

**MEDIATION AND HOMELESSNESS
PREVENTION IN SCOTLAND:
A DECADE OF MEDIATION BETWEEN
YOUNG PEOPLE AND THEIR FAMILIES
EXTRACT FOR MEDIATORS**

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FOREWORDS

“Young people and their families are experiencing high levels of pressure: unemployment is rising, there is a shortage of affordable accommodation, incomes are falling at the same time as basic living costs are rising, and there seems to be uncertainty everywhere we look.

It is little wonder, then, that family relationships sometimes run into difficulties. When these difficulties grow so severe that the young person feels unable to stay at home, the consequences can be drastic. Mediation can very often help to repair damaged relationships and assist in re-establishing the support young people so desperately need, whether they return to their original home or find a different one.

Mediation between young people and their families is less established and less prevalent than mediation between neighbours which is now tried and of major significance in resolving neighbourhood conflicts. This report has huge value in making significant strides in mapping the extent of activity in Scotland and discussing issues of ethics, effectiveness and service delivery. It raises questions of national and international significance, challenges mediation funders and mediation providers, and very importantly offers a way forward for practically assisting young people and their families in their struggle to weather a hostile social/economic climate.

Most important of all it asks us all to respond to the challenge of helping Scottish families function as effectively and positively as possible, to help them keep their young people safely and suitably housed in an appropriate and supportive environment.”

**Ian McDonough, Chair
Scottish Centre for Community Mediation**

“With 2012 fast approaching, homelessness prevention is at the top of the agenda and mediation has been proven to play a significant part in helping people secure a sustainable and appropriate housing outcome. This research provides a useful resource for practitioners wanting to positively influence the development of good practice and to learn from past experiences. It will also assist local authorities and other commissioners to further develop homelessness prevention services.”

**Daniel Coote, Policy Officer
Scottish Council for Single Homeless**

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INTRODUCTION

On average 13,350 young people (16 -24) become homeless in Scotland each year. 45% of these have left their family home due to conflict. Scottish Government statistics year on year identify relationship breakdown as the greatest single cause of homelessness. [i] Angry words are thrown, bags are hurriedly packed and doors are slammed, potentially never to be opened again. It is logical and beneficial to target preventative intervention here, at its cause, in order to prevent young people beginning the negative downward spiral that accompanies homelessness.

Mediation is a method of resolving disputes through the involvement of an independent third party, the mediator, who helps people to agree a solution. The mediator helps parties work out what their issues and options are, then use those options to work out an agreement. The mediator does not take sides or make judgments. Mediation is a voluntary and confidential process in which the parties in dispute are in control of the solution. The mediator will ensure that both parties get a chance to state their case, hear the other side, work through the issues that are important to them and make an agreement. It is a flexible process that can be used to settle disputes in a whole range of situations.¹ Mediation is used in a diverse range of conflict situations: from neighbours in Strathclyde in conflict over a noisy dog to military factions in conflict over political power Libya.

At the beginning of the new millennium, the Homelessness Task Force commissioned social researchers Lemos and Crane to investigate the use of mediation for the prevention of homelessness. At that time, only one service in Scotland was found to be practicing mediation in this context.² Following the Task Force's subsequent recommendations, the decade 2001 – 2011 has seen an explosion of 43 pilots and projects, as well as significant developments in homelessness policy. Despite this, there remain many questions surrounding this type of work and a number of different models being practiced with greater or lesser success. Until now, there has been no detailed investigation into how this has played out across Scotland.

As Scotland approaches the 2012 removal of priority need, the question of homelessness prevention has never been more pertinent. The development of policy over the past decade has placed mediation on the table as one of the measures that can be used to prevent homelessness. This report looks at the different ways government recommendations have been interpreted across the country and how mediation teams consider themselves to be contributing to the prevention agenda. The dissemination of this information aims to raise awareness of the benefits and limitations of mediation in this context.

Through reviewing relevant literature that has been published in the past decade and mapping the growth of relevant mediation services, this report will consolidate the valuable learning that has been gained across the country both in theory and in practice. In doing so it is hoped that it will positively influence the development of good practice and promote efficient and effective models of delivery. Ultimately, through encouraging improved understanding and practice we expect to bring direct benefit to young people at risk of homelessness, promoting the strengthening of family communication and relationships through the use of mediation.

INTENDED AUDIENCE

This report aims to provide a helpful resource for mediation **practitioners** and **team leaders**. The summaries of previous and current services show the range of practices, models and experiences across Scotland. Attitudes and approaches to this specific type of mediation have developed over the past decade. Being able to place local practice in the context of what is happening nationally will hopefully stimulate ideas about how to develop and improve services as well as preventing mistakes being repeated.

Homeless strategy officers, policy makers, commissioners and **funders** will also find this a useful document. Information about how local authorities across the country have interpreted government recommendation, and how this has played out on the ground will place their local services in the national context. The literature review gives academic backing to the practice of services. Analysis of the findings will bring forward suggestions which should inform the future formation of mediation services.

This document endeavors to communicate accessibly to the two spheres of operation that meet in this discipline: mediation and homeless provision. It seeks to communicate in language that is useful to all stakeholders without diluting or 'dumbing down' the contribution of any perspective. In a sense, it looks to bridge the gap between policy and practice.

NOTE ON TERMINOLOGY

The form of mediation that is the object of this report involves young people and their parent(s) or carer(s), where there is conflict in the home. This conflict will be causing the young person to be at risk, or potential risk, of homelessness. It may have already caused the young person to be homeless. Throughout the report when the term "mediation" is used it should be assumed that it refers to this context, unless otherwise specified. Across Scotland many different terms are used for this type of mediation: Family mediation, Intergenerational Mediation, Homelessness Mediation, and Young People and Families Mediation. That there is no commonly accepted term for this type of mediation – each of the listed names facing a variety of objections – is indicative of the practice's emerging state and the lack of cohesion to date.

RESEARCH METHODOLOGY

This report was borne out of the Scottish Community Mediation Network's development of a forum for practitioners working with young people and their families for the prevention of homelessness. This coincided with Edinburgh Cyrenian Trust receiving Big Lottery funding for the author to undertake research into this field. This report is written in line with the objectives of the forum to advance best practice and raise awareness.

A questionnaire was used to survey 23 services representing 27 mediation projects between young people and their parents for the prevention of homelessness (see Appendix 1). 19 were conducted through face to face interviews, 2 through telephone interviews and 2 completed electronically. The research was carried out from September 2010 to February 2011, and summaries updated in July 2011. The data collected was analysed thematically and is presented in the Data Analysis section of this report. Throughout the document, the interviewed services are referred to by shortenings of their names as detailed in Appendix 3, which also includes the services' contact details.

The report was edited by Ian McDonough, manager of the Scottish Community Mediation Centre, and reviewed by selected other professionals in the field before publishing.

NOTE:

Mediation between young people and their parents for the prevention of homelessness is an ever-changing field. It is likely that in the time between researching and publication new services will have emerged. Likewise, as services have been in general on a very small scale, previous projects may have been missed. This research represents a best effort, with apologies to anyone who has been overlooked.

1. MEDIATION AND HOMELESSNESS: SETTING THE CONTEXT

Over the last decade, the Scottish government has introduced policy and guidance that has fundamentally shifted the way in which homelessness is perceived and addressed. This section will look briefly at some of the key themes in this development. Having established this context, it will chart the inclusion of mediation in homelessness policy across the same timeframe. Finally, this section will look at the place of mediation in Scotland in other spheres and the use of the mediation for the prevention of homelessness in other countries – notably England.

