

Briefing

Developing a youth homeless mediation scheme in Scotland: a good practice guide

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- **Alan Dorrans**, North Ayrshire Community Mediation (SACRO)
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Developing a youth homeless mediation scheme in Scotland: a good practice guide

1. Mediation: a Scottish context

Mediation services to assist young homeless people have been a recent development in Scotland. The first scheme was not established until 2000 with the first major research study on mediation and homelessness not completed until 2001¹. The study found that only one of the agencies interviewed had a structured approach to using mediation to help homeless people return home, or re-establish relationships with family members. It also found that family or community mediation agencies were not catering to the particular needs of homeless people, and there was little evidence of partnership working between these agencies and homelessness services.

The Homelessness Task Force report in 2002 gave new impetus to the role of mediation in responding to homelessness:

'Many people affected by homelessness would welcome the opportunity to rebuild previous personal contacts. In such situations, mediation may provide a forum for communication and positive discussion'².

The Taskforce report makes specific recommendations on potential models for mediation services:

'We recommend that local authorities through their homelessness strategies should develop practical means of enabling people affected by homelessness to rebuild social networks. In some areas this may involve the use of new independent services, since too close a linkage with statutory services may undermine their purpose'.

However, in spite of the Task Force recommendation, the majority of homelessness strategies produced by Scottish councils in 2003 made no explicit mention of developing mediation schemes for this group. Councils were relatively slow in developing mediation schemes that catered exclusively to the needs of homeless people, and in particular young homeless people.

¹ *Mediation and Homelessness*, The Homelessness Task Force Research Series, Scottish Homes, 2001

² Homelessness Task Force Final Report, 2002, Section 116

Recently this situation has begun to change. Many councils' homelessness strategy action plans now include reference to the development of mediation services for homeless people as part of the range of services being provided.

The recently updated *Code of Guidance on Homelessness* could help progress. A new chapter on prevention of homelessness cites mediation as a possible tool in preventing family breakdown and resulting homelessness:

'Local authorities should consider whether it is appropriate for them or another agency to provide relationship counselling or mediation services. Even where the family ceases to live together, these measures can help prevent homelessness by enabling family support to continue. This support is particularly important for young people leaving the family home. It may also be appropriate to consider other forms of support – such as drug or alcohol counselling – where these may help to resolve underlying tensions. However, as noted above, the provision of support should never be an alternative to rehousing where there is a risk of abuse.'

This briefing is aimed primarily at practitioners interested in establishing a mediation scheme focused on homeless young people. It is intended as a starting point for councils or others considering setting up a mediation scheme, or building or developing links with a provider of mediation services.

The briefing sets out the aims and principles of successful mediation, and ways it can be especially useful in responding to young people who become homeless. It provides advice in planning and establishing a mediation scheme for young homeless people and considering some differing models of service delivery. It identifies indicators useful for measuring successful outcomes for a mediation scheme.

2. What is mediation?

Although there may be different points of emphasis there is broad consensus around a definition of mediation.

‘Mediation is a well established process for resolving disagreements in which an impartial third party (the mediator) helps people in dispute to find a mutually acceptable resolution.’

Mediation UK

‘Mediation is a process in which disputing parties seek to resolve their differences with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer disputing parties the opportunity to fully hear other’s perspectives and to decide to resolve themselves’.

Scottish Mediation Network

‘Mediation is a method of resolving disputes with the help of a mediator. It works best when the issues at odds can be clearly defined and when the parties are co-operative. It is voluntary and confidential.’

Homelessness Task Force Research, 2001

Types of mediation

There are two principal types of mediation that have been developed that fall under the headings of **family mediation** and **community mediation**.

- **Family mediation**

This form of mediation is chiefly used by couples that are separating – it is used to settle issues such as arrangements regarding children, financial measures, access to property or any other issues connected with a separation or divorce.

- **Community mediation**

This includes neighbour mediation, workplace mediation, and victim-offender mediation and work in schools training young people to be peer mediators.

In Scotland most Youth Homeless Mediation schemes have emerged from community mediation schemes focused on the community at large. Many of the mediators engaged in youth mediation are in fact generic in role and provide youth homeless mediation alongside other forms of community mediation.

