



WORKSHOP 1:

VOLUNTEERS AS A FORM OF COMMUNITY PARTICIPATION

Chair: Donald DICKIE (UK)

1. VOLUNTEERING FOR MY COMMUNITY

by Betty ROBINSON, Team Leader of a Restorative Justice Service (UK)

When considering the issues for volunteering, the three main topics for discussion were: -

1. COST EFFECTIVENESS OF VOLUNTEERS
2. VOLUNTEER AND ORGANISATION EXPECTATIONS
3. DO VOLUNTEERS REDUCE EMPLOYMENT OPPORTUNITIES?

Cost

We looked first at cost, as this is a major issue for voluntary organisations. Main funding comes from local and national government. Some organisations also have private companies, trusts or individuals who donate funds. Effective use of funds is therefore very important.

The process of selecting and training volunteers is not only time consuming for the organisation but also the commitment from workers, who still carry out their normal duties, and work out-with normal hours to increase availability for volunteers to access training opportunities while in other employment, i.e. evenings or weekend training.

Planning, preparing and delivering training takes a lot of organising. Finding a suitable cost-effective venue, content, handouts, refreshments and number of trainers, also length of time to completion of training. After training is completed, assisted visits by workers and volunteers are arranged. These visits continue until the volunteer is capable of taking his/her own case from start to finish.

Throughout a volunteer's involvement with the organisation, constant assessments are carried out, as they are for paid employees. The same support and supervision sessions, updating on new developments and practices are relayed to all volunteer mediators. This support means that workers time and caseload has to be prioritised, and the assessment of cases for volunteers has to be looked at carefully.

The time taken to allow a volunteer to take their own cases can be from four to six months after training is completed. Some volunteers may leave during this time, for those who continue the organisation is looking for a commitment of 18 to 24 months for the effort, time and cost to be worthwhile.

Expectations

The organisation expects volunteers to work effectively, professionally and within the policies and procedures of the organisation as expertly and committed as a paid employee.

If the volunteer fails to meet the requirements of the organisation then a decision has to be made regarding their continued involvement with the service. Because someone gives their time without payment does not automatically give an assurance that they can continue to volunteer. The integrity of the organisation has to take priority and volunteers are capable of delivering the same quality of service as a paid employee.

Acknowledgement of their time and commitment is essential, also to give them positive feedback and encouragement to perhaps find some more suitable organisation that could benefit from their skills and experience.

Each volunteer has a different level of commitment depending on their personal circumstances i.e. working, college, university or family. It is important from the beginning that an agreement or contract is signed between the volunteer and the organisation so that both are aware of the amount of time the volunteer can reasonably give.



The volunteer's expectations are that they will gain knowledge and experience, also that they are valued members of the organisation and are trusted and respected as any colleague, and ongoing training and opportunities are available to them.

People volunteer for many different reasons. Some may be looking at a change of career and having experience and knowledge in a new area is a way to achieve this. Others want to have an opportunity to give a positive, useful way for their skills, knowledge and life experiences to benefit others.

Threat or Need

Volunteers are sometimes seen as 'amateur do-gooders' and a threat to paid employees. If you require volunteers then there must be work available. Within Restorative Justice would a victim or offender feel reassured of their privacy if the person dealing with their case were not a paid member of staff?

Another view is that by volunteering they are demonstrating good citizenship and contributing to their community. Voluntary and charitable organisations could not carry out their duties, or could not provide a service without voluntary involvement.

A paid employee may perhaps feel safer by having the policies of his/her organisation behind them if they are challenged regarding why they work with people who are often seen as 'not worth bothering about' or a drain on societies resources. Would a volunteer feel this secure and protected, if not, should they then be asked to provide the same level and quality of care to service users?

Having trained, supported and worked with volunteers, also having been a volunteer myself, I am amazed by the amount of time, effort and commitment that is given freely and willingly by people to voluntary and charitable organisations, often with no thought of personal or financial gain, but to better understand what their community offers to everyone and how to access the resources available.

The debate on using volunteers is very interesting and challenging, depending on your organisation and its needs, your personal views, why someone wants to volunteer, or even on whether or not you have been a volunteer and if that was a positive or negative experience for you.

2. VOLUNTEER OR PROFESSIONAL MEDIATOR

by Karen PAUS, "The Mediation Service in Oslo and Akershus" (Norway)

Through my presentation in this workshop I wish to outline some issues for debate regarding the choice between using laymen or professionals as mediators between victim and offender. What are the benefits and strengths and what might be weaknesses i.e. regarding legal safeguards etc. By using the Norwegian model as a background for my presentation focus will be towards laymen as mediators. I can already admit that I think the choice of using laymen is a good one, but both systems do in my opinion hold dilemmas that need to be addressed.