1.1 SIGNIFICANT THEMES IN HOMELESSNESS POLICY

INCREASE OF DUTIES

The Housing (Scotland) Act 2001 introduced a duty to provide temporary accommodation, advice and assistance to all homeless households, and permanent accommodation to all those unintentionally homeless in priority need. The Homelessness etc (Scotland) Act 2003 then expanded these categories of priority need. This has resulted in Scotland having a far more extensive statutory safety net than elsewhere.³

PREVENTION AGENDA

Over the past decade in England, Wales and Scotland there has been a growing emphasis on prevention. An example of the impact of homelessness prevention can be seen in England where the vigorous prevention agenda, resulted in the number of homeless acceptances being halved, meeting the official government target introduced in 2005.⁴

In 2009 the Scottish Government, in partnership with CoSLA, issued "Prevention of Homelessness Guidance" for the reference of Local Authorities in the design of their Homeless Prevention Strategies.⁵ Homeless prevention encompasses a wide spectrum of activities, from large structural provisions such as increasing security of tenure, to individual interventions which make it less likely that an individual will lose their accommodation. The prevention of homelessness was significantly represented in the recommendations of the final report of Homelessness Task Force, *Helping Homeless People*, in 2002.⁶ Money was made available to local authorities in 2005 by the Scottish Executive in the form of the Innovation Fund to promote homelessness prevention. Shelter's Briefing in April 2006 notes that the advancement of the prevention agenda at a local level had been slow, with a wide variation in plans and concern over the translation of these plans into practice.⁷ By the time Heriot Watt University carried out their research in 2007 for the Evaluation of Homeless Prevention Activities in Scotland, local authorities were increasingly placing more importance on a range of prevention activities.⁸ The requirement of the Housing (Scotland) Act 2001 to produce homelessness strategies placed a new emphasis on prevention. Despite the 2008 LHS Guidance stating that separate Homelessness Strategies were no longer required, Homelessness strategies are now integrated into the Local Housing Strategy and the priority of prevention for Local Authorities remains high. This can be witnessed in two structural changes that many local authorities have adopted:

A significant development in this increasing focus on prevention is the emergence of **Prevention Teams** in a number of local authorities from 2009 onwards

(Scottish Borders, West Lothian and Highland to name but a few). Some local authorities have had a Prevention team for some time but are placing more emphasis on their work. The dedication of staff posts and therefore resources demonstrates an active commitment to preventing homelessness.

In 2010, five **Housing Options** Hubs were set up around Scotland for geographically clustered local authorities to share ideas, and potentially resources, relating to the Housing Options model – offering service users a range of housing options as a first point of call rather than automatically processing a homeless application. This model is designed to prevent people becoming unnecessarily homeless if an alternative route is available. Mediation is one of these options.

2012 ABOLITION OF PRIORITY NEED

The Homeless etc (Scotland) Act 2003 legislated that by the end of 2012, categories of “priority need” are to be phased out across Scotland. The Ministerial Statement on Abolition of Priority Need by 2012 issued by the Scottish Executive (2005) gave more details for local authorities on this. Previously only those who were unintentionally homeless with a local connection and in priority need, would be eligible for settled accommodation. Following the removal of priority need, however, settled accommodation must be provided for all unintentionally homeless people. This target of providing a statutory safety net to a much wider group of people has placed significant pressure on local authority housing departments. This is widely regarded as a highly ambitious target: the impact of this on housing stock demand is colossal. It is expected that following 2012 there will be rise in homeless presentations across Scotland.

At the 2009 interim target point only 43.7% of local authorities were meeting or exceeding their interim target. Research into primary issues in meeting the 2012 target has shown that current financial pressure on local authorities is a significant cause for concern as is the lack of available housing stock.⁹

WELFARE REFORM

Although Housing is a devolved issue, Welfare remains (at 2011) an issue governed by Westminster. In the interaction between these two topics, perhaps more than in any other arena, tensions can be felt between the two policy sets. Following the announcement of drastic changes to the Welfare system in October 2010 there has been much consideration and concern in Scotland about the impact this will have on housing need in Scotland. Of particular significance for young people is the rapid rise in non-dependant deductions: if a young person remains at home beyond the age of 18 with parents who receive housing benefit the amount that housing benefit is reduced by is going to increase each year between 2011 and 2014. This is predicted to increase tension and pressure between young people and their families during these tough economic times, particularly as rates of youth unemployment are rising. It may result in more young people being asked to leave the family home. In addition, there has been an increase from age 25 to 35 to the single room rate: those in this age bracket will no longer get benefits to cover a one-bedroom flat, but will instead have to share a flat with others. This may drive more people to stay at home with their parents beyond the age they would chose to and lead, as with the non-dependant deductions rise, to increased tensions within the family home.

1.2 MEDIATION IN POLICY

Mediation has emerged in Scotland as a part of the wider move towards prevention.

2001 - Mediation and Homelessness: a review of the literature and service providers in Scotland - Lemos and Crane for Homelessness Task Force.

Recommends the introduction of mediation in homeless prevention policies in Scotland.

2002 - Homelessness Task Force report

Recommended local authorities take into serious consideration people's social and informal support networks, and recognised mediation as a tool for facilitating this. '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 ... We recommend that local authorities through their homelessness strategies should develop practical means of enabling people affected by homelessness to rebuild social networks.'

2005 - Code of Guidance on Homelessness

'It may be possible for the authority or another service to intervene to prevent family breakdown and resulting homelessness. Local authorities should consider whether it is appropriate for them or another agency to provide relationship counseling 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.'

2007 - Evaluation of Homeless Prevention Activities in Scotland

Provides a brief overview of family mediation services in Scotland at that time and looks at two case studies. The report identifies the variation in models and some of the issues around mediation in the prevention of homelessness.

2009 - Prevention of Homelessness Guidance

'Intervention in the form of family mediation has been found to be particularly helpful in respect of young teenagers and there are examples of practice where earlier intervention led to successful outcomes for young people and their parents.'

2. WHY IS THERE A NEED FOR MEDIATION?

The following section presents four indications that there is a need for the use of mediation in the prevention of homelessness:

1. Relationship breakdown is the largest cause of youth homelessness and mediation addresses this cause directly
2. At each of the three stages of prevention, mediation is an appropriate intervention
3. Both the structure of families and the nature of adolescence are changing in a way that is likely to increase conflict around accommodation
4. Mediation is unique as a way of working with families in conflict.

2.1 RELATIONSHIP BREAKDOWN

In 2010 – 2011 7,682 young people ages 16 – 20 were assessed as homeless in Scotland. The vast majority of these presentations were prompted by conflict escalating between young people and their parents to the point at which one or both parties decide they can no longer live together. Scottish Government statistics year on year identify relationship breakdown as the greatest single cause of homelessness.¹⁰ Research indicates that family conflict is the main cause of homelessness for between 70%¹¹ and 90%¹² of homeless young people.

It should be recognised that the above figure is an underestimate of the true figures of young people becoming homeless in Scotland. The published government figures do not include the significant number of young people among the “hidden homeless” of Scotland. They may be sleeping on the sofas of friends and acquaintances or moving around regularly, with no fixed address and no stability in their life. The National Homeless Alliance considers that the official homeless population is the tip of a much larger iceberg of people experiencing severe housing need. In addition, statistics do not include the estimated 9,000 young people in Scotland under the age of 16 who run away or are forced to leave their home for one night or more each year (Jim Wade, Missing Out, Aberlour Childcare Trust, 2002). 84% of young people who become homeless aged 16 or 17 have previously run away from home (Shelter Policy Library, Running Away and Future Homelessness – the missing link?, Shelter, 2011).

As has been shown in the previous section, prevention has become a significant theme embodied in Scottish legislation. Prevention is about more than ensuring that roofs are given to those who most need them.¹³ Statistics show that family breakdown is a major driver for homeless presentations: it is logical to target intervention here, at its cause in order to prevent young people beginning the negative downward spiral that accompanies homelessness. In discussing the prevention of homelessness post-devolution, Wilcox and Fitzpatrick comment that in order to be effective, prevention policies have to target the key causes.¹⁴

The following research studies based on interviews with young homeless people have shown that there is a felt need amongst homeless young people for interventions that directly tackle the problem of relationship breakdown:

- ‘Prevention is better than Cure’ found that **one in three** respondents who left because of family disputes mentioned that reconciliation with parents might have been possible.¹⁵

- The Children’s Society Study ‘Still Running’ found that the **most common thing** cited as something that may have prevented leaving home was family support and mediation services.¹⁶
- **32%** interviewees in the ‘Significance of Family to Young Homeless People’ study thought that mediation would have been useful before they left home.¹⁷

2.2 STAGES OF PREVENTION

The Scottish Government Prevention of Homelessness Guidance 2009, describes three main stages where intervention can prevent homelessness: i) Early intervention ii) pre-crisis and iii) the prevention of recurring homelessness through tenancy breakdown.¹⁸ Importantly Randall and Brown comment that longer term work and prevention work with those at imminent risk are not mutually exclusive alternatives. Both are necessary parts of a wide spectrum of preventive services.¹⁹ The following section identifies how mediation operates at each of these three stages of homeless prevention.