3. Mediation and youth homelessness

Official statistics persistently rate family breakdown as one of the chief causes of homelessness in Scotland. Scottish Executive statistics indicate that approximately one third of applicants have become homeless because relatives or friends are unable or unwilling to accommodate them³. Research also indicates that young people often have a strong desire to re-establish connections with family members and, to a lesser extent with friends⁴. Given that the breakdown of family relationships can cause homelessness, the re-building of family relationships and wider social networks may provide a possible route out of homelessness and prevent its re-occurrence in the future. There is therefore a clear role for mediation in the prevention of homelessness.

However, mediation also has significant role to play regardless of whether parents will accept a young person back into their household. Mediation can assist young people to deal with the psychological issues that often undermine attempts to support them in temporary or permanent housing. The experience of homelessness can often expose young people to isolation, loneliness and feelings of low self-esteem. Re-establishing relationships with parents and other family members is likely to be a valuable contribution to the health and general well being of young people who have experienced homelessness. A recent report from the Simon Community identified a lack of familial and social networks as a barrier to resettlement⁵. In the long term, maintaining relationships with family members is a vital element for facilitating the right conditions for tenancy sustainment. Mediation is therefore a vital tool in sustaining tenancies.

This 'multiple function' for mediation is critical. Rather than see mediation as a purely short-term measure to prevent homelessness, it should also be viewed as a key element of tenancy sustainment once external resettlement and support services are no longer working with a young person.

This has largely been the approach taken in Scotland. Mediation services for homeless young people have developed with the intention of improving social networks rather than purely preventing homelessness. This contrasts with the position in England where there are concerns that councils view mediation solely as an emergency homelessness prevention tool.

The Scottish *Code of Guidance on Homelessness* is clear that mediation and the creation or sustaining of social networks go hand in hand,

³ Operation of the Homelessness Legislation, 2003-2004, Scottish Executive

⁴ Fitzpatrick, S. *Young Homeless People*, Macmillan, 2000

⁵ McNaughton, C., 2005. *Crossing the Continuum: Understanding routes out of homelessness and examining 'what works'*. Glasgow: Glasgow Simon Community.

'The strength of a person's social networks should be an integral part of the assessment of their needs and of the support offered throughout time in temporary accommodation and during resettlement. Where individuals and families (including children) do not have strong positive social networks, local authorities should consider whether a befriending, mentoring or mediation service may be appropriate to enable them to build or rebuild social bonds. Local authorities should develop practical local measures to enable people affected by homelessness to (re)build social networks.'

4. Aims of successful youth homeless mediation

Before setting up, or planning the delivery of a mediation service, consideration must be given to the aims and planned outcomes of the service.

The 2001 research for the Homelessness Task Force identified concerns among practitioners relating to the operation of mediation services:

1. that mediation, if inappropriately used, could result in a young homeless person being forced to return to an abusive environment, much to their detriment.
2. that families may feel forced to accept the return home of an individual who is violent, or damages other existing relationships within the household, even risking homelessness among other family members.
3. that mediation may be viewed by statutory homelessness services as a means of 'gate keeping'; avoiding fulfilling statutory duties.

Providers can reduce the risks outlined above by being clear about the aims and desired outcomes of their mediation service. Broadly, the main aims of a mediation service should be:

- that difficulties between family members are resolved
- that once relationships are reinstated, consideration should be given to the best and preferred housing option for the young person
- that a consensual decision must be by all parties, with a number of options considered. This could include:
 - the young person returning home or remaining at home
 - the young person returning home for a short/fixed period before moving elsewhere
 - the young person remaining outside the home, living with other family or friends
 - the young person moving to alternative accommodation, with the family agreeing to support the young person to live independently.

The benefits of these outcomes are that even if the young person does not return home, bridges have been built and their experience of leaving home is a more positive one. They will be more likely to receive the sustained, informal support that families can offer, and which is often the key to gaining and keeping a successful tenancy. It may also mean that the young person will not need to rely on supported housing or resettlement services, or may only need to receive a minimal service.

