

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE – 17 MARCH 2004

JOINT MEDIATION SERVICE WITH SOUTH AYRSHIRE COUNCIL

Report by the Director of Homes and Technical Services

1. PURPOSE OF THE REPORT

- 1.1** To inform the Committee of the progress of the pilot joint mediation service with South Ayrshire Council and seek approval to continue the joint service on a permanent basis and to extend the service to all residents within the identified neighbourhoods of the Building Strong, Safe and Attractive Communities' (BSSAC) Project.

2. BACKGROUND

- 2.1** On 30 January 2002 the Committee approved the establishment of a pilot Joint Mediation service with South Ayrshire Council's Housing Service.
- 2.2** The pilot service became operational on the 15 May 2002 and was given the remit of providing an offer of mediation to people involved in neighbour disputes where at least one of the parties involved had an association with a Council tenancy. Referral of suitable cases is made by Area Housing Management in East and South Ayrshire Councils.
- 2.3** To ensure that the service is independent, impartial and non-judgmental a Service Level Agreement was put in place. Under this Agreement neighbour disputes suitable for mediation in East Ayrshire are referred via the Service's Co-ordinator to South Ayrshire mediators and vice versa.
- 2.4** Under the agreement the Housing Service in East Ayrshire provides as and when required a Mediation Co-ordinator and eight trained mediators drawn from staff volunteers. South Ayrshire Housing Service also provides as and when required eight trained mediators drawn from staff volunteers.
- 2.5** Internal arrangements within the Housing Service permit mediators to devote when necessary up to four hours per week to mediation duties. In order to avoid protracted and unfruitful mediation work normally a maximum time limit of eight hours is allocated to concluding a mediation referral. In circumstances where an agreement is not reached within eight hours but is highly likely the time limit may be extended to 12 hours. To date no referral has extended beyond eight hours.

- 2.6** In July 2003 the Scottish Executive published a Directory of Current Practice in Tackling Anti-Social Behaviour by Scottish Local Authorities and cited the East and South Ayrshire Mediation Scheme as an example of best practice.

3. MEDIATION REFERRALS

- 3.1** Between 15 May 2002 and 31 January 2004 fifty-three referrals had been made to the Joint Mediation Service. A breakdown of the distribution and results of the referrals from both Councils is shown in the tables below:

Table 1

East Ayrshire	
Number of referrals to South Ayrshire	35
Number of 'live' cases	3
Number of 'closed' cases	32
Number of referrals that proceeded to mediation	18
Number of 'Agreements' reached	14
Number of 'Non-Agreements' after mediation	4
Number of referrals which did not proceed to mediation	17

Table 2

South Ayrshire	
Number of referrals to East Ayrshire	18
Number of 'live' cases	3
Number of 'closed' cases	15
Number of referrals that proceeded to mediation	9
Number of 'Agreements' reached	8
Number of 'Non-Agreements' after mediation	1
Number of referrals which did not proceed to mediation	6

- 3.2** The level of 22 Mediation 'Agreements' out of 47 referrals for the joint service is broadly comparable with other Scottish mediation services. However, it is disappointing to note that approximately 49% of the referrals made could not proceed. This was mainly because one or more of the parties in these referrals, after having initially agreed to take part in mediation, declined to take part in the process on being contacted by the mediators and could not be persuaded to reconsider their decision.

4. SACRO REVIEW OF THE MEDIATION SERVICE

- 4.1** In September 2003 at the invitation of the Department, SACRO carried out a review of the Mediation Service. The purpose of the review was to assist the Department to consider options for refining or extending its current means of delivering community mediation in the area.
- 4.2** This review concluded that the service has been reasonably successful in the initial pilot phase. The review also established that there was a genuine enthusiasm for mediation from the housing staff interviewed. SACRO were of the view that the introduction of the Mediation Service was having a beneficial effect on general practice within the housing departments of both authorities. However, in order for the Mediation Service to proceed beyond the pilot stage SACRO made a small number observations designed to improve service delivery.
- 4.3** The Department is of the opinion that these observations are constructive and have addressed these with a view to improving the provision of the Mediation Service.
- 4.4** In addition the Department seeks approval to extend the Mediation Service across all tenures within the identified neighbourhoods of Building Strong, Safe and Attractive Communities' Project namely:
- Kilmarnock North West
 - New Farm Loch
 - Shortlees and
 - Cumnock (Barshare)/Auchinleck.
- 4.5** Under this proposed extension the Department would co-ordinate mediation requests from Registered Social Landlords and Private Sector Housing within the identified neighbourhoods by having mediators from one Registered Social Landlord deal with referrals from another and mediators from recognised voluntary organisations deal with referrals arising within the Private Sector.

5. CONCLUSIONS

- 5.1** Mediation has not replaced the existing enforcement procedures of estate management to deal with anti-social behaviour and neighbour nuisance. However, pilot Joint Mediation Service has provided the Department with a quick and cost- effective means of dealing with low-level neighbour disputes, before they escalate into more serious situations. Consequently the Department seeks approval to continue providing mediation through the joint service with South Ayrshire Council.

6. FINANCIAL IMPLICATIONS

- 6.1** There are no Financial Implications in continuing with the Joint Mediation Service, as any costs incurred will be met from current budgets.
- 6.2** The extension of the service into the Building Strong, Safe and Attractive Communities' identified neighbourhoods will be met from specific Scottish Executive Grant.

7. LEGAL / POLICY IMPLICATIONS

- 7.1** There are no specific legal implications arising from a decision to establish a permanent Joint Mediation Service with South Ayrshire.
- 7.2** The proposal to extend the service into the identified neighbourhoods of the Building Strong, Safe and Attractive Communities' Project supports the Scottish Executive's guidelines on this matter.

8. RECOMMENDATIONS

- 8.1** It is recommended that the Committee:
 - (i) approve the conversion of the existing pilot Joint Mediation with South Ayrshire Council into a permanent service,
 - (ii) approve the extension of the service as described above into the identified neighbourhoods of the Building Strong, Safe and Attractive Communities' Project, and
 - (iii) otherwise note the contents of this report.

James Lavery
Director of Homes and Technical Services
2 March 2004

BACKGROUND PAPERS

- 1. Copy of SACRO's review of the Joint Mediation Service.

Members wishing further information on any of the above should contact John Pilkington, Policy Assistant, on 01563 576617

Implementation Officer: Joseph Cassidy