Pro-active and early intervention ... will have more impact than traditional re-active responses to homelessness.

Increased effort and investment in precautionary activities will probably over time lead to fewer instances of homelessness crisis.

Guidance on prevention of homelessness, 2009
COSLA and Scottish Government

i) EARLY INTERVENTION

‘Where those potentially at risk are identified and services provided to support the person and their environment before incipient problems or disputes escalate beyond repair.’²⁰

For many young people the ‘environment’ prior to presentation as homeless is the family home. Early intervention recognises that support for ‘the person *and* their environment’ is required if homelessness is to be prevented. Mediation shares this acknowledgement of the interconnected nature of an individual at risk of homelessness and their ‘environment’, working with all parties involved in a dispute to build more positive relationships (see 3.6). The above definition is also useful in its recognition that there exists a period ‘before... disputes escalate beyond repair’. Where ‘those potentially at risk’ are identified, by guidance teachers, youth workers or other frontline professionals or family members, a mediator can assist the family to come to a peaceable agreement, before the disagreement escalates to the point where homelessness is threatened.

The report, “Homelessness Prevention: Can we afford not to?” monitored De Paul’s *Reconnect* service, offering mediation and support. They found that:

Early intervention is especially effective; homelessness is prevented in 90% of clients who are helped before they leave home, compared to 64% of clients helped after they leave home.²¹

However, of 2010 - 2011 applications closed for households assessed as threatened with homelessness or as not homeless only 5% (350) across Scotland were recorded as having been offered services such as mediation or counseling.²² As the large majority of those assessed in this way are at risk of homelessness

and proportionally it is likely that 54% will be leaving because of relationship breakdown, that only 5% were offered mediation or related services suggests an underuse in Scotland of mediation as an early intervention.

ii) PRE-CRISIS

At this stage of prevention work, homelessness has been identified as an approaching threat. Typically for young people conflict in the home has escalated to the point that the young person is talking about leaving, or the parents have threatened that the young person will be asked to leave. At this stage, when the potential consequences of family conflict are clear, mediation can assist people to explore alternative outcomes. Where a situation seems hopeless and homelessness seems inevitable, working with a mediator can offer hope that there is an alternative path available. As we have seen in section 2.1 above, research has shown that homeless young people themselves think that the intervention of a mediation service could have prevented their homelessness.

Some of the models of mediation between young people and their families that have been developed in Scotland over the past decade have focused on mediators working in crisis situations. As analysis of this paper's research findings will show, mediating in a crisis situation is, in the majority of cases, less effective than mediating at other stages of conflict (see 8.2). Indeed, as the 2009 Guidance acknowledges, 'although crisis response services are valuable and necessary it can still be difficult to actually prevent a homeless presentation at such a late stage'.²³

iii) PREVENTION OF RECURRING HOMELESSNESS

For many young people moving into their own tenancy is the golden moment they have had their eyes set on through months or years of family strife. However, such independence presents many challenges. A large number face fundamental problems of isolation and loneliness. *Repeat homelessness in Scotland*²⁴ highlights that 'within the 9-10,000 homeless households re-housed by local authorities each year, around 3,500 do not sustain their tenancies – with most of the tenancy failures taking place within 6 months'. The same paper cites young single people as amongst those most likely to present as homeless on repeat occasions through being unable to sustain their tenancies.²⁵ A study into the rising rate of tenancy failures in South Clyde in 2001 found that factors in tenancy failure were likely to include feelings of isolation within low demand neighbourhoods. The loneliness and vulnerability which young people felt in their homes emerged as a major factor in unsuccessful tenancies.²⁶ These problems have been expounded by Gerald Lemos in his report, *Homelessness and Loneliness - The want of conviviality*.²⁷ Where a young person's relationship with their family remains broken and they feel that they have "burnt their bridges", mediation can help families to re-establish communication and to restore family ties. A briefing by Shelter surmises that the rebuilding of family relationships and wider social networks through mediation may provide a possible route out of homelessness and prevent its re-occurrence in the future.²⁸

2.3 THE CHANGING FACE OF THE FAMILY AND TEENAGERS

FAMILY

Over the past 50 years there have been significant changes to the formation of the British family – figures for divorce, separation, re-marrying and co-habiting all having rocketed since the 1960s. This has put increasing pressure on family relationships. There is no such thing as a typical family in 21st Century Britain.²⁹

In 'A Future Foretold' Lemos comments that it would be hard to argue that there has not been a weakening of the ties of tradition and obligation that once bound families together. In particular, he recognises the tension and conflict often experienced in "reconstituted" households in which new relationships and rules have to be negotiated and forged.³⁰ Two-thirds of the 56 young people interviewed for the report 'Young homeless people and their families' came from disrupted homes. They were likely to have left home because of conflict between themselves and their biological parent's partner.³¹

Despite the observed decline of the nuclear family, there is diversification and evolution of family structures and family is still important. The family remains the foundational unit in British society: 93% of people in a British Social Attitudes Survey said that family was more important to them than their friends.³² The quality of family relationships is a fundamental aspect of young people's wellbeing and more important than change, family structure or even quantity of time spent together.³³

TEENAGERS

Not only is the family changing, but teenage years look different too. A study by About Families has found that young people's transition to independence is less structured, more gradual, and takes longer than in the past, yet in some ways younger teens are introduced to elements of growing up at a younger age than previous generations.³⁴ Puberty starts earlier than in the past, the distinction between childhood and adulthood is less clear, and economic difficulties make it harder to leave the family home during late teens.³⁵ The socio-economic foundations of independent housing for young people started to fracture in the 1980s and extended financial support from parents is increasingly required to facilitate independent moves.³⁶ This trend has continued in the recent 2010 Welfare Reforms (see section 1.1). This means that adolescence is stretched at both ends, creating an artificially long period of dependence and semi-independence. The dynamic of the transition from dependence and to independence is a pervasive feature of conflict between parents and their teenagers. Although this conflict is a necessary and healthy part of re-defining boundaries during adolescence, the changes to the life stage observed above may be putting increasing pressure on family relationships. In the current financial climate, with unemployment rising and welfare benefits being cut, the stress and burden on families are likely to continue to rise.³⁷

Both the changing face of the family, and the changes to adolescence seem to indicate that there is increasingly likelihood of conflict between young people and their families.

3. MEDIATION AS "GATEKEEPING"

The most widely documented criticism leveled at mediation between young people and their parents is that mediation is used as "gatekeeping" by local authorities. Gate keeping is described as the practice of preventing or discouraging people from making homelessness applications as opposed to preventing homelessness from occurring.³⁸ Some have even suggested that mediation can be used by councils as a way of avoiding statutory obligations to house homeless people.³⁹ It should be noted, however, that many prevention activities have fallen under this same criticism, particularly in England where the prevention agenda has been rigorously applied. Wilcox and Fitzpatrick have suggested that in Scotland there is a governmental desire to avoid allegations of gatekeeping of the type that have emerged in England and Wales. They judge

that the rolling programme of regulatory inspections of local authority homelessness functions makes gatekeeping in Scotland far less likely.⁴⁰

One of the core definitions of mediation is that it is offered by a neutral third party, who has no stake in the outcome of the mediation. As the state carries significant obligations towards anyone who is homeless, it cannot be avoided that there is some stake held by local authorities. The implication is, then, that where local authorities are providing mediation, there must be some very careful thought around whether, or how, they can act as a neutral party. The issue of neutrality does not end with local authority services, however. The vast majority of mediation services in Scotland are funded by the local authority. The Advice Services Alliance website comments, 'where mediation providers are funded by the local authority, it is hard for them to remain entirely neutral: their continued funding may depend on how effective they are at helping the authority to meet its targets to reduce homelessness applications and numbers of people in temporary accommodation.'⁴¹ The conditions of funding, then, are also important in considering whether, or how, a service is preserving the core value of neutrality.

This issue of mediation being used as 'gatekeeping' was brought to a head by the case of *Robinson v Hammersmith and Fulham London Borough Council* in 2005/2006. On July 28th 2006 at the conclusion of the case, the court was critical of the local authority for using mediation to justify delaying their decision, in order to avoid their housing responsibilities.⁴²

It goes without saying that mediation is an enormously valuable tool in the resolution of problems of homelessness. However, the process of mediation is not to be confused with the duty of a local housing authority... In my judgment, the process of mediation is wholly independent of the section 184 inquiry process.