5. Planning and implementing a strategy for mediation

The council will by now have agreed the aims and objectives of its mediation services, and the circumstances in which it will be used. The next step is to plan how the service will be established. The previous section has outlined how mediation should play a part at each stage of the 'cycle' of homelessness services: prevention, reception and assessment, support services, re-housing and resettlement. The council's homelessness strategy has a key role in establishing mediation as part of a range of options provided to young people, alongside advice and information, support services, counselling schemes, befriending and mentoring schemes.

The strategy should set out:

1. The kind of services the council will develop, e.g. services aimed at prevention of homelessness, as part of tenancy sustainment, etc. This decision should be made following a needs assessment to predict the scale and level of need in the area. It should include an analysis of the causes of homelessness in the area.
2. The level of resources attached to these services, i.e. the extent to which they will need.
3. How these services will be provided. This will be influenced by how the council views the role of mediation; so that a multitude of mediation services could be provided even within a single council. The council may decide to provide mediation through independent agencies, or in-house following substantial training of generic staff, or by specialist staff.

Most councils providing mediation services in Scotland have chosen to establish a service operated by an independent agency. For example, SACRO currently operates, or is about to develop, youth mediation schemes in 7 local authority areas. These are **East Lothian, Fife, East Dunbartonshire, East Ayrshire, North Ayrshire, East Renfrewshire** and **Dumfries and Galloway**. Other schemes facilitated by independent agencies are being set up in **Stirling** and **Angus**.

The longest established youth mediation service in Scotland is operated by **South Ayrshire Council** and is based within the Social Work Department but has strong links with other agencies such as the Health Department and the Housing Department. This scheme has operated since 2000 and takes referrals from a variety of agencies including self-referrals. **Scottish Borders Council** are also planning to set up an in-house mediation youth homeless service as part of their community mediation team while **South Lanarkshire Council** operates an autonomous in-house service through their 'Resolve' mediation service.

The main challenge for an in-house model of youth mediation is how it maintains close co-operation with other council departments while retaining strict independence in its working practice. For example, homelessness caseworkers might want to know the reason for one party withdrawing from the mediation process. In some English councils, this had led to situations where caseworkers have determined young people were not homeless on the basis of their decision not to proceed with mediation. In an impartial process this information would never be made available to the council. On other occasions, mediation has been confused with homelessness assessments so that applicants applying as homeless have been told to wait in the family home until a caseworker visit and mediation appointment can be set up.

Changing policies and procedures to embed mediation.

The council must then plan how the services outlined in the strategy are implemented across the council and made available to homeless people. The objective should be to ensure that mediation becomes embedded in existing policies and procedures. This may, in some instances, require a review of current policies and procedures:

- **Increasing knowledge of, and support for, mediation among council staff.** A culture shift may be required to ensure that staff understand the role of mediation and the success it can bring. The council should also consider training all staff in how mediation works, so that staff are more likely to refer applicants for mediation services. Staff carrying out assessments will require training in identifying when an applicant may be in need of mediation services.
- **Undertaking an effective homelessness assessment.** A good homelessness assessment is critical for identifying needs, and ultimately securing sustainable outcomes for individuals and households. While the Homelessness Task Force research recommended a single assessment, all forms of assessment should ensure there is scope for identification of mediation needs.
- **Ensuring allocations fit into the agenda.** A poor allocations policy that provides unsustainable housing outcomes for households will increase isolation among homeless households, and thereby increasing the need for social networks and mediation. The allocations policy should therefore be reviewed to assess its impact on homeless applicants' social networks.
- **Ensuring good relationships between housing and social work departments.** Preventing and responding to homelessness among young people requires good joint working protocols between housing and social work departments or teams. An integrated approach, and a good culture of information sharing between housing and social work departments should ensure that services are successfully targeted at young people, risk assessment takes place and that early intervention works. Good

partnership working between housing and social work departments will increase the likelihood of mediation being a success.

6. Setting up a youth homeless mediation service

Once the aims and objectives of a mediation service have been agreed, and relevant policies and procedures have taken mediation into account, the council can then set up the service.

The following operational issues should be considered when rolling out a mediation service:

- Work with an accredited and experienced mediation service. They should be a member of either Mediation Scotland and/or Mediation UK.
- Local authorities may wish to seek help in developing their mediation services from Scotland's **Social Networks Co-ordinator**. The post was established to raise awareness of the important role that mentoring, befriending and mediation services can play in enabling homeless people to rebuild positive social networks and to support organisations developing these services. It is in response Homelessness Taskforce recommendation that such initiatives should be nationally co-ordinated.

