

# Ambition Mediation Service Policy

February 2016

*We speak your language*

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Polish

*Mówimy Twoim językiem*

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French

*Nous parlons votre langue*

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Spanish

*Hablamos su idioma*

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Slovak

*Rozprávame Vaším jazykom*

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Chinese

我们会说你的语言

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## CONTROL SHEET FOR HOUSING AMBITION MEDIATION SCHEME

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Ambition Mediation Service
Current status – i.e. first draft, version 2 or final version	Final version
Policy author (post title only)	North Derbyshire Housing Ambition Coordinator
Location of policy (whilst in development) – i.e. L-drive, shared drive	<a href="#">Mediation Policy FINAL.docx</a>
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	07/01/16
Partnership involvement (if applicable)	
Final policy approval route i.e. Cabinet/ Council	Cabinet 10/02/16
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	07/01/16

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## **1. Introduction**

There are two distinct aspects to the Ambition Scheme. The Housing Ambition project has been set up to improve outcomes for 16 – 24 years olds who are in housing need across the project area. The project covers four local authority areas; Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire, North East Derbyshire District Council being the lead authority. It is funded by the Department of Communities and Local Government Single Homeless Fund. One key aim of the project is to provide early, targeted intervention to prevent young people from becoming homeless in a crisis.

Ambition SCR is funded through the Sheffield City Region (SCR) Local Enterprise Partnership (LEP) and aims to assist 112 Jobseeker's Allowance claimants aged 18 – 24 into employment through intensive support, work experience and financial incentives across the 4 areas above and Bassetlaw District Council area. This scheme is funded for two years having commenced in January 2015.

The two parts of the Ambition Project are fully integrated, working together to improve outcomes for young people across the project areas.

The Ambition Mediation Service has been set up to provide targeted intervention to reduce homelessness and family conflict. Mediation is proven to be an effective tool for resolving conflict and preventing homelessness with other similar schemes quoting a success rate of up to 87%. This does not always mean that the young person remains in the family home in the long term; it can sometimes mean that the young person is able to leave in a managed way rather than in a crisis. Funding for mediation training was provided by our partners in Health through their 'Health & Housing' fund. This funding recognises the link between stable housing and both short and long term health outcomes.

This is initially a three month pilot scheme. Demand for mediation can then be gauged and targeted for maximum benefit to the aims of the overall Ambition project (both Ambition SCR and Housing Ambition).

## **2. Scope**

The aim of this scheme is to provide a framework for resolving conflict impartially and objectively. The mediation process will primarily be offered as a tool where two or more parties are in dispute and where this could result in a young person becoming homeless. The aim is to resolve conflict at the earliest possible opportunity and to encourage the parties to resolve their differences without the young person having to leave the family home in a crisis. Mediation can also be offered to households where family conflict is a major barrier to take up of employment opportunities.

There will be 10 mediators who have obtained an Interpersonal Mediation Practitioner's Certificate from UK Mediation. This qualification is recognised by Ofqual as a Level 4 qualification. All of the trained mediators have full time positions around which the Ambition Mediation Scheme will need to be run.

The pilot service will be targeted at households including young people (16 – 24) to whom a statutory duty would be likely to be owed should they become homeless whether under The Children Act 1989 or the Housing Act 1996 (as amended by the Homelessness Act 2002). Should there be capacity the project will also be targeted at those households where the young person is deemed to be most at risk of homelessness. Households including young people (18-24) where family conflict is a major barrier to accessing or maintaining employment but who are not necessary at risk of homelessness will also be considered.

Households must be resident within Chesterfield Borough Council, North East Derbyshire District Council, Derbyshire Dales District Council or Bolsover District Council Local Authority areas. Residents of Bassetlaw District Council may access the scheme for employment related issues only.

### **3. Principles**

The Ambition Mediation Service will contribute to the Council's Corporate Vision and Aims in supporting our communities (as well as those of the wider project area) to be healthier, safer, cleaner and greener and happier places where residents prosper. The Mediation Service also seeks to contribute to delivery of the corporate aim of 'Unlocking Our Growth Potential' by supporting residents into employment. This service will also help to provide our customers with excellent service by supporting vulnerable and disadvantaged people.