The mediators in The Norwegian Mediation Services are laymen who are found suited for the task, which they undertake in addition to their everyday work. They are appointed for a period of four years. The directions of the Act make specific references to the mediator's role during the mediation i.e.: The mediator has no authority to pass judgments, and is obliged to be impartial and should guarantee that the agreement reached by the parties themselves is reasonable to both parties. The mediators have different backgrounds as to age, experience, education, profession, social background etc. We have the opportunity to give cases to mediators who share some of their background with the parties. This can be an advantage, and in certain cases even a condition for starting a dialogue.

Can the objectives stated for victim-offender mediation in Norway be met by using laymen instead of professionals? In the regulations stipulated by Royal Decree of the 13th of August 1992, presented by the Ministry of Justice, in accordance with the Act of the 15th of March 1991 no. 3, the basic principles of the law are to be found:

§1 "The purpose of the Municipal Mediation Services is to mediate in conflicts arising as a result of one or more persons causing a third party damage, loss or violating his rights in other ways. Mediation



shall be an alternative to normal criminal proceedings, as well as solving civil conflicts. Both parties should work actively to find a solution, and consideration should be given to both the offender's and the victim's situation. The Mediation Service, by virtue of its existence and function, contributes to the prevention of crime by enabling the community to deal with lesser offences and other conflicts."

Here we can find two main objectives for The Mediation Services, one being an alternative to punishment and the other to increase local participation in the process of conflict solution. An important inspiration for establishing the mediation services was the article by Professor Nils Christie "Conflict as Property" (1977), which implies a wish to revitalize and strengthen the local communities in modern society through an alternative way of dealing with conflict resolution. "*Conflicts are today taken away from the parties, given away or made invisible*" - Christie describes modern western society as a society where we know little about each other. This is a result of our multitude of social roles and high mobility within society. We often know each other through only one of several social roles from e.g. work, family or neighbourhood. When we know little about each other, it becomes more difficult to understand and predict each others' behaviour. In the modern societies we have become less capable of dealing with our own conflicts and also more willing to leave this responsibility to others. For our society this is a loss when it comes to opportunities to discuss standards, values and laws. In the work for crime prevention it is crucial to recreate social situations between people which help make conflicts visible and increase our wish to solve these conflicts with the other party.

Can the above mentioned objectives like revitalizing the local communities be met simply by choosing to use laymen instead of professionals? One can at least argue that the recruitment of new mediators should be from a broader specter of social groups in society. At the last national evaluation of the mediation services the researchers found that the typical volunteer mediator in Norway was a man, age 47, who was a teacher by occupation. We have an obvious challenge in recruiting mediators from more or maybe all social stratas. Another challenge might also be to have a greater turnover of new mediators. But on the other hand we need the experienced mediator that is committed to this task. He or she is important to ensure quick handling of cases and also to pass on their knowledge to new mediators. However the most crucial question regarding mediation as a part of the local community is maybe that there in most of our mediation sessions are too few people in the room - often only the two parties and one mediator. This might represent a weakness whether the mediator is a professional or a layman. With too few people involved in the mediation process it can be difficult to achieve a real handling of the conflict where the outcome is positive for both parties. With only the two parties and one mediator it increases the possibility of a result that is merely a reflection of who was the most articulate and powerful in the mediation room. The mediator's personal attitudes when it comes to likes and dislikes (this can be difficult to be fully aware of) can also in such a situation have too much influence.

A strength that I see with the system of laymen as mediators is that they represent a challenge for the bureaucracy, which in itself encourages democracy and involvement from the local community. The assembly of volunteer lay mediators can represent a good balance to an efficient state run activity. The Norwegian Mediation Services was from January 1st 04 organized only by the state, as opposite to earlier where the services were administered by the different municipalities. This new more centralized organization with a clearer hierarchic administrative system aims at a more efficient and strong organization that can more easily contribute to further developments in the use of mediation. However a danger in the long run might be that this new organization also represents stricter demands towards an efficient economic system and thereby contributes to a lack of local variations.

The Norwegian Mediation Services can still be described as a hybrid between a state institution and a volunteer organization. And I believe the principle of using laymen and volunteers as mediators represents a strength and a resource against stagnation and maybe even against developments towards a strict bureaucratic system that would be conflicting with the needs of parties in conflict – i.e. rules on time spent in each case etc. I will not be surprised if the mediators themselves form a kind of forum outside our system as a result of the organization becoming more hierarchic. We have already seen some signs of this. And maybe we should not be afraid of this but rather welcome any grassroots initiatives as this could be strength for the Mediation Services role in society in the future.