- *Robinson v Hammersmith and Fulham London Borough Council*
Lord Justice Parker

Another core principle of mediation is confidentiality. In England it has been found that some local authorities were requiring mediators to report back to the local authority homeless department, the information they provide being used to influence the homeless assessment.⁴³ This clearly compromises the trust of the client and core mediation principle. Sequentially ordered mediation in relation to the assessment process could amount to a denial of a homeless person's rights.⁴⁴

One model of operation has been suggested in order to avoid the potential pitfalls detailed above. In Lemos and Crane, 2001, respondents said that mediation between young people and their families was potentially hard to regulate and should therefore be provided by an independent body, not agencies which may have their own agendas and thus undermine their purpose. Service users may also experience wariness or 'fatigue' towards council services.⁴⁵ Shelter's Good Practice Guide in 2005 also recommended that the delivery of mediation services should be run by independent agencies, which they consider to be the most effective model.⁴⁶

NOTE ON DATA ANALYSIS SECTIONS 6 - 10

Using a thematic analysis of the information gathered through the 23 interviews with current and previous mediations services, this section of the report examines what can be learnt from the experiences of these services. Where answers to a specific question are being considered, the question is quoted; otherwise the analysis gathers information around a specific topic from the entire survey sample. Throughout the sections are recommendations, which are summarized and consolidated in the conclusion. The analysis of themes has been divided into 5 areas:

- Local authority relationships
- Mediation services
- Referrals
- Case work
- Looking forward.

Quotations used have been chosen because they typify a point of view and are not exhaustive of all the evidence. Where they are not attributed to a service, the respondent has requested to remain anonymous.

4. LOCAL AUTHORITY RELATIONSHIPS

As the 32 Local Authorities in Scotland are charged with carrying out housing and homelessness legislation, it is of interest to examine how independent or closely tied mediation projects have been to local authorities. A useful way to note this is to look at commissioning and funding. In the past 10 years, this research identified 43 projects to have operated in Scotland across 30 different local authority areas, as recorded in Table 1.

Most mediation services for the prevention of homelessness have been both commissioned and paid for by the local authority (15 services in total). The next most common arrangement has been mediation being delivered by local authority staff (8 services within the homeless department, 3 within community safety and 1 within social work). 4 services were commissioned but not paid for, 4 not commissioned but independently funded and 3 services were neither commissioned nor funded. Local authorities, then, have been the main driver behind the output of mediation in this context and in most cases have also funded it. Comparatively few (7 services) have been initiated by other sources, and where they have only just over half have found funding to support the work.

4.1 COMMUNICATION AND CONFIDENTIALITY

What is your service's relationship with the Local Authority?

Two related themes emerged when interviewees were answering the above question: communication and confidentiality.

Of teams that were commissioned by the local authority, or situated within one, there was a range of levels of communication between mediation projects and the local authority. This ranged from dedicated meetings being held every 4 weeks to solely submitting an annual report. For one project, a significant barrier to the project being successful was that these meetings were not happening with the most appropriate person. The project's sole referrers were the homelessness

team, but they met with the head of anti-social behaviour, who provided the majority of the team's funding for community mediation work.

RECOMMENDATION:

There should be regular, clear lines of communication between mediation services and their commissioners. Any concerns or adjustments that either party have can then be addressed and the project is more likely to be successful in the eyes of both parties, leading to services being sustained beyond the pilot period.

Confidentiality was held highly as a principle of all teams we spoke to in this regard. (see Chart 3). Most teams reported on referral rates and outcomes to the local authority. For some teams, what stage the mediation case had reached would be passed on to the referrer, but not any details. Two teams mentioned that they would share details of a case with the referrer, but only with permission of the client. There was no notable difference in attitude to confidentiality between in-house local authority services and services commissioned by the local authority. However, this tightly held principle of confidentiality is unusual within local authorities and this did not always promote relations between the mediation team and their referrers. Indeed, for one service the constraints of confidentiality were identified as a limiting factor in the success of the service.

*The team often needs to be clear with the referrers about **the function of the mediator and their boundaries** regarding confidentiality. They will only share information with the permission of the client. This attitude to information sharing is alien within the social work department. – West Dunbartonshire*

*The service was completely confidential. **Clients would not want the council to know the details of the case.** – Fife*

Only two interviewees expressed that they are asked to share more information than they would be willing to.

Clients don't seem to have any issues or worries about the connection to the local authority, as policies on confidentiality/ information sharing are clearly explained to everyone at the first meeting. We are sometimes asked by other teams within the council (e.g. homelessness, anti-social behaviour) but will not share information or case details. In this sense, we can feel as though we are repeating ourselves. – South Lanarkshire

A notable exception in the discussion of confidentiality is the South Ayrshire team who openly discuss all cases with a multi-agency Youth Housing Support Group. This is consensual as at the start of the process the young person signs an information-sharing consent form.

RECOMMENDATION:

Terms and conditions regarding information sharing should be established between mediators and commissioners at the outset of any mediation service or work. Terms of confidentiality should also be made explicit to service users, who may have concerns about information being passed to other professionals or family members.

4.2 PRIORITIES

That the local authority and mediation teams can have different priorities was one of the strongest themes emerging from the interviews, with a significant majority of services (16 services) alluding to the potential for differing priorities.

*The Local Authority is having to find accommodation for young people so they are going to be looking for the outcomes of a young person remaining in the home or returning to the home. Mediation outcomes are more about the young person receiving support from their family. Therefore, **the council's priorities and the mediation priorities did not always match up.*** – Dundee

The goal is for relationships and communication to be improved and for both parties to be where they want to be. The outcome that other people are looking for is to get young people off the homeless register. – East Dunbartonshire

Three teams cited that they had had to assert their position as mediators strongly from the inception of the project:

*The team have always made it clear that **the aim of the service is communication**, not necessarily getting a young person back in the house. The homeless team seemed to find this a bit confusing to start with because their priorities are so different, but **now they seem to understand mediation more.*** – East Dunbartonshire

A number of services distinguished between 'hard outcomes' (i.e. actions that occurred) such as a young person staying at home and 'soft outcomes' (i.e. emotional/social changes) such as improved relationships. As is clear from Table 3 there is a stronger commitment to 'soft outcomes' by mediation teams than to 'hard outcomes'.

Ultimately the council wanted young people to stay at home, which is focusing on a hard outcome rather than the soft outcomes that mediation can offer. - North Ayrshire

*We are continually trying to **promote the softer outcomes** (e.g. regaining supportive contact) as positive.* - S Lanarkshire

RECOMMENDATION:

Clear and explicit discussion should be held at the establishment of a service around the priorities of the mediators and commissioners involved. There is a large amount of work to be done by both sides in educating the other about priorities and the reasons behind them, and finding ways to productively bridge any gaps.

Reflecting the recommendations made in both the Lemos and Crane 2001 report and the Shelter Good Practice Guide (2005), it was identified by some participants that there can be benefit from a degree of separation from the local authority, in order to be perceived as independent and approachable:

The team have worked hard to stake their position as within the council but as independent from it. To this end, the team do not wear the council uniform. – South Lanarkshire

The team are often greeted into the situation because they are non-statutory and are there to listen to people, not tell them what to do. This separateness is a positive in the clients' eyes. – West Dunbartonshire

RECOMMENDATION:

In commissioning a new service, the importance of impartiality in mediation should be considered. This may involve the use of independent services or careful consideration of the placement of internal mediation staff.

4.3 LOCAL AUTHORITY BIAS

The difference in priorities acknowledged above (5.2) and against the background of discussion on 'gatekeeping' (4.3) leads us to look at whether there is actual pressure placed on mediation teams by the local authority. As a mediator is generally defined as a neutral third party, a close relationship between the local authority and the mediator thus raises the issue of impartiality. This was illustrated by Renfrewshire who stated that a core value is impartiality, "*this is why the mediator is now not part of the homeless team but from a dissociated department.*" The issue of the potential for pressure from the local authority was the major theme that emerged when interviewees were asked,

What degree of autonomy do you have from the LA?

