

EAST AYRSHIRE COUNCIL

HOUSING COMMITTEE – 30 JANUARY 2002

PILOT 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 establishment of a pilot joint mediation service with South Ayrshire Council

2. BACKGROUND

- 2.1** Mediation is a form of conflict resolution aimed at assisting the parties involved in a neighbour dispute to settle their differences through a process of skilled and principled intervention.
- 2.2** Mediation does not replace the existing enforcement procedures of estate management to deal with anti-social behaviour and neighbour nuisance. However, it is a cost-effective means of dealing with low-level neighbour disputes, which have not yet reached the stage where enforcement procedures are appropriate.
- 2.3** Mediation turns a two-way problem into a three-way search for a solution. Mediation involves a trained impartial third party helping two disputing parties to find a solution to their disagreement. The parties to the dispute, not the mediator, decide the terms of the agreement to end the dispute. The principles of mediation are that they provide the parties to a dispute with independent, impartial and non-judgemental advice to help them find a solution to their problems.
- 2.4** The Scottish Executive has recommended that housing providers should seek wherever possible to resolve appropriate neighbour disputes through mediation. To assist the spread of mediation the Executive have funded the voluntary organisation SACRO (Safeguarding Communities and Reducing Offending) with £241,000 over a three year period to provide a training centre, consultancy and seminars to promote the use of mediation as means of resolving neighbour disputes.
- 2.5** In June 2000 the Department engaged Mr Ian McDonough, SACRO's Development Officer to undertake a cost free consultancy to assist in identifying an appropriate model and level of delivery for mediation in the area. In October 2000 Mr McDonough produced his consultancy report, which among other things, identified that the lack of a mediation service in East Ayrshire created a gap in the effective methods of dealing with neighbour disputes.

- 2.6** Mr McDonough's Report suggested two possible models for delivering a mediation service, namely :
- a) A stand-alone service structured either as an independent voluntary organisation in its own right or affiliated to a larger voluntary organisation. The annual running cost of this model was estimated at £78,240.
 - b) An In-house service managed from within the Department of Homes and Technical Services. This model envisaged the recruitment of a Full-time Senior Project Worker and a Part-time Project Worker. The annual running cost of this model was estimated at £51,600.
- 2.7** While recognising the merits of providing a mediation service the Department was of the opinion that the cost implications of both models proposed by Mr McDonough were excessively high and could not be met from current budgets. As a result alternative models for service delivery were studied to find a cost-effective means of establishing a mediation service.

3. ESTABLISHING A MEDIATION SERVICE

- 3.1** During discussions with SACRO it was established that South Ayrshire's Housing Department had also engaged Mr Donough on to prepare a consultancy report on the need for mediation. This report produced similar findings and recommendations to that of East Ayrshire. However, due to the high costs involved South Ayrshire Council were also unable to put a mediation service in place.
- 3.2** Informal contacts were made with South Ayrshire Council's Housing Department to explore the possibility of SACRO providing a joint mediation training programme for existing staff members leading to the possibility of establishing a pilot joint in-house mediation service at a cost which could be met from existing budgets.
- 3.3** The department has carried out research into the models of in-house mediation service delivery operated by Falkirk and South Lanarkshire Councils and is of the opinion that the South Lanarkshire scheme was the most appropriate and cost-effective model to meet the needs of this local authority and those of South Ayrshire.
- 3.4** The South Lanarkshire Mediation Service is manned by a full-time Co-ordinator, a full-time mediation officer and nine volunteer mediators drawn from existing members of staff who have been authorised by their unit managers to devote up to a maximum of four hours per week to mediation duties.

3.5 This department is of the opinion that a Joint Mediation Service could proceed on a one year pilot basis and be subject to regular assessment prior to any decision being reached as to it being established it on a permanent basis. During the pilot year there will be no need to employ any additional staff to co-ordinate the scheme. An existing member of staff in the department's Policy Unit will carry out the role of co-ordinator on a part-time basis. This is considered equitable as East Ayrshire will probably make greater use of the service because it has a larger number of households.

4. REMIT AND STRUCTURE

4.1 The remit of the Joint Mediation Service will be to provide mediation in suitable cases referred to it by Housing Management in East and South Ayrshire and by the management of East Ayrshire's Environmental Health Services.

4.2 To ensure that the service is independent, impartial and non-judgemental neighbour disputes thought suitable for mediation in East Ayrshire will be referred via the co-ordinator to South Ayrshire mediators and vice versa. A Service Level Agreement will be drawn and agreed to by both departments.

4.3 The Risk Managers of both local authorities have been consulted on the implications of staff working within the boundaries of another authority and are of the opinion this would create no insurance problems as staff would be considered as working within the scope of their activity.

4.4 A pool of volunteers from both local authorities will undergo SACRO training to become practising mediators in late February 2002. It is envisaged that the service will be launched in early April 2002.

4.5 During the pilot year of the Service mediation referrals will be limited to cases where at least one of the parties involved in the dispute is a council house tenant. Depending on the success of the pilot consideration may be given to expanding service provision to all residents in the two local authorities areas irrespective of tenure.

5. FINANCIAL IMPLICATIONS

5.1 There are no Financial Implications in establishing this pilot Joint Mediation Service, as any costs incurred will be met from current budgets. The success of the pilot will be monitored and a joint evaluation will take place after 12 months.

6. LEGAL / POLICY IMPLICATIONS

- 6.1** There are no specific legal implications arising from a decision to establish a pilot Joint Mediation Service with South Ayrshire. The role and remit of the Service will, however, require to be reconsidered depending on the success of the pilot scheme as to whether or not it should be established on a permanent basis.

7. RECOMMENDATIONS

- 7.1** It is recommended that the Committee:
- (i) note the contents of this report and that a further report will be submitted to Committee at the conclusion of the pilot year.

James Lavery
Director of Homes and Technical Services
11 January 2002

BACKGROUND PAPERS

1. Copy of Mr Ian McDonough's Consultation Report on Community Mediation.

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

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AGENDA