared by the parties). Mediators in large commercial disputes tend to be more expensive than those who mediate in smaller claims. Arbitrators tend to offer fixed fees with costs shared between the parties. With early neutral evaluation we were told that the cost is driven by the issue for consideration, with different bands of cost driven by the level of skill required to address the points raised. Ombudsman services and consumer dispute resolution schemes are usually free for claimants. Other factors which impact the total costs of a dispute resolution process include: case type, value and complexity (including the number of parties); the length of the resolution process; and, according to one commercial law firm, the experience and skill of the mediator / arbitrator in terms of charges and the time it takes to reach resolution.

Fee exemptions

4.2 Aside from legal aid for family mediation for eligible parties (and one legally aided mediation session for the other party), we did not find evidence of the application of routine fee exemptions. The majority of respondents offered no fee variation or reduction, but there were some examples of pro bono mediation or a sliding scale of charges, particularly in family or not-for-profit mediation services. NHS Resolution pays the costs of dispute resolution for litigants in person. Where liability has been admitted in full, they also pay for mediator fees and other expenses incurred.

4.3 The Centre for Effective Dispute Resolution (CEDR) was very clear in its response that fee exemption can undermine the professionalism of the services provided. The Association of Professional Injury Lawyers made the point that if a wider roll out of dispute resolution is to be successful, it would be important for parties to be able to apply for fee exemptions in the same way that they can for court fees.

Cost effectiveness of dispute resolution

4.4 A number of responses pointed to the significant financial savings for disputants arising from mediation and arbitration in comparison to litigation, in particular where the dispute resolution takes place early on. Respondents stressed this across all types of dispute, for individuals and businesses. A key aspect of this was the speed at which resolution was achieved, accompanied by the savings in legal costs for preparation and representation in court. For example, several respondents cited the 2007 National Audit Office report on mediation in family breakdown which found that, on average, a mediated case took 110 days to resolve, and cost £752 compared to 435 days and £1,682 in cases where mediation wasn't used and over 95% of cases settled through mediation were resolved within 9 months while only 7% cases completed by non-mediation routes were settled within 18 months. The audits provided by CEDR also point to the wider economic savings of using dispute resolution. Based on their Ninth Mediation Audit 2021 and detailed operational statistics taken from their own caseload, CEDR assess the overall economic impact in the UK of the commercial mediation field delivered savings of £4.6 billion in 2021.

4.5 However, respondents also stressed that the cost-effectiveness of dispute resolution in comparison with litigation was contingent upon several important factors. Firstly, for low-value claims conducted by litigants in person, court costs are frequently lower than the price of using dispute resolution. Secondly, where parties chose to retain legal representation during the dispute resolution process, cost savings would be reduced but could still result in a fraction of the costs of going to trial given that, according to one respondent, around 40% of costs of going to court are incurred in preparation for trial. Finally, where dispute resolution was undertaken but was unsuccessful in resolving or narrowing the dispute and recourse to court was required, the overall costs of achieving resolution were increased, the risk of which was a disincentive for some to engage in mediation. With regard to arbitration and adjudication, respondents recognised that the costs for these processes were usually high, however cited that through their ability to shorten timescales they still delivered costs savings.

Dispute resolution charges as a barrier to uptake

4.6 Respondents also highlighted the ways in which charges – and misconceptions about charges – for dispute resolution processes acted as a barrier to engagement. Several respondents noted that the comparative costs of dispute resolution and litigation were not always clear to parties, particularly when costs such as legal advice and court preparation, which could be more opaque, were factored in. Others made the point that parties often perceive dispute resolution as simply an additional hurdle and cost to be overcome before reaching court, or view the outcomes as highly uncertain, and are therefore reluctant to spend money on the process. Many respondents also raised the issue that while parties to commercial disputes may not find the level of dispute resolution fees problematic, for individual

parties (particularly in family cases) they were frequently a highly significant barrier. They stressed the positive impact of the Family Mediation Voucher Scheme in aiding parties who would not otherwise have been able to access mediation. Charges of any kind (even of a nominal nature) were also seen as a strong disincentive within the consumer sector.