The Co-ordinator, whose contact details are in the Appendix, will develop a portfolio of:

- Case studies covering a range of delivery methods and the personal stories of individuals helped or in some cases not helped;
- Monitoring and evaluation techniques used;
- Training and accreditation used or offered.
- Many people have never heard of mediation, and have no knowledge of the benefits it can offer. Consider the best ways to inform potential users about the service. This could include producing a brochure or flyer for clients giving details of what mediation involves, and practical information on opening hours, contact details etc. Obviously, marketing will depend on the kind of service being developed.
- Produce accessible information for referrers on the kind of service available to applicants they are working with.
- Mediation services should be sensitive and responsive to cultural differences between service users. Research has found that a number of steps can be taken to increase usage of mediation services among ethnic minority groups⁶. These include; developing links with minority ethnic organizations and marriage counselling services,

⁶ Pankaj, V. *Family Mediation Services for Ethnic Minority Communities in Scotland*, Scottish Executive 2001

providing training to staff on cross-cultural issues, recruiting mediators and staff from ethnic minority groups, disseminating information to minority ethnic groups in an accessible manner, and engaging in ethnic monitoring to assess the inclusive nature of the service.

- Ensure that monitoring and evaluation are built into any mediation initiative from the beginning. Success should be measured by positive outcomes for individual clients, rather than inflexible targets centred on whether people return home or not. Return to unsafe or inappropriate accommodation cannot be counted as a successful resolution. Refer to the section titled *Evaluating success* for ideas on the kinds of information that should be gathered by a thorough and on-going evaluation.

An effective mediation scheme requires a proper service level agreement (SLA) to operate effectively. An SLA is a formal negotiated document that defines the service being offered to the customer by the provider. In terms of mediation schemes working with homeless young people the local authority will be the customer and the mediation service provider.

It should be made clear whether the terms defined within the SLA are thresholds for an acceptable service, targets to which the provider should aspire or expectations they would strive to exceed. The service may be defined in both qualitative and quantitative terms. Any statistics included in an SLA should be capable of being measured on a regular basis, and the SLA should make clear who has responsibility for this.

An SLA between a mediation service and a local authority may cover:

- The aims of the service
- The cost of the service and detail of payment
- The level of service provided, i.e. number of clients over time
- How the service will operate
- How cases should be recorded and monitored, relevant paperwork etc.

7. The principles of providing mediation

The key principles of mediation have been developed over many years by organisations such as **Mediation UK** and the **Scottish Mediation Network**. The main elements of successful mediation which apply equally to youth homeless mediation schemes are:

- an impartial skilled negotiator
- voluntary co-operation of clients
- confidentiality
- informality and flexibility
- decisions based on consensus
- an emphasis on the future to achieve a positive outcome for all involved.

Mediation is unlikely to work when:

- people feel coerced to take part
- there is no need/wish for a future relationship
- people feel unsafe or threatened
- the mediator has a vested interest in the outcome of the mediation.

Youth homeless mediation schemes should only be undertaken if these principles are adhered to, and all parties involved understand, and are committed to, the implications of carrying them through:

- The form of mediation provided should be tailored to the circumstances of each dispute; there should be an acceptance that a 'one size fits all' approach will fail.
- Mediation should not be confused with, or take the place of, a homelessness investigation. Young people have the right to make a homelessness application and have it assessed on its own merits.
- Being non-judgemental is a core value in the mediation process and it should not be compromised. Mediators should not be expected to make judgements about whether clients are homeless or not, or what kind of housing problem they may or may not have.
- The council should have clear guidelines around confidentiality. Mediators, with the agreement of participants, may report outcomes back to a local authority, but there should be no expectation that any details of the mediation will be shared.