What are the limits regarding types of offences or situations in mediation that can be handled by laymen? A challenge in mediation is often differences of power between the parties. How can this be handled and dealt with by the mediator? Would these more complex aspects of the mediation process be arguments for not using laymen as mediators? There are some cases that may have judicial implications of a certain nature, involve large economic



costs, or are of a complex nature regarding emotions and therefore require specific professional skills in the handling of the case. A professionally skilled mediator can then be needed to ensure both parties regarding their legal rights in a situation, or to handle the situation properly regarding effects of differences in power, effects of abuse etc. Effects of i.e. long time harassments and violence, or other difficult power issues require certain professional skills to fully be aware of the various patterns of behavior and strategies between victim and offender in such cases. These kinds of aspects to a case can be invisible for a volunteer mediator who has no special training or personal experience regarding these specific problems.

Volunteer mediators should however always be part of an ongoing debate of the activity through their mediation service, were we i.e. arrange seminars on various themes such as violence or special kinds of economic cases. In this way we can contribute to increased awareness and knowledge that qualifies for handling of more complex cases as well. Still there are in my opinion some limits regarding handling of the most severe cases, but there can be different solutions to this – i.e. collaboration between volunteers and professionals in certain cases. This is not done so far – but amongst our volunteers there are already various professionals that could be used more actively as part of a team in cases were their professional skills are needed.

What makes the mediator a “professional”? Is it purely the question of having this as an occupation? Or can several years of practice, training and education also make the layman a professional mediator? A volunteer mediator is not just anybody from the streets. It is a person found suited for the task from certain (but still not so specified) criteria's. (The criteria's can also require further debate). We give a basic training course, and the mediator also receives guidance, and follows up training and is part of mediators' discussion groups etc. We have i.e. mediators that have been appointed several times and have been mediators in their free time for more than 10 years. In my opinion these mediators represent a secure source of knowledge and capability through their years of experience. They are an important resource for the administration. But of course there is a danger that they achieve too much of a routine all though this is not my experience. The mediators that have been volunteering for many years are the most committed, and often the ones that are eager to learn about new ideas, and the ones that can be a corrective for the administration. Still a long time routine in handling cases, and the fact that the mediators work quite independently raises questions to what are the criteria's for being a laymen? For me the question of whether a mediator is a professional or not, is related to the person being a mediator by occupation. Our mediators are still laymen even if they are eager to seek knowledge in this field or choose to use much of their spare time on the task of being a mediator. Regarding quality of the mediation sessions it would be a real problem if the mediators only handled a few cases and was given little training.

The assembly of mediators usually and preferably holds a mix of new and experienced mediators. This implies that it takes more time in a positive sense to develop a common view on the system and the parties, in such a way that a distanced professional attitude is not developed. It is easier to maintain a fresh eye and not fall into rigid patterns, as well as keeping the curiosity and the feeling of genuine interest for each single new case. The mediator should also meet the parties as a person, not as a member of a certain profession. A lively, compound and interested assembly can help to prevent stagnation.

Does knowledge of the mediator being a professional or a layman make a difference to the parties own role in the mediation process? I believe that this knowledge does affect the parties' roles, and this is also my main reason for advocating using volunteer mediators. It does in my opinion make a difference towards the parties' expectations and thereby the role they take on themselves in the mediation process. Knowing that the mediator is a layman there to help them through the meeting, also sends a clear message that there is not going to be a professional there to solve the case for them. When the parties meet with a professional mediator they might be more passive in the process, less critical and expecting the mediator to find a good solution for them.

When we say clearly that the mediator does this on his/her free time because of commitment to the community it gives of course a positive message to the parties that someone is willing to help voluntarily. It also shapes the role of the parties and encourages them to take more responsibility in the mediation process, be more active, and in a positive sense be more skeptics towards solutions that they do not feel at ease with.

Using volunteer lay mediators sends an important message in society that ordinary people are able to handle their own conflicts. The core group of dedicated mediators also represents a kind of grassroots movement, and as they promote the idea of mediation to their friends, family and colleges they are very good ambassadors for the mediation alternative. Both the Mediation Services and also peer mediation projects in schools can have a positive long term impact on society to promote constructive attitudes towards handling of conflicts through dialogue and when necessary through mediation.