Policy suggestions made by respondents

4.7 Several policy suggestions were made by respondents regarding dispute resolution costs. These included: taxing various types of litigation damages, thus creating a gap between what the claimant can win and what the defendant can lose; allowing costs for the pre-action stage to be recoverable; expanding MIAMs and requiring both parties to attend; incorporating the cost of MIAMs within court fees; and empowering dispute resolution providers to order stronger parties to bear the costs of dispute resolution processes.

State funding

4.8 A number of respondents raised the issue of who should pay for dispute resolution should it become a requirement. The Civil Justice Council ADR Liaison Committee stressed that if dispute resolution is to be mandated this would be a key policy issue, and particularly important for those entitled to legal aid or on low incomes. Some respondents felt that government funding should be provided in such cases. Others were clear that it was a reasonable expectation that parties accessing dispute resolution should not face heavier cost burdens than those they currently face through the courts and tribunals. Some respondents were also of the view that, under such circumstances, charges should be managed by the state to ensure that they are equitably set and promote public trust in the fairness of their application.

Section 5: Technology infrastructure

The role of the pandemic

5.1 For many respondents, the most salient point was that technology enabled dispute resolution to continue during lockdowns. The use of technology was rapidly accelerated and expanded in response to Covid-19. One respondent highlighted the CEDR Audit as showing that during the pandemic the amount of mediation conducted online had risen from 2% to 89%. This had given respondents some evidence on how well online mediation worked. Most respondents reported that the settlement rates had stayed the same; that using video for mediation had made no difference in how successfully they felt they were able to carry out mediation or the level of safety felt by participants; and that online mediation had increased efficiency and ease of access. A few responses also highlighted that the lockdowns had also led to people expecting technology to be used and being more comfortable

using it. However, some respondents raised concerns around loss of face-to-face contact and digital exclusion.

Making participants feel safer

5.2 There was a strong thread through a number of the responses that being physically distant from the other party could be helpful emotionally to the participants. This was especially true in family cases, which can be emotionally stressful for participants. This stress was reduced by being physically removed from the mediation. Even where, in the rest of their answers, respondents were more cautious or negative about the use of online dispute resolution, they often still highlighted the benefit of participant comfort. It was a less "pressurising environment", and "absorbs an emotionally charged up environment with relative ease". It was suggested that this could also lead to greater uptake of mediation. Some respondents also highlighted that for participants, being in their own familiar surroundings made them feel more at ease during the mediation process; particularly as some participants might not feel comfortable in a formal environment. However, a very small number of responses disagreed and highlighted some risks for participants' feelings of safety associated with online dispute resolution. They suggested that having the other party broadcast into a party's home could make them feel unable to escape from the situation, or that it might become harder for practitioner to pick up on any intimidation and threats that a participant is subject to online. This could lead to outcomes that are less safe for survivors of abuse.

Suitability of online dispute resolution/loss of face-to-face contact

5.3 The ideal face-to-face mediation process was described as being "intense", or "focused", which was seen as being diluted or lost by carrying out the mediation virtually. A number of the responses highlighted the importance of the relational, and relationship-building, aspects of mediation; and the mediator being able to assess body language and engagement of participants. As such, some respondents raised concerns that carrying out a mediation virtually would prevent the participants from feeling as engaged with the experience. This in turn could lead to less satisfactory outcomes from the mediation, in particular the reduced likelihood of reaching a settlement if the parties felt less engaged with the process. Face-to-face mediation was also seen as a key part of mediators being able to guarantee participant safety – being able to assess when participants were uncomfortable and to respond to it quickly. The Family Mediation Council countered these concerns, setting out that while mediators had initially been very concerned about safeguarding and efficacy, these concerns had been overcome during the pandemic – through the introduction of safeguarding measures and mediators finding a way to build a rapport online. The Civil Mediation Council suggested that the success of an online dispute resolution process was more affected by the mediator themselves than the fact the process was online.

Improving access to, and take up of, dispute resolution

5.4 The overwhelming majority of responses, both positive and negative, highlighted the fact that online dispute resolution was much simpler logistically*:* it made it easier and cheaper for geographically dispersed participants to come together; and mediation could be fitted in around other commitments – for the mediators, disputants and their legal teams. This was of particular relevance where one or both the parties reside overseas. In addition, savings were also realised by not needing to pay for venues. Online dispute resolution was also described by many respondents as more inclusive, more easily facilitating the participation of disputants with disabilities, caring responsibilities or those who could not afford to travel to meetings. Other parties could also be brought into the mediation more easily if it was remote. In addition, some respondents had seen the numbers of participants increasing when they had taken some of their services online, with more young people encouraged to participate.