8. Evaluating success

As mediation with young people and their families is an emerging area of practice, effective evaluation and monitoring is essential. As previously mentioned, evaluation should not be limited to assessing how many young people return to the family home. It should also cover other issues such as:

- the views of participants – whether they found mediation helpful
- whether the young person felt more or less supported by their family after mediation
- whether the family and young person reached a consensual decision as a resolution to the dispute
- whether the agreed outcome was sustainable
- whether mediation helped to improve the relationship between the young person and other family members.

The council should also monitor how well mediation has become embedded in practice.

- The number of referrals to the mediation service
- The point in the homelessness 'cycle' that the referral was made, i.e. was mediation therefore intended as a prevention tool, or to secure a sustainable housing outcome
- The views of council housing staff towards mediation; whether they recognise the positive outcomes from mediation

This kind of firm data is urgently needed to help with the development of future mediation services. The gathering and processing of such information should be built into any planning at an early stage. Unfortunately, most youth homeless mediation schemes are too recent to have produced much outcome evidence. SACRO currently uses an evaluation system developed by **Rickter Consultants** (<http://www.rickterscale.com/main.htm>) that explicitly monitors such 'soft outcomes'.

9. Next steps for youth homeless mediation

Mediation is not a panacea and cannot take the place of other services to young homeless people such as advice, counselling, befriending and/or mentoring schemes. Ideally youth homeless mediation should form part of a holistic package of services offered to young people, both throughout and following a period of homelessness.

Alone in London

Alone in London has offered mediation to young homeless people for nearly 10 years as part of a range of services including advice, resettlement and counselling. The Family Mediation Service helps young people avoid irretrievable family breakdown by working with the young person and their family to resolve difficult issues and to establish mutually agreed courses of action. A Schools Project has been developed that works in partnership with schools to raise awareness amongst young people about family issues and youth homelessness.

Alone in London also operates a mediation service to several Local Authorities in London, and has set up a Supportive Relations Project to provide advice and training in setting up family mediation projects.

There have been some success stories in terms of using mediation as a preventative measure. Mediation schemes have a valuable contribution to make in generating good social interaction and family links for young homeless people. This in itself can assist homelessness prevention and tenancy sustainment in the long term. However, attempts to tie the operation of youth homeless mediation closely with homelessness investigations is too limited an approach. As this briefing has shown, mediation is best used as a long-term solution; i.e. as a means of sustaining a tenancy.

The recent expansion of youth homeless mediation schemes across Scotland is a welcome development. However, young people's access to such services remains patchy since approximately half of councils fail to offer such services.

If the Homelessness Task Force vision is to be realised, and homelessness is to be effectively prevented and resolved through the use of sustainable solutions, all councils should commit to providing mediation services to young homeless people both in their updated homelessness strategies and in the current action plans to accompany the strategy.

Councils should consider allowing the service to be run by an independent agency outside council premises, as this has been shown to be the most effective model. This would

provide the optimum environment for creating a service that offered the broadest accessibility, confidentiality and impartiality to clients.

Best practice in mediation will require increasing links being formed between different mediation schemes. This process has been facilitated by the work of the **Scottish Mediation Network** and the **Social Networks Co-ordinator**. Any agency considering the establishment of a youth homeless mediation scheme should liaise closely with both these sources of good practice.

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Appendix 2- Useful contacts

SACRO
National Office
1 Broughton Market
Edinburgh, EH3 6NU
Tel: 0131 624 7270
Fax: 0131 624 7269
Email: info@national.sacro.org.uk
Web: <http://www.sacro.org.uk/>

Scottish Mediation Network
18 York Place,
Edinburgh, EH1 3EP
Tel: 0131-556-1221
Web: <http://www.scottishmediation.org.uk/>

The Rickter Company
10 View Place
Inverness
IV2 4SA
Telephone - 01463 717177
Fax - 01463 718965
Email - info@rickterscale.com
Web: <http://www.rickterscale.com/main.htm>

Scottish Social Networks Co-ordinator
Lesley Stenhouse
The Rock Trust, 55 Albany Street,
Edinburgh, EH1 3QY
Tel:0131-557-4059
Mobile: 07977 987 4059
Email : lesley.stenhouse@rocktrust.org

Alone in London
Family Mediation service
188 Kings Cross Road,
London, WC1X 9DE
Tel: 0207-278-4224
Fax: 0207-388-9588
Web: <http://www.als.org.uk/>