Encouragingly, of 23 services interviewed only two mediators expressed having actively felt pressure to achieve the outcome of young people remaining at home or returning home. For one team, "*some pressure is felt*" from their social work referrers. In only one other instance a service expressed explicit use of mediation as a tool to prevent young people from being assessed as homeless:

*There is **pressure** all the time for the young people coming through to be prevented from even reaching the assessment stage of a homeless application... This is not mediation as I understood it to be. The role is more to do with going to meet the people involved and find out what has happened and if it is possible to prevent the young person going into temporary accommodation through staying at home or moving in with other family/ friends. - Anonymous*

In contrast, four services explicitly mentioned that they did not experience any pressure from their local authority commissioners/ colleagues to achieve particular outcomes.

*The team is situated within the local authority. There is **no pressure** from the homeless team to achieve particular outcomes. A young person moving out in a supported way is deemed to be successful. - Renfrewshire*

*There was **never pressure** by the council to get young people to return home, or share information about clients. - East Lothian*

In East Dunbartonshire mediation is offered as part of the homelessness presentation interview. Although it is made explicit to clients that the homelessness assessment will continue if mediation is accepted, "*some people can see it as yet another boundary before they can get a flat.*" This demonstrates that mediation can be perceived by the public as gatekeeping even when it is not being used in this way. This can be a barrier to people engaging with the mediation.

RECOMMENDATION:

Communication around the relationship of mediation and the homelessness assessment process should be clear and explicit from the first point of introducing mediation to service users.

5. MEDIATION SERVICES

5.1 STAFFING

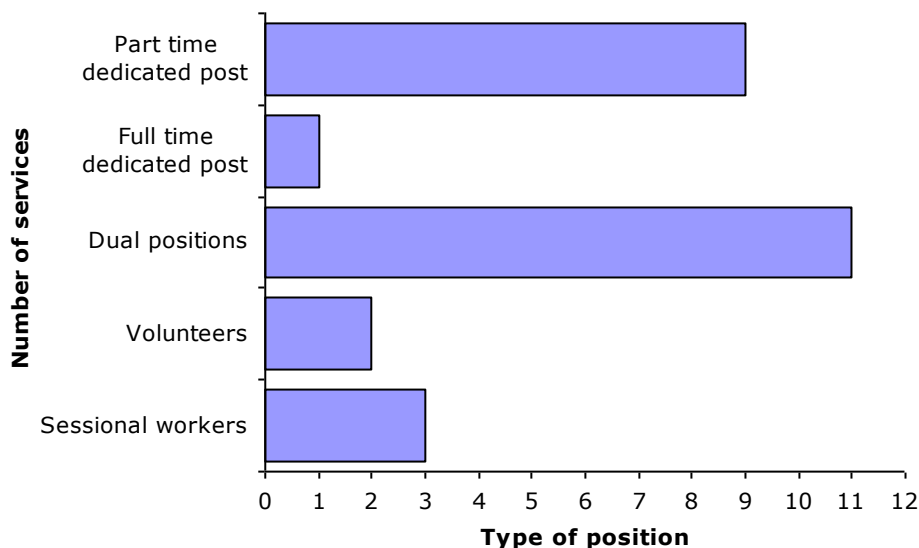


Chart 1 – Mediator Posts

Across the services interviewed, the majority of mediation projects have either been part time dedicated posts, or mediators who have dual positions i.e. split their time between the main duty of their job and homeless mediation depending on the presenting case load. A minority of services use sessional or volunteer workers and only one service at the time of the research had had a dedicated, full time mediator.

The 9 dedicated part-time positions ranged between 6 and 20 hours per week, with a mean average of 13.5 hours per week.

Mediation services for the prevention of homelessness have been, in general, small and with relatively few dedicated staff members and staff hours. Significantly, this will have determined the scale of impact that this type of intervention could have. 6 interviewees (25% of respondents) identified that lack of funding for additional staffing limited their service from reaching its potential.

The interviews also revealed that 60% of services have offered additional services, although the majority of these were offered in connection with larger community or family mediation services to which homeless mediation services have been attached. The most common additional services were conflict resolution classes (6 services) and peer mediation (5 services). Other answers included teaching about homelessness in schools, relaxation and relationship classes.

In order to establish what skills the mediators brought to these positions, questions were asked about job history, mediation training and ongoing professional development.

What paths did your staff take to come to these roles?

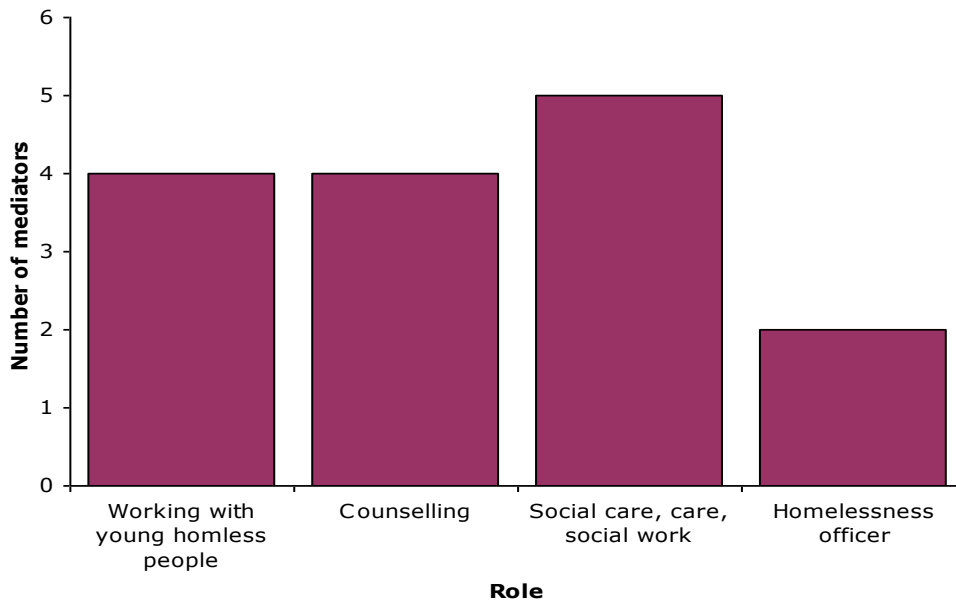


Chart 2 – Previous Staff Roles

Other roles that were mentioned once include social policy, police, human resources, admin, customer service, psychology, welfare rights and restorative justice.

As can be seen from the above graph, the mediators delivering this type of work have come from a range of backgrounds, many of which - care, working with homeless people, counselling –bring appropriate, specialised knowledge and understanding to add value to their mediation skills in working with vulnerable young people and their families. Some people commented how useful they had found these previous experiences in equipping them to take on homeless mediation cases.

What training have the staff received?

Mediation training	Number	
Community mediation only (Sacro)	8	13
Community mediation + CPD (Sacro)	5	
Family mediation (Family Mediation Scotland/ Relationships Scotland)	4	6
Family mediation + CPD (Family Mediation Scotland/ Relationships Scotland)	2	
Both Family mediation and Community mediation	4	
Other mediation training (Conflict management plus)	1	

Table 3 – Staff Training

The majority of mediators/ mediation teams who deliver this type of work in Scotland have received mediation training from Sacro, Family Mediation Scotland (since 2008 merged with Relate Scotland to become Relationships Scotland) or both.

A significant majority of mediators have been trained in community mediation. A hypothesis for this was suggested by the interviewee from Fife Community Mediation:

Within Local Authorities, Housing and Homelessness tend to sit together. Because community mediation has strong links with housing, homelessness mediation sits here well as there is groundedness in working with the local authority in similar areas. Family mediation sits further away from these links as they receive the majority of their referrals through the court system regarding divorce/separation.

Indeed, two of the Family mediation services felt that there ought to be more recognition of the network of family mediators that exists by local authority commissioners.

What training have members of your team been on towards their CPD?