The experience of homelessness at a young age is not only stigmatising but can, without effective support and accommodation options, result in long-term poor outcomes. Many young people who become homeless in a crisis drop out of education, training or employment resulting in benefit dependency. Becoming homeless can result in significantly higher risks of developing mental health problems, getting involved in substance misuse, risks of sexual exploitation and involvement in crime. This can result in young people disengaging from services which could make them increasingly difficult to support appropriately. Homelessness also has a significant impact on an individual's ability to find and maintain employment. It is precisely these poor outcomes that the Ambition Mediation Service seeks to prevent.

### **4. Statement**

#### **4.1 Definition**

Mediation can be defined as a voluntary dispute resolution process where an impartial third party helps two individuals or groups who are part of a conflict to agree a mutually acceptable solution. The parties, not the mediator(s), dictate the terms of any agreement.

Mediation is most effective when:

- Those in dispute willingly take part
- Both parties are prepared to be open and honest about the situation and their part in it
- Both parties want to work co-operatively with the other party to find a solution

- Both want to continue to have a relationship
- Both feel that they are in a safe atmosphere

Mediation can be used at any stage in a dispute but is often most effective when used at the earliest possible opportunity. The mediator does not tell the parties what to do, but rather acts as a broker of a settlement agreed by the parties. Mediation is voluntary and any agreements forged are not legally binding.

## **4.2 Criteria**

The following households will be considered for mediation during the pilot phase of the project:

Households containing a young person aged 16 – 24 who is at risk of becoming homeless due to family conflict. These will be households identified from within the Ambition projects, by Local Authority homelessness teams, Multi-Agency Teams and Social Care. Priority will be given to those households including a young person to whom, if homeless, a legal duty would potentially be owed under the following legislation:

### **The Children Act 1989**

Any 16/17 year old could potentially be owed a duty by Derbyshire County Council Social Care if they were to become homeless

### **The Housing Act 1996 (as amended by the Homelessness Act 2002)**

A young person may be owed a legal duty to accommodate under this legislation when they are considered to be both homeless and in 'priority need'. A young person could be in 'priority need' if:

- They are 16/17 year old and no duty is owed by Social Care
- They are aged 18 – 21 and were previously in Local Authority care i.e. a care leaver
- They are pregnant
- They have a serious health problem or disability which might make them vulnerable

Households containing a young person aged 18 – 24 who is a client of the SCR Ambition project where family conflict is identified as a barrier to taking up employment. These cases will be identified by Ambition Key Workers.

Mediation cannot take place where there is or has been domestic abuse within the relationship to be mediated.

## **4.3 Referrals**

Referrals (via referral form) will be accepted from the following agencies; Derbyshire County Council Social Care and Multi Agency Teams, Local Authority Housing Options or Homelessness Teams and Talent Match. Cases will also be taken on internally from the SCR Ambition project. Referrals may also be considered from other agencies where there is capacity (e.g. YOT, probation).

Households being referred to the scheme must be aware that they are being referred and all parties must be willing to take part in mediation. A leaflet detailing what is expected of households participating in the project will be made available and should be discussed with members of the household before a referral is completed.

There is an expectation that partners referring to the Ambition Mediation Service will have exhausted other measures and interventions that they would usually carry out in the absence of a mediation service. This might include (but is not limited to); informal mediation, advice with regards to the other housing options of the young person or access to other services and support.

Being referred to the project is no guarantee of being accepted. Where possible referrals received between 9am on Monday and 5pm on a Thursday will be assessed within 24 hours and the referrer and the referee will be contacted. Referrals received on a Friday will be assessed by 5pm the following Monday unless this is a bank holiday. The service will not assess referrals received on or after 23<sup>rd</sup> December until the next working day after 1<sup>st</sup> January.

#### **4.4 The mediation process**

For the mediation process to begin, a referral must be submitted. This will be emailed to [housing-ambition@ne-derbyshire.gcsx.gov.uk](mailto:housing-ambition@ne-derbyshire.gcsx.gov.uk). This referral be assessed for suitability. The officer assessing the referral will make a judgement as to whether or not mediation appears to be suitable, based on the information provided in the referral form. Consideration will be given to any previous attempts at resolution by advice and support agencies. If mediation is not suitable, feedback will be provided to the referrer.