Increased administrative and process simplicity

5.5 Respondents saw benefits for improving the administrative elements of the dispute resolution process, allowing the summary and chronology of the dispute to be easily shared, along with easy access to all documents, and immediate sharing of summary documents. Human error was reduced by having everything stored online – everyone could input into the system, rather than the mediator needing to read through documents and input them. Some portals and platforms walk users through the process and prevent disputants from missing any steps. Speed is also increased alongside reduction in error: MyHMCTS online divorce portal was drawn out as an example – with applications being finalised in an average of 20 weeks, compared to the 60 weeks it had taken for paper applications. Applications with errors also fell from 20% to 1%. Technology developer respondents highlighted the future potential of improving the administration and organisation of dispute resolution. The potential of technology to promote better communication and to improve how well disputants complied with their agreements was also referred to positively in a number of responses.

Artificial Intelligence (AI)

5.6 The use of AI was understood by respondents in one of two ways. Either as the use of AI before the dispute resolution took part (administrative / guided pathways) or the use of AI to resolve disputes. The former was viewed generally positively, and respondents were keen to express situations where AI could usefully augment online disputes, particularly to get people to understand and think about their issues and options to resolve them. Positive examples suggested included using AI to help parties: understand their chances of success in the tenancy deposit scheme; facilitate decision making based on previous outcomes; and to automate referrals to appointments, payments, coordination and attending meetings. However, the idea of using AI to replace mediators in solving disputes was viewed on the whole

negatively and seen as a risk to participants and the usefulness of dispute resolution. In outlining the reasons for this, respondents expressed the view that AI would take away the benefits of dispute resolution brought by a trained mediator. The loss of personal interaction and the pre-programmed material used by any AI system would make dispute resolution less effective and likely undermine adherence to any agreement reached. Lack of transparency of how AI makes decisions and potential bias in design were also highlighted as concerns. However, a few respondents were positive about using AI to resolve disputes. Examples given included blind bidding (i.e. parties submit confidential settlement offers and the AI determines what settlement would suit both parties) and collaborative drafting. Several providers of AI platforms highlighted the potential of these platforms, and that in time these tools will be reformed to provide additional value.

Digital exclusion and issues with technology

5.7 A number of responses highlighted issues with digital exclusion – both lack of access to and lack of understanding of technology, as well as no appropriate place to carry out an online dispute resolution process from home. The Motor Ombudsman quoted the 2019 Consumer Digital Index that 22% of consumers do not have sufficient digital skills for everyday life, rising to 35% for those with a disability. Respondents highlighted the importance of good preparation on the part of the mediator, and supporting parties to access the dispute resolution process. Clear pathways into and through dispute resolution and the courts were highlighted as a way to make the process simpler to understand. Access to tech, reliable internet, or a private place to take a video call were all seen as risks – either to the ability of disputants to participate, or to the smooth running of a mediation. The lack of privacy could mean disputants do not feel comfortable to participate fully. People who are a risk of digital exclusion may be more likely to make errors, and the consequences of these may be not be fully understood.

Access to, and information about, dispute resolution

5.8 A theme that emerged from a number of responses was that the route into dispute resolution can be confusing for disputants: understanding if their case is suitable, what kind of dispute resolution would be appropriate, and – most importantly – the benefits of dispute resolution. Technology gives the opportunity to educate disputants and their legal advisors. Guidance on online pathways can educate people about the options available to them and the potential benefits and lead them to a potential online dispute resolution service. In addition, enabling technology can help participants to define their dispute, express the chronology and organise the documents.

Section 6: Public Sector Equality Duty

6.1 Overall, there were fewer responses to the questions on the Public Sector Equality Duty. This was reinforced by a small number of respondents drawing attention to the lack of evidence on the interaction of protected characteristics and socio-demographic differences with dispute resolution processes and calling for more research.