For mediators, ongoing CPD is a vital aspect of keeping skills relevant, current and targeted for the specific work that is being carried out. This question revealed that mediators have undertaken a wide spread of different types of training, with only one or two mediators/ services attending each type. This lack of consistency was surprising. As would be expected, the training received was grouped around homelessness (for example, as provided by Shelter) and young people (for example, understanding teenage behaviour). Only 3 types of training were mentioned by 2 or more services:

- Alone in London training, being the most commonly mentioned training (4 services), was specialised but delivered to teams in Scotland over 5 years ago. With staff turnover there are now few practitioners who received this training remaining in the field and the landscape of homelessness in Scotland has developed greatly in that time.
- Restorative justice training had been received by 3 teams and is an interesting strand that has developed in a few areas, sometimes by coincidence and sometimes by design, as a skill that can enhance the practice of this kind of mediation. The interviewee in West Dunbartonshire said, *"Sometimes there is a fine line or overlap between mediation and restorative justice skills and techniques."*
- Mediators who had spent time with homelessness charities or housing officers had often found this a rewarding experience and it had later informed their work. *"Speaking to people at the 'coal face' is a humbling reality check. This can be an eye-opener for mediators because it puts what they do into perspective: mediation is not going to work for everyone but it can work for some."* – Forth Valley

5.2 HOMELESS MEDIATION AS “DIFFERENT”

As mentioned above, all mediators working with young people in Scotland have been trained in Community or Family Mediation. However, this research found that some mediators consider working with young people and their families for the prevention of homelessness to sit outside their initial training and previous experiences. 5 community mediation teams found mediating between young people and their families where there is risk of homelessness significantly different from Community mediation.

Although the process is the same as community mediation, it is different working with young people. Neighbourhood disputes are more straightforward and less deep. – Aberdeenshire

*It is dramatically different from community mediation, **a different ball game**, and needs to be recognised as different. – East Lothian*

A Family mediation service also mentioned the transition that they had made:

*There is **a mind-set change** for (family) mediators in intergenerational mediation. It's not the same as child-focused mediation because the young person has to be treated as an equal partner e.g. consulted regarding appointment times. - Tayside and Fife*

SPECIALIST TRAINING

In line with this, a strong theme emerged of the need for specialist training in working with young people and their families for the prevention of homelessness. Of 23 services interviewed, 5 raised their concern about this without a direct question having been asked, thus indicating that it was a key issue for them.

There is a concern that there is the general idea that anyone can mediate. There is a real danger of already damaged and vulnerable people being further damaged by poor mediation delivered by inexperienced people. It can cause damage if not done well. Instead there needs to be trained, supervised, experienced professionals, working not in isolation but with firm support networks. – East Lothian

*This type of mediation would benefit from a **specialist professional qualification**, for instance around family dynamics, that includes ongoing professional development. Currently it is hard to build up enough experience and therefore the momentum of learning you need. – Glasgow*

***The lack of specific training for homeless mediation has proved a significant problem.** This kind of mediation is so different to community mediation and without the proper training it is hard to be confident in what you are doing. – East Dunbartonshire*

RECOMMENDATION:

Services should share training opportunities, which will have financial benefits as well as resulting in more training. Budgets should allow for ongoing CPD for mediators to ensure high quality mediation and for staff to keep skills fresh. Training should include specific training for this specialized field of mediation.

5.3 SERVICE AIMS, VALUES AND OUTCOMES

Due to the local nature of the projects, each has been developed in a different context by different people and, as we have seen, with range of training. Therefore, open questions were asked to establish the extent of cohesion between the aims and intended outcomes of the services.

What are the aims of your service?

Category	Stated aim	Number of services
For individuals	Contribute to safety and well being	2
	Empower people	4
	Helping to clarify issues and options	3
	Model skills	2
	Promoting respect and empathy	1
	Young person to be heard and to listen to others	3
	Improve social networks and resilience	2
For the family	Constructive resolution of conflict	7
	Improving/ restoring relationships	13
	Improve/ maintain/ regain communication between young person and family	10
	A better future	5
For the project	Working in partnership with stakeholders	1
	Establish whether there is a demand, what managing project would be like	1
	To identify and practice appropriate methods of mediation	1
Young person's housing situation	Preventing potential homelessness	5
	Reduce use of temporary accommodation	1
	Long term, informal family support for young person if moved out	5
	Returning home	6
	May remain at home as secondary result	3

Table 4 – Service Aims

There is a strong focus of aims around promoting positive outcomes for the family. In particular, restoring relationships and improving communication. Aiming to impact the young person's housing situation was significantly less mentioned but there was some grouping around these themes too. The wide variety of aims illustrates the breadth of impact mediation can have.

What are your stated case outcomes?

In many mediation settings, the outcomes of cases are recorded around issues such as how many parties engaged, whether contact was lost and whether an agreement was reached. However, for mediation between young people and their families some services record what the consequence of mediation was in terms of the young person's housing situation, potentially because of the interest of the local authority commissioners in how many young people are staying at home or returning home and thereby not relying on statutory resources.

Outcomes recorded	Number
Mediation related but housing focused	6
Equal focus between housing and mediation	4
Mediation focused	2
Outcomes not formalized	6
None recorded	2
Did not answer question	4

Table 5 – Outcomes

Of the 12 services that formally recorded outcomes, half (6) were focused on housing outcomes. Just over half (12) of the 20 responses to this question formally recorded their case outcomes, one third (6) informally recorded what happened in case notes and 2 projects did not record any outcomes at all. 4 services did not answer this question, which may also indicate that their outcomes are not formalized or not recorded.

There is an inconsistency here with what the services say that their aims are. The aims showed that outcomes for the relationships of the family are more important to mediation teams than housing outcomes, but it is housing outcomes that are most consistently recorded by mediation teams. The number of services for whom outcomes were not formalized or, indeed, recorded at all is concerning in an increasingly outcomes-driven sector. The comments of interviewees reflected the limitations identified in the literature review (4.1).

There is a problem with recording details about a relationship: each relationship is unique and changeable - Dumfries and Galloway

Local authorities may be reluctant to provide funding for services that cannot demonstrate a high level of success. – North Ayrshire

It is difficult to quantify mediation: how do you prove a negative? - Anonymous

We use a questionnaire on which service users place themselves on a scale of 1 – 5 for statements about anger, relationships, communication and aspiration. They do it at the first meeting and last meeting so we can measure the impact we've made. - Amber

The SCMN Homelessness Forum in 2010 began a quarterly collection of outcomes for those organisations that are involved (See Appendix 2). This could represent significant progress in demonstrating the value of mediation. However, not all services delivering this work are currently involved in the network, so it can only present an incomplete picture.

RECOMMENDATION:

If mediation is to make a full case for its impact, there would be benefit in recording the softer outcomes in a way which promotes the aims of the services. Services should develop systems to record outcomes in line aims outcomes in order to demonstrate the full impact the service is making, including pre-mediation work. There should also be tighter recording of accommodation outcomes in mediation cases in order to further establish the case for mediation. This would be most effective if all services submitted outcomes to a central point, such as the Scottish Community Mediation Centre.

What are the key values in your mediation service?

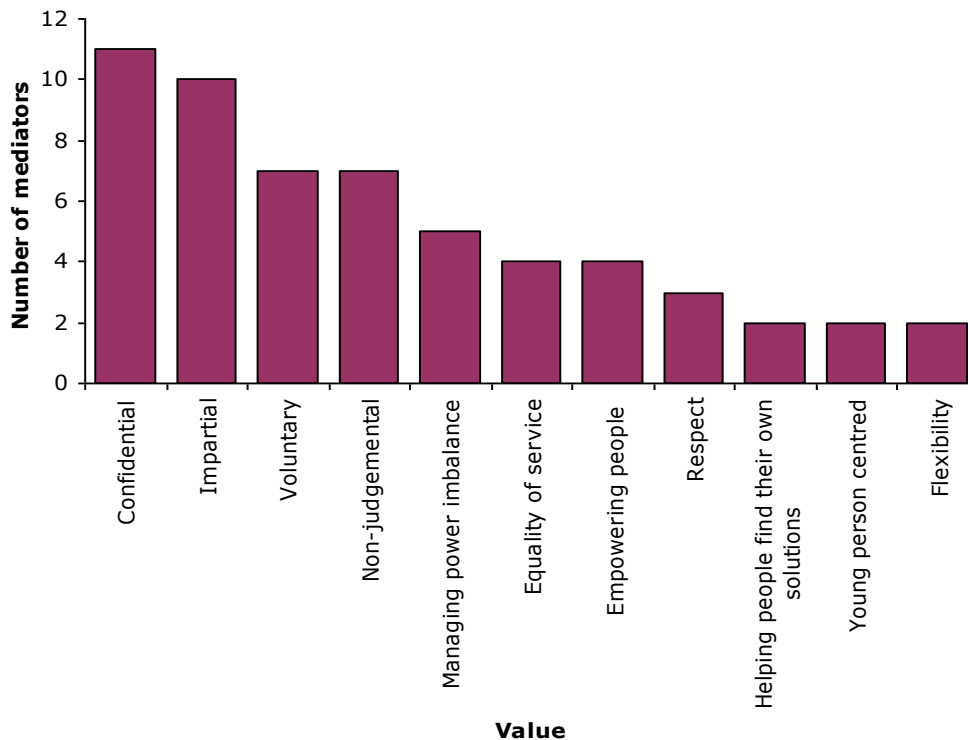


Chart 3 – Values Held by Mediators

The values stated as held by the interviewees clearly correlated with those identified in the literature (3.2, 3.6, 4.2).