Where mediation appears to be suitable the officer assessing the referral will then contact the disputing parties to discuss the mediation process and check that all parties are participating voluntarily and to check the details of the referral. This ensures that the mediator is not drawn in to discussions about the dispute prior to the first sessions. This officer will carry out the tasks on the Referral Form (Appendix 1) to ascertain that it is suitable to proceed with mediation.

If mediation can be commenced, the Officer assessing the referral will offer the mediation to one of the mediators. The mediator(s) must be able to remain impartial, i.e. they must not already know the details of the conflict, or have already worked closely with, or have personal ties with the disputing parties. If the mediator is an Ambition key worker then the request for mediation should be sent via the Ambition Project Team Leader who will monitor their workload and make a decision as to whether or not they are able to take the case. The Ambition Project Team Leader will then pass the referral to the mediator.

Should the mediator accept the referral the basic contact details will then be passed on to the mediator(s), excluding any information about the nature of the conflict. The mediator will then contact the disputants to arrange a time, date, and location for the individual meetings and provisional joint meeting. This will then be confirmed in



Writing. These letters will include a copy of the Mediation Leaflet.

The mediator(s) will hold separate individual meetings with the parties involved. The individual meetings are designed to ensure that the parties:

- Understand and have confidence in the mediation process and the mediator(s)
- Understand the issues
- Begin to look for positives about the party(ies) with whom they are in dispute
- Are tasked to think about key issues identified by the mediator(s) at the initial meeting so that they are better prepared for the joint meeting.

After the initial meetings, the mediator(s) may invite the parties to attend a joint face to face meeting where, with the support of the mediator(s) acting as facilitator(s), they will work towards reaching a mutually satisfactory outcome. It is worth noting the mediator(s) will only proceed to this stage if they feel that there is a reasonable chance of reaching an agreement and both parties agree to this.

At the end of the discussion, the mediator(s) will assist the parties to draw up an agreement, assuming one has been reached or is necessary. This agreement is confidential to the parties, unless the parties decide otherwise.

The Housing Ambition team will be notified of the outcome of the mediation process, through the completion of a Mediation Outcome Report by the mediator(s) to enable outcome monitoring. The disputing parties will also be encouraged to complete a Mediation Satisfaction Survey which will ensure the outcome matches that identified by the mediator(s).

The following principles will be adhered to throughout the mediation process:

- All meetings are confidential. The only exception to this rule is where there is evidence of a serious breach of the law or where there is evidence of safeguarding concerns, fraud or money laundering activity, or suspicion of terrorist activity. In those circumstances, the process will be terminated and the authorities will be informed accordingly.
- The mediator(s) will not have any in depth prior knowledge of the situation or circumstances that have led to the mediation process.
- All parties have the right to withdraw from the process at any time, including the mediator.
- There may be circumstances where mediation will not be recommended.
- Mediation is voluntary and is not legally binding, and can therefore be ended by any party, at any point.
- The mediator cannot offer advice to the disputants

Following a joint meeting where an agreement has been reached the mediator will provide written confirmation of the agreements made. This should be sent within 2

working days of the joint meeting. The agreement is confidential unless the parties wish it to be shared with a third party.

Before the case is closed the mediator should follow up with a phone call to both parties after a length of time agreed at the joint meeting. This length of time will depend upon any agreements made. This phone call will be to see if any agreement is still in place.

#### **4.5 Hours of operation**

The normal hours of operation for the Ambition Mediation Service will be 9 am – 5pm Monday – Friday. It is recognised however that there may be the need to operate outside of these hours where those in conflict are either in full time education or employment. Where there is no other workable option the Ambition Mediation Service will consider carrying out mediation on a weekday evening after 5pm. This will be entirely at the discretion of the Ambition Mediation Service and co-mediation will always be the default in these circumstances.

#### **4.6 Confidentiality**

Discussions which take place within the mediation setting are considered to be confidential and referrers should not expect detailed feedback from the mediator. If feedback is required then progress and outcomes should be discussed with the disputants. The mediator can only share any agreement made with the referrer with the express permission of the disputants.

It will be made clear to households taking part in mediation that, although what is said in mediation is confidential, any adult or child safeguarding issues will have to be reported to the relevant authority as would any information disclosed relating to terrorism or money laundering.

The fact that mediation has taken place and the names of the parties will be recorded and kept for recording purposes and future reference (e.g. repeat referrals) along with the outcome of the mediation in the form of an outcome code. No formal record is to be kept of the details of any mediation case such as details of the conflict given in the mediation setting. If notes are taken by the mediator during the individual or joint meetings for their own purposes then these should be destroyed confidentially once the case has been closed.