Impact on access and use of dispute resolution

6.2 A small number of respondents did not consider there to be any specific impact upon the interaction of protected characteristics and socio-demographic differences with dispute resolution. This related to a sense that these processes are widely accessed, that parties are usually legally represented, and that mediation in particular is equipped to respect and accommodate the needs of different groups. Specifically, one mediation scheme highlighted procedural and organisational safeguards that are in place to protect and support parties.

6.3 Other respondents identified a range of characteristics as impacting interactions with dispute resolution, including lower educational levels, mental, intellectual or physical disabilities, or where English is not an individual's first language. The vulnerability of persons with these protected characteristics and socio-demographic differences and the need for additional support and access to independent advice was emphasised. The absence of this provision was described as making it difficult for parties to prepare for and understand the proceedings and achieve autonomous and informed decisions.

6.4 A number of respondents cited research from Ombudsman schemes about the demographic characteristics of those who are more or less likely to complain, as well as the findings from successive legal needs surveys which highlight the factors that can place people on low incomes at a disadvantage in assessing and accessing dispute resolution. The experiences and inequalities arising from domestic abuse within relationships were also raised as a significant issue that can impact upon the suitability of some dispute resolution processes for separating couples and families.

6.5 Despite these cited impacts, some responses also showed the disproportionate representation of protected characteristics and socio-demographic differences of users accessing dispute resolution services across some sectors and jurisdictions, particularly family and housing. In others, particularly consumer disputes, respondents indicated that minority groups may not be benefitting from dispute resolution and the courts to the same extent as others.

Barriers to accessing and participating in dispute resolution

6.6 Respondents described the barriers that can impact upon parties with different protected characteristics and socio-demographic differences accessing and participating in dispute resolution.

6.7 *Financial*: Lack of financial resources in terms of affording the specialised support required to participate, e.g. interpreters, or covering the total cost of the dispute resolution intervention itself was identified as a significant issue. This was raised as a particular problem for those from lower socio-economic groups and ethnic minorities who have been disproportionately affected by the cuts to Legal Aid or are eligible for Legal Aid but the support it provides does not sufficiently cover all their costs.

6.8 *Specialist and tailored support*: The need for parties to have access to specialist support or reasonable adjustments to be able to seek advice about the dispute resolution options available to them and facilitate their participation in dispute resolution processes was raised by a number of respondents, particularly in cases where individuals experience mental, intellectual or physical disabilities or English is not their first language.

6.9 *Availability of information about dispute resolution*: Information about dispute resolution not being widely available in all communities, especially outside of traditional legal forums, was highlighted. It was identified as a particular issue for those in deprived communities where there are limited forms of support and for those who are unable to access legal advice or are not eligible for Legal Aid.

6.10 *Cultural factors*: The cultural expectations and experiences of some groups were identified as impacting upon their awareness or inclination to access other approaches to dispute resolution. One Ombudsman scheme pinpointed cultural barriers, including a deference to authority alongside a fear that complaining could have negative repercussions affecting future care or access to services. Similarly, academic respondents identified black and minority ethnic groups as having low levels of trust in authority and take up of dispute resolution among EU migrant workers being impacted by their propensity to stay private from the state. Two mediators highlighted that there are certain groups that are not comfortable with "outside interference" and prefer to look for support within their communities.

6.11 *Technological inequality*: This was raised as a potential issue impacting participation in dispute resolution for those who are without access to the internet or lack the knowledge, skills or confidence to use it, or struggle with communication, particularly in the event that online processes for dispute resolution are increased.

6.12 *Power inequality*: From differences in scale, expertise and racial and ethnic identities between parties, power inequalities were identified as potentially placing

one party at a greater disadvantage in dispute resolution processes. One respondent drew attention to evidence showing the potential for prejudice to be amplified in dispute resolution involving minority disputants.

Dispute resolution providers

6.13 The lack of diversity in the demographic of dispute resolution providers, particularly in terms of race and ethnicity, and specifically within the mediation profession, was raised. In terms of the potential causes for the lack of diversity, attention was drawn to gender and racial inequalities in the wider legal profession being reproduced, as well as the rigour and costs of training, regulatory and selection procedures for mediators. Regarding the impact of this, a number of respondents highlighted that parties might lack confidence or be reluctant to engage in dispute resolution processes if the providers do not look like them, come from the same communities, and are unfamiliar with their individual needs. It was also suggested that the lack of diversity may lead to disadvantages in the mediation process for certain groups. However, a number of respondents noted work being undertaken to diversify the profession.

