



Office of the
Public Guardian

Mediation

As an alternative dispute resolution

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The aim

The provision of a mediation service that safeguards adults at risk by resolving conflict and dispute that affects their welfare.

Why do we need mediation?

- Better customer experience
- Potentially cheaper than the cost of going to court
- Improved safeguarding
- More flexibility for investigators
- Potential for more resource efficient investigations
- Prevents further concerns coming into OPG



What are our requirements?

- Multi-channel
- Provision across England and Wales
- Administration, documentation and notification
- Experience in mental capacity issues
- One session only
- Feedback and evaluation



Who will we use?

- The procurement process
- Civil Mediation Council (CMC)
- Family Mediation Council (FMC)



How much will it cost?

- Full days mediation - £1,000 - £1,500
- Potential for the use of half day
- Other channels for sessions



The referral process

There are several instances where we will not send parties to mediation:

- If there is clear purposeful abuse and the case therefore must go to the Court of Protection
- There is a criminal element that means police involvement
- The parties do not provide their consent for mediation



Case study 1

- Donor is 81, cared for by his wife with an LPA for finance and welfare
- Has 4 children, of which all 4 were attorneys but 3 disclaimed leaving 1 as an attorney
- There have been previous concerns about the attorney from the other children resulting in no further action



Case study 1

- More concerns have come into OPG for minor issues that do not constitute abuse.
- OPG will take no further action, just reminding the attorney of his duties
- Is this suitable for mediation? Why/why not?
- If yes, what would be the benefit to OPG and the parties involved from mediation?

