

## Case of Finland; policies to support mediation and mediation training

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### Basic principle

Mediation is used as an alternative justice process in many level of society. Mediation is understood as a fundamental right to every citizen in every age and state. Main purpose is to give the right of participation to parties in conflict to ensure that the parties can meet in safe situation, that they are heard and that they can influence to process and commit to the solutions. Every conflict can be seen as a learning situation, which works both reactively as well as proactively. Individuals are seen as experts of their own living circumstances and therefore the important focus is to empower them for their lives and future just there where they live.

### The right for mediation

Looking at fundamental rights, one basic focus is to give children information and experience of mediation even in kindergartens and schools. The aim is teach children social skills by mediation. *School mediation* is seen as learning situation where children learn not only to manage conflicts but also to use their right of participating and being heard. This is proactive work for children to be active citizens and aware of their rights. The understanding of the access of justice should have roots in the daily life of schools. The Finnish Basic Education Act and Core Curriculum are giving strong support for increasing participation of children in their schools.

In Finland the Act on Conciliation in Criminal and Certain Civil Cases gives the right of having *victim-offender mediation service* for every citizen for free. This can be seen as a continuum of right learned in schools. Once understood the meaning of mediation in school an individual can turn to local mediation service when needed. And more. In case of using social work services a citizen can find *family mediation* method available and ask for that if necessary. Or when having problems with neighbors there is a free *neighborhood mediation* service available. All this mediation work is produced by voluntary local mediators. The main costs of the system consist of the costs of coordination and training organization.

In the situation of austerity the work in grass root level is most important. The proactive work has the aim of empowering the citizens to use their right of participation in their own near societies. When using mediation even among children in kindergartens, the common information of mediation process can reach also the members of families and other citizens. And further on, this knowledge gives the understanding to ask for mediation even in serious criminal cases when meeting legal officers like police or prosecutors. This is the way to prepare our citizens to use their fundamental rights. The work can be implemented as a part of existing structures in schools, youth work, work of local police and social work by trainings tailored to every target group. Once trained to mediate an employee or voluntary citizen can use the method in the frame work of coordinator and help new voluntaries to start their career as mediators. This is the way keep the costs as low as possible but to get the benefits as high as possible.

Table 1. Some examples of policies to support mediation work and mediation training in Finland

Method	Target group	Tools	Mediators	Coordination organization and trainer	Financial support to coordination organization	Law	Costs to parties of conflict
School mediation	Kindergartens, primary and secondary schools, vocational schools - pupils, staff, parents	Mediation, circles, conferencing	Trained voluntary pupils, teachers and staff members	NGO: Finnish Forum for Mediation (FFM) National Programme for School Mediation (VERSO)	Finnish Slot Machine Association (RAY) under Ministry of Social and Health Care	UN Convention of the rights of the child §12,29, UN Agreements of human rights §26, Finnish Fundamental Law (731/1999) §14, Finnish Basic Education Act (628/1998), Finnish Youth Act (72/2006)	Free (Excess share of training fee in the beginning of programme in a school is covered by a school)
Victim-Offender mediation	Citizens in conflict with law or with other citizens or institutions	Mediation, conferencing	Trained voluntary citizens	Local mediation service offices (37) under 7 Regional State Administrative Agencies	State	The Act on Conciliation in Criminal and Certain Civil Cases (1015/2005) FIN	free
Family mediation	Clients of social work, especially in the case of divorce	Mediation, conferencing	Trained social workers	NGO: FFM, Programme for Family Mediation (FASPER)	Finnish Slot Machine Association (RAY) under Ministry of Social and Health Care	Child Welfare Act (417/2007) FIN	free
Neighborhood mediation	Immigrants and natives living in same area	Mediation, conferencing	Trained voluntary inhabitants / citizens	NGO: Finnish Refugee Council, Programme KOTILO	Finnish Slot Machine Association (RAY) under Ministry of Social and Health Care, Ministry of Environment	-	free
Court mediation	Citizens in case of civil matters, especially custody matters	Mediation	Trained judges	District Courts	State	Act on Court-annexed Mediation (663/2005) FIN, EU Directive on mediation in civil and commercial matters (2008/52/EC)	Usual court fees, but a party covers only own part of fees