Mitigating the barriers and negative impacts

6.14 Respondents identified ways to mitigate the potential barriers and negative impacts those with different protected characteristics and socio-demographic differences can experience when accessing and participating in dispute resolution processes.

6.15 *Information, resources, and services*: Responses described the importance of providing more information, resources and services that are developed and delivered by individuals representing a wide range of cultures and communities and making such support available in different languages and formats to cater to different needs and allow parties to make an informed choice about the options available to them. More funding was highlighted in a number of responses, and for such funding to be equally available to both parties in a dispute, particularly in the context of parental separation and childcare arrangements. The significance of rethinking and tailoring provision to meet the different needs of disputants, specifically those who are considered vulnerable and/or in cases involving abuse, was raised, including taking a flexible approach tailored to the individual's needs, using trained advocates and identifying the type of dispute resolution process that most appropriately takes into account power inequalities.

6.16 *Data and research*: The lack of evidence into the impact and experience of protected and socio-demographic differences with dispute resolution processes was identified with one organisation engaged in public policy and research recommending that this subject alone should be made an immediate priority for primary research. Relatedly, one representative body called for better recording and transparency of data released by the Ministry of Justice to support professionals in

identifying areas where disproportionality exists and developing positive solutions, specifically in relation to Special Educational Needs and Disability cases. Alongside conducting research, one representative body highlighted the importance of using learning from the evaluation of other projects to develop provision.

6.17 *Channels for accessing dispute resolution*: The ongoing development and use of technology and online processes was identified as a way to increase accessibility of dispute resolution, provide a safe space for those in abusive relationships, respond to the needs of those who only want to be engaged digitally and reduce disparity in dispute resolution outcomes. Respondents also pointed out ways to make online services more accessible. However, many respondents also identified the significance of providers offering a range of communication channels, including traditional methods such as telephone and face-to-face to allow all users the opportunity to access dispute resolution services.

Section 7: Additional evidence

Calls for further data and evidence

7.1 Some respondents called for further transparency from government in publishing data about numbers of cases and outcomes. It was suggested that figures should be broken down by demographics to check whether some groups are more disadvantaged than others. Further research was called for to compare the merits of mediation in child protection cases to provide clearer evidence on its effectiveness. Other research needs identified were around the long-term impact of mediated outcomes, the cost effectiveness of dispute resolution and whether it leads to ‘better’ outcomes in comparison with court outcomes.

Reassessing the name of Alternative Dispute Resolution (ADR)

7.2 Some respondents commented on the terminology of Alternative Dispute Resolution (ADR), suggesting it implies it is somehow inferior to the mainstream process of litigation. In the family jurisdiction it was suggested that moving away from the legal language of dispute resolution and adopting a more family-focused approach would help families resolve their issues.

Education

7.3 Some respondents highlighted successful education programmes which support users and decision makers in dispute resolution. These included the Separated Parents Information Programme and a judicial training programme which seeks to give judges a greater knowledge of complex financial products for more effective decision making. Some respondents felt there is a need for more education about dispute resolution for the general public; service users; legal professionals and dispute resolution providers.

Case types suitable / not suitable for dispute resolution

7.4 Some respondents reported that commercial cases are the most suitable for dispute resolution, though one respondent reported that dispute resolution can be difficult in cases where consumers are involved in land, property and building disputes. Some respondents called for more community mediation by local authorities, housing providers and the police. Case types that were reported not to be suitable for dispute resolution included test cases; disputes around discrimination and whistleblowing; cases that give rise to regulatory issues and those where dispute resolution would be contrary to the public interest, for example where a confidential settlement could conceal serious and repetitive wrongdoing (such as harassment).