*To allow a **safe place** for young people to be able to speak ... people haven't been listened to before without the other person having an agenda. - North Ayrshire*

*People are able to advocate for themselves and problem solve, leading to **resilience and confidence building**. - Orkney*

6. REFERRALS

6.1 REFERRAL AGENCIES

In rough order of priority (“1” for the agency who refers the most, “2” for the next etc.), which are the service’s main referring agencies?

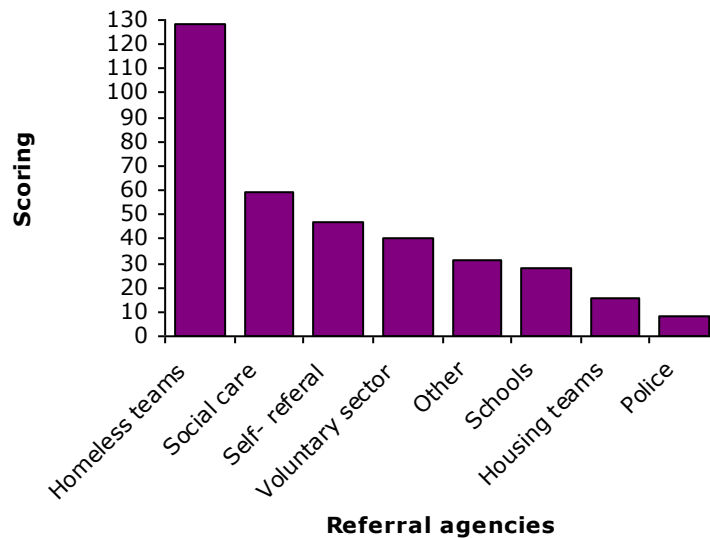


Chart 4 – Referral Agencies

To illustrate the results of this question, services’ ratings were reverse scored (i.e. the most frequent referrers given 7 points and the least frequent given 1 point) and the total points for each referrer added together to give a total score.

Chart 4 clearly shows that homeless teams were identified by the most teams as significantly more regular referrers than other routes. Social care, self-referral and the voluntary sector were also frequent referrers to mediation services. It should be noted that this data does not capture the number of referrals received, which is significant due to the wide discrepancy in number of referrals received by services. In particular, a number of projects for whom homeless teams were the sole referrers received a low number of referrals. Other teams with larger numbers of referrals, however, may receive significant numbers from their second or third most frequent referrers.

Alongside the above information, it is interesting to note responses to the question,

Are there any groups that you would like to receive more referrals from but have come against barriers with?

In answer to this question, 15 teams out of 23 services expressed that there were referral routes that they would like/ would have liked to receive more referrals from, with the majority of these (8 services) mentioning homelessness teams and 3 teams mentioning schools. This is significant as it implies that although homeless teams were the most common regular referrers, mediation teams did not feel they received as many referrals from them as they could have.

Many of the teams also expressed that they would like to widen their referral routes, either with their current project, or if they had the opportunity to run a project again. Schools were the most commonly mentioned route that teams would like to be able to receive referrals from but to date have not been able to due to the boundaries set by their Service Level Agreements.

Lack of referrals was the most commonly identified factor that prevents services from reaching their full potential (Question 17). Significantly more factors connected to referral routes and referrers were identified as limiting the success of a service than any other area.

Selling the service to the housing department was crucial; mediation needs to become a part of a housing team's regular process. - Shetland

Area	Limitation	Number
Referral route	Limited age range	3
	Point of referral once young person presented as homeless	5
	Lack of referrals	6
Referrers	Relying on another party to offer mediation	4
	Low 'buy in' of referrers to mediation	5
	Referrers feel they are already doing mediation-style work	2
	Lack of understanding by referral agencies	2
	Managerial commitment in referral agency to mediation	2
	Staff turnover of referrers	3
	Other: Communication with referrers, Inappropriate referrals, not all cases being passed on, Council staff culture of referring in-house	1

Table 6 – Referral Limiting Factors

*There was resistance to the mediation service from some members of the homelessness department The mediation team felt that to some extent they were **hitting a brick wall** and had to continue re-asserting that mediation is different to what the homeless teams had been doing.*

*It seemed that for some of the council staff using mediation was just a **tick box exercise**. For some of the staff it seemed as though there were concerns about whether their job was being taken over.*

Everybody wants to be 'Mr. FixIt' and facilitate reconciliation themselves.

Relying on other people 'selling' mediation is a factor in the lack of uptake. – Forth Valley

*If the people who make decisions at the top don't believe in the effectiveness of mediation then this **attitude can trickle down through the ranks**.*

*Young people were just **too chaotic** at the point of referral. There was just not enough time within the homeless assessment for them to explain the process properly. – Fife*

Mediation was not always explained clearly by referrers. - Aberdeenshire

Changes of staff in the homelessness team also resulted in staff not being sufficiently aware of the mediation service, therefore they made limited referrals.
- East Lothian

One helpful tool was suggested by East Lothian who gave each of their referrers in the homelessness team an aide memoir about the mediation service, its benefits and values, to help in describing the mediation service to their clients in an accurate and appealing way.

RECOMMENDATION:

Processes around referral are the most common factor in a mediation service not fulfilling its potential. It is recommended that there is regular communication between mediation services and their referrers to establish when further awareness raising is appropriate and to ensure that referrers are informed about mediation and its benefits. Service targets need to allow mediators to spend significant time raising awareness of their service, in order for referrals to be generated.

6.2 REFERRAL CRITERIA

What are your referral criteria?

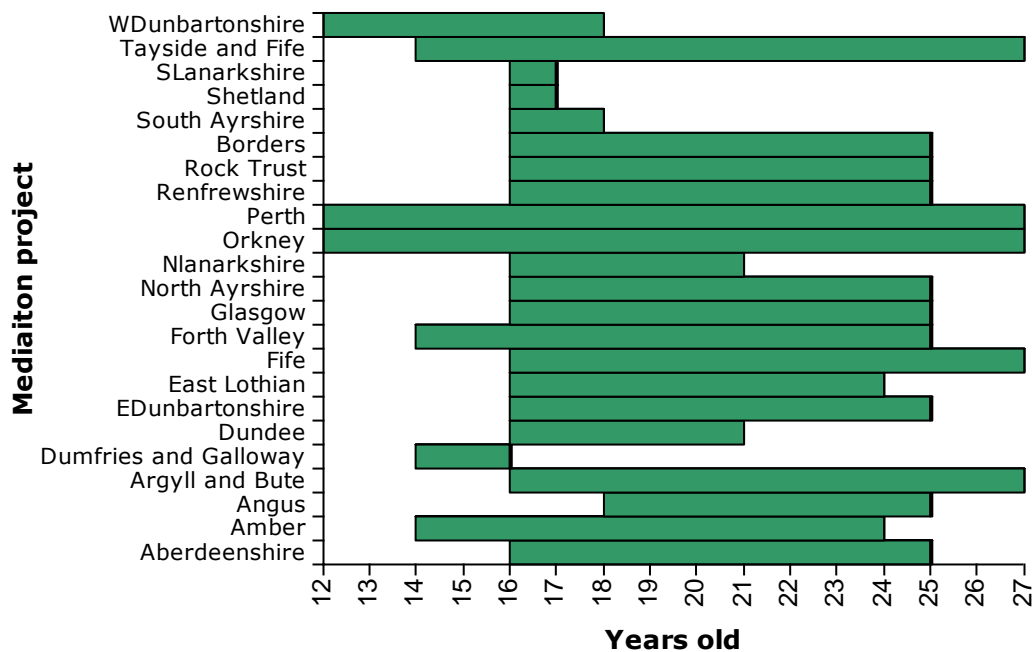


Chart 5 – Age ranges

N.B. Where services are shown to extend to 12, services do not have a lower age limit. Where services are shown to extend to 27, services do not have an upper age limit.