A 'Confidentiality & Liability Agreement' will be signed by every party participating in the Ambition Mediation Scheme at the individual meetings. This provides an exemption of liability for the Council and clearly states that mediators cannot be involved in any future proceedings.

Issues around the case may be discussed with other mediators working on the Ambition Mediation Service where advice or peer support is required but this should be done anonymously without giving names.

#### **4.7 Outcomes**

The main outcomes for this service are:

- To enable the young person to remain within the family home
- Where the young person cannot remain in the family home indefinitely for them to remain until suitable alternative arrangements can be made
- Where the young person has to leave the family home that lines of communication with their family remain open
- To enable young people to take up employment opportunities

Mediation will empower people involved in a dispute to take responsibility for resolving the issues themselves and to move on from the situation for their benefit. It will enable individuals to discuss issues in an amicable and non-threatening environment, and to find solutions which suit all of those involved and thus remove the negative impact of the dispute from the household.

#### **4.8 Outcome Monitoring**

Housing Ambition will collect and collate the following monitoring information:

- A monthly count of the number of cases referred to the mediation scheme
- A monthly count of referrals progressed to a mediation meeting
- A monthly count of cases where the young person has been able to remain in the home
- A monthly count of cases where the young person has been able to remain in the home until suitable alternative accommodation can be secured
- A monthly count of those above where a legal duty would potentially have been owed to the young person by a Local Authority had they become homeless
- A monthly count of cases where a young person has been able to take up an offer of employment due to the involvement of the mediation service

These outcomes will be reported monthly at the Project Control Board (see Glossary) meeting.

Feedback to the referrer will only be that mediation did or did not take place unless disputants give their express permission for any other outcomes to be shared.

Mediation Satisfaction Surveys will be given to all disputing parties attending the mediation sessions for customer feedback on the mediation service, and to assist in continuous improvement.

#### **4.9 Risk management**

Housing Ambition will carry out risk assessments in accordance with NEDDC's (as lead authority) policies and procedures prior to providing the service. Mediators may mediate in pairs in order to safeguard both themselves where it is deemed to be necessary.

Those referred to the Ambition Mediation Service will already have involvement with other agencies so any areas of risk will be identified at the referral stage. Mediation will not go ahead where there is a risk of violence or intimidation.

Mediators dealing with 16 / 17 year olds will have enhanced DBS checks.

#### **4.10 Health & Safety**

Housing Ambition will ensure that the service complies with their internal Health and Safety Policy. If mediators feel that their health and safety, or that of the disputing parties, has been compromised at any point, the mediator will end the process immediately.

If there are any incidents involving verbal abuse or physical assault (or threats of physical assault) then the mediator should end the mediation session immediately and any incidents should be reported to their line manager.

#### **4.11 Locations**

Suitable locations for mediation are being provided by external partners. The mediator should check availability with the location prior to booking mediation with the client.

These locations have been risk assessed in line with NEDDC's Loan Worker Premises Assessment.

#### **4.12 Review**

This policy will be reviewed at the end of the pilot (three months from implementation of the service)

#### **4.13 Equality & diversity**

Where conflict has arisen due to issues of equality ie Protected characteristics as defined by the Equality Act 2010 (Race, Gender, Disability, Age, Gender re-assignment, pregnancy and maternity, religion or belief, marriage and civil partnerships, sexual orientation) the Ambition Mediation Service is clear that the Council takes a zero tolerance approach to discrimination on these grounds. The Ambition Mediation Service will not become involved in conflicts where it is clear that one party's goal is to discriminate against the other on the grounds of their protected characteristics. These situations would be unsuitable for mediation. Mediation may still be suitable where improved communication between the parties may lead to a better understanding of each other's experience and position. As with any mediation there must be a desire on both sides to continue and improve the relationship without the necessity for one party to change their core beliefs.

### **5. Responsibility for Implementation**

North Derbyshire Housing Ambition Co-ordinator, Strategic Housing

### **6. Glossary of terms**

Project Control Board	Monthly meeting of project co-ordinators, team leaders and Assistant Director with responsibility for Housing and SCR Ambition projects to monitor progress and agree spending
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