Dispute resolution as part of the wider justice landscape

7.5 Respondents discussed dispute resolution as part of a whole approach to justice. Many saw the need for dispute resolution as an integrated pathway to justice which should also include early legal advice, support from professionals from other sectors such as benefits, mental health professionals, employment professionals, and dispute resolution as a pathway to litigation. Some respondents were keen to stress that dispute resolution can be the most appropriate solution but there will always be some disputants that should go to court. As part of an integrated pathway, dispute resolution should be available throughout key stages of the litigation process rather than only being offered at one point, particularly as situations change throughout the process. The consequence of not integrating dispute resolution with the wider system is that people can suffer with multiple, compounding legal issues. On the other hand, a consequence of resolving issues through dispute resolution can be that organisations can learn lessons through resolving disputes and standards of service can be driven up as a result, reducing the number of disputes in the long term.

Recommendations for new approaches to dispute resolution

7.6 Some respondents proposed new forms of dispute resolution or proposed expanding the use of relatively innovative methods of dispute resolution. These included: suggesting the government could establish a Business Disputes Service which could triage cases and seek the most suitable resolution method; forming industry-specific expert panels to work through issues at speed and generate effective, binding solutions; extending the use of simplified arbitration, round tables and joint settlement meetings; and further use of community mediation.

Sector specific issues

7.7 Some respondents identified issues in relation to specific sectors. For example, respondents identified a gap in the housing and property sector where private landlords are not required to join any redress scheme and they are not covered by any dispute resolution provision or Ombudsman. In civil cases, it was proposed that

small businesses should be treated the same as individuals due their often lack of experience with legal services.

7.8 Respondents from the family jurisdiction made the case for increasing the use of Child Inclusive Mediation (CIM) for mediated outcomes that have the child's best interests at heart. Also, in family law, it was reported that court is still most widely seen as the only route in family disputes and that mediated agreements are seen as weak and a compromise. There were calls for mediated agreements to be more binding in family cases to reduce the perception by parents that the courts have more power than other forms of dispute resolution.

Conclusion and next steps

The Ministry of Justice would like to thank all respondents for their contribution to the Call for Evidence on Dispute Resolution in England and Wales. The information gathered from this consultation exercise will inform the government's developing work on how to utilise dispute resolution processes to deliver swifter, more cost-effective and more consensual access to justice. Any future policy proposals will be subject to further public consultation.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf

Annex A – List of consultation questions

1. Drivers of engagement and settlement

An understanding of the drivers of engagement and settlement will enable the development of policies and procedures that ensure access to justice in a way that best meets people's needs. Existing evidence points to reasonable settlement rates for pre-hearing dispute resolution schemes

1. Do you have evidence of how the characteristics of parties and the type of dispute affect motivation and engagement to participate in dispute resolution processes?

2. Do you have any experience or evidence of the types of incentives that help motivate parties to participate in dispute resolution processes? Do you have evidence of what does not work?

3. Some evidence suggests that mandatory dispute resolution gateways, such as the Mediation Information & Assessment Meeting (MIAM), work well when they are part of the court process. Do you agree? Please provide evidence to support your response.

4. Anecdotal evidence suggests that some mediators or those providing related services feel unable to refer parties to sources of support/information – such as the separated parents' information programme in the family jurisdiction – and this is a barrier to effective dispute resolution process. Do you agree? If so, should mediators be able to refer parties onto other sources of support or interventions? Please provide evidence to support your response.

5. Do you have evidence regarding the types of cases where uptake of dispute resolution is low, and the courts have turned out to be the most appropriate avenue for resolution in these cases?

6. In your experience, at what points in the development of a dispute could extra support and information be targeted to incentivise a resolution outside of court? What type of dispute does your experience relate to?

7. Do you have any evidence about common misconceptions by parties involved in dispute resolution processes? Are there examples of how these can be mitigated?

2. Quality and outcomes

We want to ensure that parties are supported to use the best processes. As well as measures such as engagement/settlement rates and the perceptions of parties, it is important that parties achieve quality outcomes i.e. problems can be resolved effectively, fairly, and with minimal cost and delay for parties.

8. Do you have evidence about whether dispute resolution processes can achieve better outcomes or not in comparison to those achieved through the courts?

9. Do you have evidence of where settlements reached in dispute resolution processes were more or less likely to fully resolve the problem and help avoid further problems in future?

10. How can we assess the quality of case outcomes across different jurisdictions using dispute resolution mechanisms, by case types for example, and for the individuals and organisations involved?