Some examples of benefits of mediation for economics

### **School mediation in Finland and England**

- about 10 000 cases in school mediation / year in Finland
  - about 95% of mediated cases ends to the solution which has been kept
  - mediation empowers students to finish their studies
    - o in case a student of vocational school breaks of the studies it causes about 35 000€ lost to a school (FIN; Gellin M. 2012)
  - mediation prevents social exclusion
    - o in case of total social exclusion the rehabilitation of one youngster costs about 1,5 million euro for the society (FIN; Gellin M. 2012)
  - restorative practices prevents renewal of misbehavior: example from UK
    - o 46% decrease of verbal disputes
    - o 59% decrease of physic disputes
    - o 79% decrease of racist behavior
    - o 63% decrease of sick leaves of the staff
- economical savings about 68 000€ in year 2007-2008  
(Mirsky L. 2009; IIRP: [http://www.iirp.org/iirp-Websites/web/uploads/article\\_pdfs/92115\\_IIRP-Improving-School-Climate.pdf](http://www.iirp.org/iirp-Websites/web/uploads/article_pdfs/92115_IIRP-Improving-School-Climate.pdf))

### **Vitim-offender mediation in Finland**

- about 15 000 criminal or civil matters in victim-offender mediation / year
- State is saving about 365 € / case comparing to criminal justice process
- in serious criminal case State is saving about 850 € / case comparing to criminal justice process
- in State budget there was 6,3 million euro allocated for victim-offender mediation services for year 2012

(Ministry of Justice; <http://www.om.fi/text/Etusivu/1163180283430>; Parliament; [http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/kk\\_5\\_2012\\_p.shtml](http://www.eduskunta.fi/faktatmp/utatmp/akxtmp/kk_5_2012_p.shtml))

### **Court mediation in Finland**

- in case of custody matter the criminal justice process costs 3 000 - 8 000€ to the State
- if a custody matter ends to the court of appeal the costs are 3 500 – 4 000€ more
  - o in this measurement there are not other support work like social or ombudsman services included
- mediation saves at least 5 353,50€ / case to the State
- using mediation is over six times cheaper comparing to court process

(Ministry of Justice: Mietintöja ja lausuntoja 36/2012: Asiantuntija-avusteisen huoltoriitojen sovittelun laajentaminen. s.36-37)

In addition we have also business based mediation services like workplace mediation, mediation by the Finnish Association of Civil Engineers, System of mediation by the Finnish Bar Association and Environmental mediation. There are also research results of benefits of these mediation methods available.

## Short introduction to peer mediation trainings in schools as an example

Training coordination is centralized to Finnish Forum for Mediation (FFM) VERSO programme, the national school mediation training provider in Finland. A school which aims to start peer mediation system contacts and orders trainings from VERSO programme. Trainings actualize school by school.

### A) BASIC STARTING MODULES:

#### *Part A1.* School staff training module:

A half day training, in school's premises, one/two VERSO trainer(s)

Themes: communicating & drawing a common map of the pupils' conflicts in the own school / gaining basic understanding of Restorative Justice and mediation / getting information of peer mediation as early intervention in conflicts and bullying / getting started to consider the select process of peer mediators

Participants: all staff members (teachers, principals, school social/youth workers, house master, school assistants, cafeteria staff etc.)

Material: brochures, articles, slides and other material for every participant

Training methods: We aim at creative, participative and positive atmosphere. Lectures & questioning. Mental images. Small group work. Drawing a common conflict map. Discussion. DVD-film. Drama.

#### *Part A2.* Training module for peer mediators & their supportive adult group

One day training, two VERSO trainers

Usually after 2-3 weeks from school staff training module

Participants: selected peer mediators' group (20 voluntary pupils) & their supportive adult group from school (4-10 staff members)

Themes: peer mediators: process of mediation and role of mediator / supportive adult group: tailoring peer mediation everyday practices for the own school

Large material package for school's use & handbook for every peer mediation pupil

Training certificate for every peer mediation pupil and supportive adult

Training methods: We aim at creative, participative and positive atmosphere. Small group work. Drama & role play. Drawing a common conflict map. Discussion & questioning. DVD-film.

### B) ADVANCED TRAINING MODULE:

#### *B1.* Further training module

One day training, one/two VERSO trainer(s). Scheduled usually after 12 -18 months from peer mediation starting point

Participants: peer mediation pupils ("old" ones & new candidates) & supportive adult group

Themes: training new peer mediators: experienced peer mediators help to teach new ones / repetition, updated information and deepened knowledge for experienced peer mediators and for adults / supportive adults learn a method how to train new peer mediators in future by themselves; always with the help of the experienced peer mediators / includes one hour updating module for the whole school staff

Material: updated material and latest information from RJ field

Training certificate for every peer mediation pupil and supportive adult