



Examples of Cases
involving
Hillingdon
Community
Mediation
and the different
ways in which
mediation can help
in neighbour
disputes

Examples of how mediation can help those in dispute and prevent the need for outside agency involvement or prevent the need for further involvement once referred by an agency.

The examples show how mediation can help a situation at various different stages of the process.

Stage 1: Contact with Case Manager:



Example 1:

This situation did not become a case as the party took actions as a result of a discussion with one of our Case Managers which resolved the difficulties she was having without the need to contact the local authority or Police.

A resident contacted us after seeing our name on the council information sheet. She had a neighbour who was playing loud music and thought at first that we may be the noise team and wanted us to go round to see him.

One of our Case Managers discussed the problem with her and helped her to think through ways she may deal with the situation. As a result of this she decided to make an attempt to speak to the man living in the flat from where the noise was coming.

Unfortunately she was not able to raise him above the noise but was able to speak with his brother who she knew. He explained to her that the neighbour had a mental illness and often drank a lot as a response to his difficulties, as well as played music. He said he would discuss with his brother the possibility of him using earphones when playing his music. Three weeks later the lady contacted us to say that the problem had stopped and she and other neighbours were glad that something had been done to stop the noise.

The lady said that she spoke to her neighbour after we 'advised' her to. Often people don't realise that we haven't given them advice, we've simply helped them to create a way of responding by exploring with them *their* ideas and which ones they think might work or that feel most 'comfortable' for them. The ideas always come from them, we just help them to generate ideas by asking questions, which is one of the main skills of a mediator.

This situation did not become a case and so is not recorded in our statistics. The lady did not call the noise team which could have led to the man losing his music equipment if it had persisted and perhaps led to ill feeling between them and an escalation to a greater level of dispute. Instead she chose to take action herself by communicating with the man's brother and this then led to a

resolution that worked for everyone. Thus the workload for the noise team was reduced, neither the lady, nor her neighbours, were disturbed by the noise any more and she gained a greater understanding of her neighbour's situation.

Example 2:

This case was referred to us by a resident who after a long discussion with the Case Manager agreed to refer the case, but was uneasy about proceeding. When the mediators telephoned to arrange a visit a couple of weeks later the resident reported that the problem had been resolved as a result of the conversation she had with the Case Manager and no longer required a visit from the mediators.



This resident called us to complain that her neighbour was regularly blocking in her car by parking in their shared drive. She had recently been ill and was now more dependent on her car than ever. She had approached her neighbour about the problem in a polite manner but had been surprised by his angry response. She now wanted something done about it.

She was asked how she saw the situation being resolved and answered by saying that she was not going to knock on his door to speak to him. She had not expected his angry response the first time she spoke to him in the street and felt that further contact might even cause a violent response. The Case Manager explored with her why she had been so surprised at his first response and she explained that in the past their communication had always been polite. She was then asked why she thought he might have responded in that way on that particular occasion. She said she didn't know but perhaps he'd had a bad day or financial worries or something.

She did agree to refer the case but was concerned that it would be about two weeks before the mediators would be in touch and she felt that this was a long time to wait.

When the mediators did telephone she explained that after the conversation she had with the Case Manager she thought more about the questions mediators might ask and what the consequences might be of what she wanted to do and once she felt better she went to see her neighbour. When she did, she was surprised to hear that he had been looking for an opportunity to apologise to her and they were then able to come to an amicable resolution of the parking problem without the help of the mediators or any outside agencies.

Stage 2: Resolution as a result of a visit from Mediators

Example 3:

A party contacted us initially to complain about a neighbour leaving a bonfire burning during the daytime, but as the telephone discussion progressed, it emerged that there were other issues regarding parking and the leaving of garden refuse against the wall of the house of the party who called us.



After we had explained what mediation would involve, the party decided to try it. The mediators visited the party, and helped them to consider ways in which they might deal with the problem. There had been little prior communication with the neighbours, particularly with regard to the problems, but the party visited decided that one of the things they would try would be to write a note to their neighbours about their concerns, asking to discuss them and giving our telephone number in the letter in case the neighbours wished to contact us.

The neighbours did contact us but decided that they would not have a visit from the mediators unless a discussion with the first party proved unsuccessful. We did not hear from either party for about 2 weeks and so we wrote to them to see whether they would like to make further use of the service. The response was that the situation was now resolved as a result of their meeting.

This is an example of how the simple involvement of mediation can be the catalyst in bringing about early resolution of a dispute. The first party was on the point of contacting both the Police and the Council about their concerns, which could have escalated the dispute, but this proved unnecessary.

It also emphasises the point that involvement of mediation at the earliest possible stage is likely to save the most time and resources for the parties themselves as well as other agencies such as the Police, Council officers, Citizens Advice Bureaux etc. However, mediation can still be used in cases which are years old and seemingly stuck in a 'vicious circle'.