11. What would increase the take up of dispute resolution processes? What impact would a greater degree of compulsion to resolve disputes outside court have? Please provide evidence to support your view.

12. Do you have evidence of how unrepresented parties are affected in dispute resolution processes such as mediation and conciliation?

13. Do you have evidence of negative impacts or unintended consequences associated with dispute resolution schemes? Do you have evidence of how they were mitigated and how?

14. Do you have evidence of how frequently dispute resolution settlements are complied with, or not? In situations where the agreement was not complied with, how was that resolved?

15. Do you have any summary of management information or other (anonymised) data you would be willing to share about your dispute resolution processes and outcomes? This could cover volumes of appointments and settlements, client groups, types of dispute, and outcomes. If yes, please provide details of what you have available and we may follow up with you.

3. Dispute resolution service providers

We are keen to gain a greater understanding of the Dispute Resolution workforce and how they are currently trained, how standards of work are monitored and how quality is assured to users of their services.

16. Do you have evidence which demonstrates whether the standards needed to provide effective dispute resolution services are well understood?

17. Do you have evidence of the impact of the standard of qualifications and training of dispute resolution service providers on settlement rates/outcomes?

18. Do you have evidence of how complaints procedure frameworks for mediators and other dispute resolution service providers are applied? Do you have evidence of the effectiveness of the complaints' procedure frameworks?

19. Do you think there are the necessary safeguards in place for parties (e.g. where there has been professional misconduct) in their engagement with dispute resolution services?

20. What role is there for continuing professional development for mediators or those providing related services and should this be standardised?

21. Do you have evidence to demonstrate whether the current system is transparent enough to enable parties to make informed choices about the type of service and provider that is right for them?

4. Financial and economic costs/benefits of dispute resolution systems

We are keen to get more evidence around the possible savings of dispute resolution processes. We seek evidence to help us understand the economic differences between dispute resolution processes.

22. What are the usual charges for parties seeking private dispute resolution approaches? How does this differ by case types?

23. Do you have evidence on the type of fee exemptions that different dispute resolution professionals apply?

24. Do you have evidence on the impact of the level of fees charged for the resolution process?

25. Do you have any data on evaluation of the cost-effectiveness or otherwise of dispute resolution processes demonstrating savings for parties versus litigation?

5. Technology infrastructure

We are interested to learn what evidence informs the potential for technology to play a larger role in accessing dispute resolution.

Although we are aware of many domestic and international platforms, we must continue learning from new and novel approaches to digital technology that can remove barriers to uptake, improve the user experience, reduce bureaucracy and costs, and ultimately improve outcomes for parties.

26. Do you have evidence of how and to what extent technology has played an effective role in dispute resolution processes for citizens or businesses?

27. Do you have evidence on the relative effectiveness of different technologies to facilitate dispute resolution? What works well for different types of disputes?

28. Do you have evidence of how technology has caused barriers in resolving disputes?

29. Do you have evidence of how an online dispute resolution platform has been developed to continue to keep pace with technological advancement?

30. Do you have evidence of how automated dispute resolution interventions such as artificial intelligence-led have been successfully implemented? How have these been reviewed and evaluated?

6. Public Sector Equality Duty

We are required by the Public Sector Equality Duty to consider the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people in shaping policy, delivering services and in relation to our own employees.

31. Do you have any evidence on how protected characteristics and socio-demographic differences impact upon interactions with dispute resolution processes?

32. Do you have any evidence on issues associated with population-level differences, experiences and inequalities that should be taken into consideration?

7. Additional evidence

Please share additional evidence in relation to dispute resolution, not covered by the questions above, that you would like to be considered as part of this Call for Evidence.

