**CONSULTATION: LEGAL AID FOR MEDIATION IN NON FAMILY CIVIL CASES**

CONSULTATION RESPONSE QUESTIONNAIRE

The DOJ invites views on any issues raised by this consultation and the accompanying impact screenings. While we would prefer responses to be made using this questionnaire document, we are happy to accept responses in the format most suitable to you. Responses can be emailed or posted to the address below:

**E-mail**: [eajdconsultations@justice-ni.gov.uk](mailto:eajdconsultations@justice-ni.gov.uk)

**Address**: Mediation Consultation

Enabling Access to Justice Division

Department of Justice

Massey House

Stormont Estate

Belfast

BT4 3SX

**Phone**: 028 9016 9526

**Text phone**: 028 9052 7668

Please submit your response **no later than close of play on Tuesday 29 June 2021**.

**SECTION 1: ABOUT YOU**

**Question (a):**

I am responding as... *(Please tick one option only)*

A member of the Public

On behalf of an organisation

Other.........................................................(*Please specify*)

**Question (b):**

Please enter your details below:

**Name**:

**Organisation**: (if applicable)

**Position**: (if applicable)

**Address**:

**Email Address**:

**SECTION 2: CONSULTATION QUESTIONNAIRE**

**Q.1 Do you agree with the proposed rates payable to mediators?**

Yes

No

No answer

Please give reasons for your response

**Q.2 Do you agree that prior authority should be sought for the fee for mediation cases where the value exceeds £250,000 and are there additional criteria which should be considered in determining the fee?**

Yes

No

No answer

Please give reasons for your response

**Q.3 Do you agree that the number of hours proposed is set at the right level to capture the majority of routine cases which require mediation? If not please explain why and quantify the number of hours which you consider would capture routine cases.**

Yes

No

No answer

Please give reasons for your response

**Q.4 Do you agree with the criteria in determining the higher amount of hours to be allowed under a prior authority?**

Yes

No

No answer

Please give reasons for your response

**Q.5 Do you agree that mediation should only be allowed without prior authority in intra-litigation proceedings where a full certificate for lower or higher representation has been issued?**

Yes

No

No answer

Please give reasons for your response

**Q.6 In which case types and circumstances might mediation help resolve a dispute outside of intra-litigation proceedings or where a full certificate is not in place?**

Yes

No

No answer

Please give reasons for your response

**Q.7 Do you agree that the legal profession should not be present during the mediation process except under the criteria for prior authority?**

Yes

No

No answer

Please give reasons for your response

**Q.8 Do you agree with the proposed criteria for considering whether it is appropriate to fund the additional legal costs for legal representatives to be present during the mediation process? If not, what criteria would you propose?**

Yes

No

No answer

Please give reasons for your response

**Q.9 Do you agree that mediators receiving public funds should be properly accredited to provide that service and that the standards defined are the correct ones?**

Yes

No

No answer

Please give reasons for your response

**Q.10 Are there other accreditation bodies which meet the standards above which should be added to the list?**

Yes

No

No answer

Please give reasons for your response

**Q.11 Do you have any comment on the Impact Screenings and the Regulatory Impact Assessment?**

Yes

No

No Answer

Please give reasons for your response

**SECTION 3: PRIVACY NOTICE**

**Data Controller Name**: Department of Justice

**Address**:

Enabling Access to Justice

Department of Justice

Massey House

Stormont Estate

BELFAST

BT4 3SX

**Telephone**: 028 9016 9526

**Email**: eajdconsultations@justice-ni.gov.uk

**Data Protection Officer Name**: Department of Justice Data Protection Officer

**Telephone**: 02890 378617

**Email**: DataProtectionOfficer@justice-ni.gov.uk

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act (DPA)](http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted) and the [EU General Data Protection Regulation](https://gdpr-info.eu/art-6-gdpr/) (GDPR). The Department of Justice (DoJ) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

**Purpose for processing**

We will process personal data provided in response to consultations for the purpose of informing the development of our policy, guidance, or other regulatory work in the subject area of the request for views. We will publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents, but will include the names of organisations responding.

If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

**Lawful basis for processing**

The lawful basis we are relying on to process your personal data is Article 6(1) (e) of the GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.

We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation when it is necessary for reasons of substantial public interest under Article 9(2) (g) of the GDPR, in the exercise of the function of the department, and to monitor equality.

**How will your information be used and shared**

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

**How long will we keep your information?**

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department’s approved Retention and Disposal Schedule [DoJ Retention & Disposal Schedule](https://www.justice-ni.gov.uk/sites/default/files/publications/doj/retention-and-disposal-schedule-final-signed-copy.pdf).

**What are your rights?**

* You have the right to obtain confirmation that your data is being [processed, and access to your personal data](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-of-access/)
* You are entitled to have personal data [rectified if it is inaccurate or incomplete](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-rectification/)
* You have a right to have personal data [erased and to prevent processing](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-erasure/), in specific circumstances
* You have the right [to ‘block’ or suppress processing](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-restrict-processing/) of personal data, in specific circumstances
* You have the right to [data portability](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-data-portability/), in specific circumstances
* You have the right to[object to the processing](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/right-to-object/)**,** in specific circumstances
* You have rights in relation to[automated decision making and profiling](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/rights-related-to-automated-decision-making-including-profiling/).

**How to complain if you are not happy with how we process your personal information**

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner’s Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

[casework@ico.org.uk](mailto:casework@ico.org.uk)