A 'face-to-face' meeting facilitated by mediators proved unnecessary in this situation and was not desired by the parties, but without the mediators' involvement via the visit, Police and local authority time would have been taken up and a potential escalation of the dispute could have occurred.

Example 4:



A party was concerned about the height of some trees at the back of her garden but was uncomfortable with the idea of going round to speak to her neighbour in case of a serious argument. Mediators do not 'carry messages' for people so when the mediators met with the party she was supported in thinking of ways in which she could communicate with her neighbour, how she might respond to him in various different

scenarios that could arise so that she had given some thought to how best to interact with the neighbour over the issue. We also offered the neighbour a visit but were not able to pass on the details of the original neighbour's concerns but just that they would like mediation over an issue.

As a result of this the second neighbour decided to approach the first neighbour with a letter to initiate contact as he was concerned that she felt the need to call in the mediation service over anything as he did not perceive there to be any problem. As a result of this the neighbours established contact and were able to continue their communication over the trees without our further assistance.

In such situations we do not carry messages as this could then prevent the parties ultimately establishing communication with each other. This approach ensures that parties take responsibility for the situation rather than pass it to us to 'sort out' for them. Where there was perceived to be a risk of argument and a falling out over the trees, we were able to assist the first party in establishing communication without the need for this. Sometimes people do not even try mediation but go straight to a solicitor or to the council without any attempt to communicate, and this, understandably can lead to a dispute rather than resolution.

The recent High Hedges legislation means that parties with such problems are not able to call upon the council immediately in such situations but have to try communicating directly or via mediation with their neighbour before the council will become involved. Even when involved it may not be that the council finds in favour of either party such that an order is made.

Example 5:

An elderly lady who lived in a ground floor maisonette contacted us because she was annoyed at her neighbour's tenant who was using the hardstanding outside her lounge window to park his car. This was her main concern however she was also upset by noise from music and from household appliances from her neighbour in the upstairs maisonette.



The mediators listened to her account of the problems and asked her what she thought she could do to improve the situation. Her response was quick and to the point – the next time he parked there she was going to go out and smash his windscreen! The mediators then asked her what she thought the outcome of that approach would be, to which she replied “I won't pay the fine”. Upon further exploration she decided that was not the best course of action.

She did not want to speak to her neighbour herself nor did she want the mediators to make contact with him, so the discussion centred around what she herself could do to make her life more peaceful. At first she said she would move house, but when she was asked where she would want to move to, she decided she very much liked living where she was because she had lots of good friends and neighbours she had known for many years.

By the end of the visit she had realised that there was a lot she liked about her home and its location and she decided that the problems she had with her neighbour were not so important compared with her overall enjoyment of where she lived. She said that in future when she became irritated she would go out and visit friends or go for a walk, and she was laughing as she said it.

In this case no contact was made with the other party but by talking to this lady and helping her to think about her lifestyle, her perceptions of the problems changed and her emotional response had also changed.

Stage 3: Resolution arising from Face to Face meetings:

Example 6:

'The leylandii have been cut to half their height! I've been trying to get that done since 1999 and thought I'd have to go through the council to get it done.'

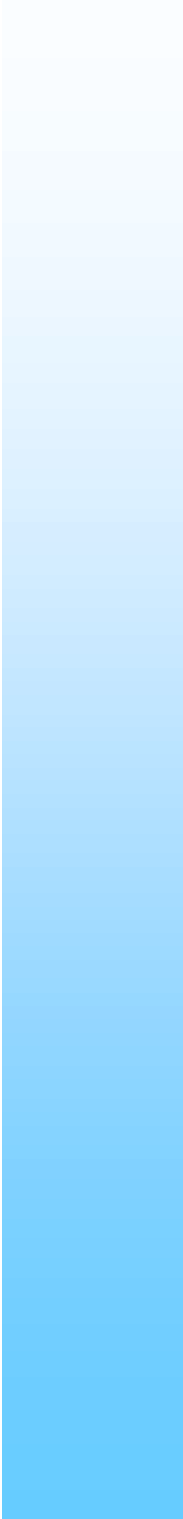
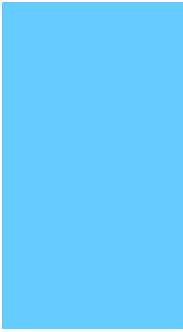
(Message from a disputant who had mediation over a hedge dispute as a result of which their neighbour had their leylandii significantly cut back)



Example 7:

Two parties who had originally been friends had fallen out over a parking issue. Others in their street seemed to be 'encouraging' the dispute between them. In their face to face meeting they resolved their differences and agreed to go around together to other residents in the street to get support for having something done about the parking difficulties in their street, so that instead of working against each other, they decided to work together to try to improve the situation.





Hillingdon Community Mediation
Key House
106 High Street
Yiewsley
Middlesex
UB7 7BQ

Case Line: 01895 446611

www.hcmediation.co.uk