Annex B – List of organisational respondents

Administrative Justice Council (AJC)

Advantage Insurance Company Limited

Advisory, Conciliation and Arbitration Service (ACAS)

Amicable

Anne Braithwaite Mediation Chambers

Association of British Insurers

Association of Consumer Support Organisations (ACSO)

Association of Personal Injury Lawyers (APIL)

Bar Council

BLM LLP

Cafcass

Cafcass Cymru

CAOS Conflict Management

Carpenters Group

Central Association of Agricultural Valuers (CAAV)

Centre for Effective Dispute Resolution (CEDR)

Chancery Bar Association

Charles Russell Speechlys LLP

Chartered Institute of Arbitrators (CIArb)

Chartered Institute of Legal Executives (CILEX)

Chartered Institute of Personal and Development (CIPD)

Chartered Trading Standards Institute (CTSI)

Children and Young People's Services, Calderdale MBC

Children First Family Mediation

Civil Court Users Association

Civil Justice Council Judicial ADR Liaison Committee

Civil Mediation Council (CMC)

Civil Sub-Committee of the Council of HM Circuit Judges

Claims Portal Limited

Claimspace Ltd

Clifford Chance LLP

CMS Cameron McKenna Nabarro Olswang LLP

Colman Coyle Ltd

Compulsory Purchase Association (CPA)

Consensum

Credit Hire Organisation (CHO)

Dentons UK and Middle East LLP

Devon & Exeter Mediation Practice

Direct Line Group

Dispute Resolution Ombudsman Ltd

Dispute Service Ltd

DisputesEfiling.com Ltd

Divorce Surgery

Doyle Clayton

Employment Lawyers Association (ELA)

England Kerr Hands

Equality and Employment Law Centre

Eversheds Sutherland (International) LLP

Families Need Fathers

Family Justice Council (FJC)

Family Justice Young People's Board (sponsored by Cafcass)

Family Law Bar Association (FLBA)

Family Law in Partnership Ltd (FLiP)

Family Mediation Council (FMC)

Family Mediators Association

Family Sub-Committee of the Council of HM Circuit Judges

Federation of Small Businesses (FSB)

Fenwick Elliott LLP

Fieldfisher LLP

Forum of Insurance Lawyers (FOIL)

Forum of Private Business

Harwood & Co Solicitors

Herbert Smith Freehills LLP

Hill Dickinson LLP

HMRC

Housing Law Practitioners' Association (HLPA)

Housing Ombudsman Service

Howarths

IBAS

Independent Mediators Ltd

Independent Provider of Special Education Advice (IPSEA)

Institute of Family Law Arbitrators (IFLA)

Institution of Civil Engineers (ICE)

Intellectual Property Bar Association

IPOS Mediation

Irwin Mitchell LLP

JMW Solicitors LLP

JUSTICE

Kennedys

Keoghs LLP

Law Centres Network

Law Society

Legal Education Foundation

Legal Services Consumer Panel

London Borough of Islington

Magistrates Association

McAdam Mediation

Mediation Hertfordshire

Mediation Now

Mediations Work Ltd

Middletons

Moore Barlow LLP

Motor Ombudsman

National Association of Child Contact Centres

National Family Mediation

NFU Mutual Insurance Society Limited

NHS Resolution

Northwest Mediation

Nuffield Family Justice Observatory

ODR Training Ltd

Ombudsman Association

Ombudsman Services

P.R.I.M.E Finance Foundation

Parenting Apart Programme Ltd

Parliamentary and Health Service Ombudsman

Pensions Ombudsman

Personal Injury Bar Association (PIBA)

PJT Enterprises Ltd

Planning and Environment Bar Association

ProMediate (UK) Ltd

Property Ombudsman

Property Redress Scheme

Propertymark

Public Services Ombudsman for Wales

Quinfinity Technology Solutions Ltd

Refuge

Renewable Energy Consumer Code (RECC)

Resolution

RESOLVE

Resolve Disputes Online Technology Ltd (RDO)

Rights of Women

Royal Institution of Chartered Surveyors (RICS)

RSA Insurance Ltd

Russell-Cooke LLP

SafeLives

Sefton MB Council

SENDIASS, Birmingham

SENDIASS, Cambridgeshire

Shelter & Shelter Cymru

Solution Talk

Southern Family Mediation Ltd

Special Education Consortium

Start Mediation Ltd

Stewarts LLP

Tenant Farmers Association (TFA)

Thompsons Solicitors

Traffic Penalty Tribunal

Trust ADR Ltd

Trust Mediation Ltd

Walker Morris LLP

Wandsworth Mediation Service

Wells Family Mediation

Which?

Your Employment Settlement Service

Zurich Insurance plc