

# Communities and Neighbourhoods Policy and Procedure Manual

## The Mediation Procedure

### 1 Purpose

To provide customers with a high quality mediation process, which is straightforward, easy to access and easy to use, whilst providing a high quality customer focused service, to enable customers involved in a dispute to come together voluntarily and negotiate a mutually acceptable agreement, through communication to empower those involved in a dispute to reach a mutually acceptable agreement.

### 2 Scope

This procedure covers all mediation work identified and carried out by Stevenage Borough Council (SBC) whose officers are trained to mediate, through a voluntary process with customers willing to negotiate and who want to reach an agreement through the mediation process.

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### 4 Responsibilities

(SBC) Representative, or partner is known as the referrer

Referrer – Received request for mediation  
Gathers information to assist with the mediation process  
Refers the case to the mediator  
Arranges the 1-1 meeting with the customers

(SBC) Representative, trained to mediate

Mediator – Chairs 1-1 meetings with customers

	<p>Chair Mediation and arrange an impartial note taker  Complete Mediation agreement with customers  Arrange further meetings and chair if required</p>
<b>5</b>	<b>Definitions</b>
	<p>Throughout this procedure “mediation” or “mediator” is the tem used to describe a settlement of a dispute or controversy “mediation” by having an independent person the “mediator” between two contending parties in order to aid them in the settlement to a dispute.</p> <p>Mediation is a method of encouraging those involved in a dispute or controversy to settle their differences. They are encouraged to meet voluntarily in the presence of an independent mediator and negotiate. It is an informal process which allows people to resolve their own problems. The mediator’s role in one of facilitation only.</p> <p>For brevity, anti-social behaviour will be referred to generically as ‘ASB’ throughout this procedure</p>
<b>6</b>	<b>Procedure</b>
<b>6.1</b>	<p><b>When to use – and not use – this procedure</b>  Tenancy Advisors and Community Safety Officers can address nuisance/ASB and neighbour disputes. Mediation is of value only if those in dispute enter into it voluntarily.</p> <ul style="list-style-type: none"> <li>• Using mediation which is a voluntary process making it possible for people to solve their own issues in an informal manner, and is only of value if those in dispute enter into it voluntarily.</li> <li>• Mediation should not be used if there has been violence or threats of violence to the disputants or anyone connected to them or if there is a current police investigation or court case.</li> </ul> <p>The responsibility for arranging the mediation and the 1-2-1’s meetings is that of the referring officer.</p>
6.1.1	<p>On receiving a complaint about ASB or a neighbour dispute, the referrer will</p> <ul style="list-style-type: none"> <li>• Follow the case procedure on ReACT management system</li> <li>• Interview all those involved</li> <li>• Make appropriate referrals to partner agencies</li> </ul>
6.1.2	<p>If all the customers involved agree that mediation is a suitable means to settle a dispute the referrer will;</p> <ul style="list-style-type: none"> <li>• Arrange for a mediator not linked to the case to mediate.</li> </ul>

<p>6.1.3</p> <p>6.1.4</p> <p>6.1.5</p> <p>6.1.6</p>	<ul style="list-style-type: none"> <li>• create a case on ReACT, follows procedure and updates ReACT</li> <li>• books rooms for the 1-2-1 and mediation meetings; and</li> <li>• Sends information on mediation to those involved, together with the dates and times of the meetings.</li> </ul> <p>The 1-2-1 meetings and the mediation will be arranged at suitable times for the attendees, and confirmed in writing at least 48 hours before the scheduled meetings and mediation session. All customers involved will be asked to complete satisfaction surveys after the mediation, in line with the ASB procedure on ReACT.</p> <p><b>1-2-1 meeting with parties involved</b> The aim of the 1-2-1 meeting is:</p> <ul style="list-style-type: none"> <li>• to explain and clarify the mediation individually with the participants</li> <li>• To encourage them to think about what they want from the process and how the situation can be improved.</li> <li>• The 1-2-1 meeting would be expected to last 30-60 min</li> <li>• The mediator meets separately with the participants in the 1-2-1 meetings</li> </ul> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><b>If after discussion with participants in the 1-2-1 meetings, the mediator believes that the mediation session should not go ahead, s/he consults with the referrer and the relevant service manager and agrees a course of action. The referrer then writes to all participants, explaining that the mediation will not be going ahead.</b></p> </div> <p><b>The Mediation Meeting</b> At the meeting the mediator makes sure that all participants enter the room together. The meeting is led by the mediator, who encourages a frank and open discussion of the issues. The mediator makes sure that the participants remain at ease throughout, arranging for breaks if anyone shows signs of discomfort.</p> <p><b>The mediator</b></p> <ul style="list-style-type: none"> <li>• encourages participants to have an open discussion of the issues;</li> <li>• makes sure the meeting is conducted in a fair and unbiased manner</li> <li>• makes sure that participants are respectful to each other and take time to listen to all parties at the meeting this includes no shouting/swearing</li> <li>• makes sure that participants remain at ease throughout, arranging for breaks if anyone shows signs of discomfort</li> <li>• facilitates parties' exploration of possible ideas for resolution</li> <li>• probes issues and confirms understandings to ensure that the participants and the mediator have a full understanding</li> </ul>
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6.1.7	<p><b>The note taker</b></p> <ul style="list-style-type: none"> <li>• takes details of all the participants at the meeting</li> <li>• writes notes of what the participants say during the meeting</li> <li>• writes the mediation agreement for all participants to sign at the end of the meeting</li> </ul>
6.1.8	<p><b>The Mediation Meeting Cont.</b></p> <p>The meeting will be an open and frank discussion of the issues, lead by the mediator to ensure fairness and appropriate behaviour, (no shouting and swearing).</p> <p>As the mediation proceeds, the mediator will assess the viability of the process and will end the mediation if he/she concludes that it is unfair or prejudicial to any party, or unlikely to resolve within a reasonable time.</p>
6.1.9	<p><b>Concluding the Mediation Process</b></p> <p>The mediator will help the parties draw up a simple mediation agreement, which will also be signed by all participants and the mediator. A copy will be given to all parties. A copy of the mediation agreement together with the mediation notes will be kept on file in a sealed envelope signed and dated by the mediator.</p>
6.1.10	<p><b>After the Mediation</b></p> <p>The referrer will ask participants to complete a satisfaction survey, and ask if they would like to meet up again to discuss any further the issues.</p> <div data-bbox="427 1153 1420 1276" style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p><b>Mediation can be used in conjunction with other enforcements actions e.g., An Acceptable Behaviour Agreement</b></p> </div>
6.1.11	<p><b>Partnership Working</b></p> <p>It is important to involve partner agencies and other departments, including Children Services, Environmental Health and the local Police. We will support the exchange of information with partnership agencies as appropriate, in line with the SoSafe Partnership.</p>
6.1.12	<p><b>Confidentiality</b></p> <p>Everyone involved will be reminded that confidentiality is extremely important throughout the mediation process to provide our customers with confidence, safety and privacy.</p> <p>The exceptions to this policy on confidentiality include, allegations relating to child protection or safeguarding, also allegations relating to criminal activity or fraudulent behaviour.</p> <p>If allegations of this nature are disclosed during the mediation process, the Officers will be obliged to pass this information to the appropriate person and may bring the mediation process to a close if necessary.</p>

6.1.13	<b>Data Protection</b> The Data Protection Act 1998 and other General Data Protection Regulation (GDPR) requirements are adhered to within the case management procedures  Author - Sarah Pateman 01.03.19
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