Five services mentioned that they would be flexible with the age ranges they would accept. Of these, two services have extended their age ranges in order to increase referrals. As can be seen by the above graph, the majority of services begin at age 16 and extend to early 20s. The clear line seen at age 16 represents the age at which a young person is legally regarded as homeless. The majority of projects finishing at 24 or 25 represents the upper age limit of what is considered a “young person”, which suggests that the large majority of mediation services have been targeted at young people who have been ‘asked to leave’ by their parents. The data implies that there has been relatively little work done to explore the wider application of mediation for the prevention of homelessness.

In addition to age limits of referral, 20 out of 23 respondents mentioned the situation people must be in to access their service.

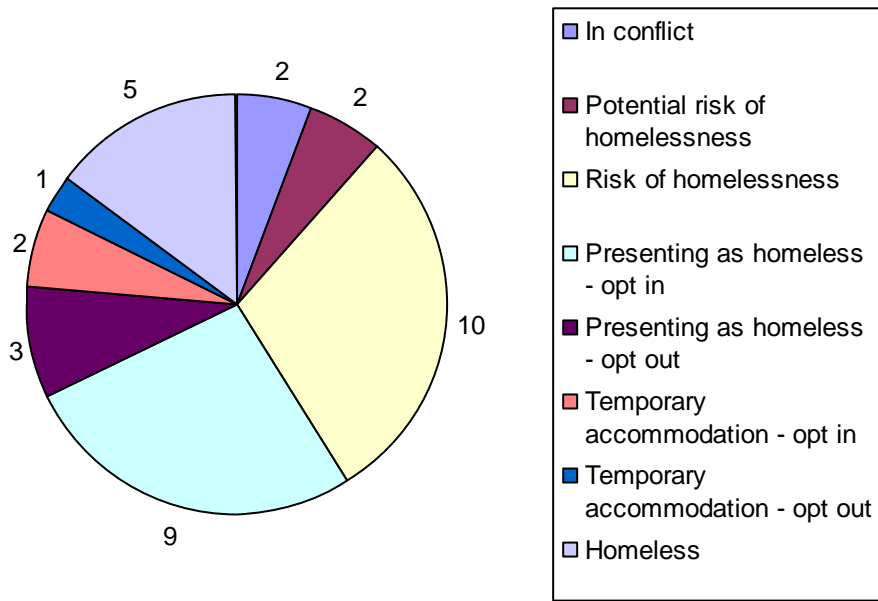


Chart 6 - Situation of Young Person

The majority of mediation services worked with people at risk of homelessness, or those who have already presented as homeless (22 services). A further 8 services are working with those who are already homeless. Only 4 services are working with those at an 'Early intervention' stage (In conflict or at potential risk of homelessness). For analysis of this targeting of services see sections 8.2 and 10.

7. CASE WORK

7.1 MEDIATIONS

After a mediation service receives a referral – either from a referral agency or a self-referral – there is then a process of meeting with each individual involved in the conflict. There may be a number of meetings depending on the parties' need before they want to meet face-to-face for a mediation meeting. In order to reach a face-to-face meeting, both parties need to have engaged initially with the mediation service and have continued to engage through the period of individual meetings. As some people who are referred will not want to engage with mediation, and others chose to stop engaging during the initial individual meeting period, there can be a significant difference between the number of people who are referred to a mediation service and the number who participate in a mediation meeting. The "conversion rate" is number of cases which develop to a mediation meeting ÷ total number of referrals.

Do you find that most referrals become cases where a mediation meeting takes place?

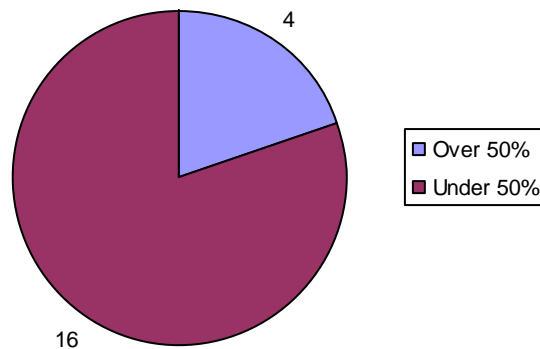


Chart 7 – Conversion Rate

There was a large discrepancy in the conversion rates from referrals to cases where figures were given, ranging from 7% - 90%. 3 services did not answer because they did not, in fact, have any cases through their duration. This variation largely rested on service design and points to the significant need for sharing learning in order to improve practice that this paper hopes to address.

It should be recognized that for all kinds of mediation there is an inevitable drop-off rate as mediation is voluntary and so entirely on an opt-in basis. For many people, referrals to mediation services are made at which time they are experiencing heightened emotions and may not be prioritising their relationships. The Legal Services Commission published their annual average conversion as 46-49% for willingness tests to assessment meetings and 56-60% for assessment meetings to mediations in a family mediation tender document. In 2002 Family Mediation West conducted 786 individual intake interviews, while 254 parents from 127 families commenced mediation (a "conversion" rate of 32%). This article gives a good defense of the important work that happens during initial one-to-one meetings.⁴⁷ Many interviewees for the current research stressed that a lot of positive work is done with young people and their families during initial one-to-one meetings, and in some instances it is the success of these that results in a full mediation not being necessary as the conflict has already been resolved.

It is important to note that valuable work is done during the intake, one-to-one meetings. In discussing different options and attitudes sometimes positive change can occur such that a joint meeting no longer is needed. The theory of Transformative Mediation talks about the benefit of people being respected and listened to in a new way. This can happen in individual as well as joint meetings.

- Dumfries and Galloway

Very few parents engaged with the service, but just working with the young person on conflict resolution and communication skills was still very beneficial. In at least one case, this support and advice made a significant difference in the conflict. This support and advice itself was very time and resource intensive. – Dundee

Approximately equal numbers of services use mediators who mediate alone (11 services) and mediators who work in pairs, "co-mediate", (10 services), with 2 teams saying that they use both depending on the availability of staff and the case at hand. Both ways of working have their advantages and drawbacks, but both seem to be a suitable way of working with young people and their families.

7.2 SUPPORT

The issue of support alongside mediation for young people and their families was mentioned by over two thirds of participants. As no direct questions were asked on the topic, this suggests that it was an important theme for the interviewees. In addition, 4 interviewees identified not having support as part of the model as a limiting factor in the success of the service.

Support was identified as important for a number of reasons. It was widely acknowledged that the large majority of people utilising this type of mediation have support needs around issues that are impacting their relationships. As summarised by Perth, *these cases can be so messy and mediators alone can't deliver all that service users need. **Too much can be placed at the door of the mediator.***

The assumption behind this is that mediators have a defined role to operate within, including being a neutral facilitator. There is a concern that if a mediator begins to offer wider support, their role as a neutral facilitator may be compromised. Impartiality was the second most commonly mentioned value held by mediators interviewed (Chart 3).

*Sometimes as mediators the team are being drawn into things because, although there are boundaries and professionalism to be aware of, the workers are "also human". **It would be better to have support workers alongside to get involved.*** - West Dunbartonshire

Glasgow, however, offered an alternative perspective: *There does need to be definition around the roles of mediation and support work. However, the mediator has potentially established a good connection with the young person and this is valuable and should be utilised, without the mediator losing their impartiality.*

There was consensus that mediation should be part of a wider support package around the needs of the young person and their family. Indeed, North Ayrshire went as far as to say, *It is not effective when offered in isolation.*

Aberdeenshire added a more practical benefit of support to the discussion by noting that, *Working alone, the mediation worker has one opportunity on meeting with a young person to offer mediation. If the mediation service was able to work in*

partnership with another organisation that was offering support and had regular contact with the young person, the young person may choose to use mediation later.

There have been five models of mediators working closely with support, as described by the services themselves during interview:

Amber Personal Advisors support both the young people and their family, and working with client to remove negative factors that are putting pressure on relationships. Personal Advisors explain the process and benefits of mediation and at an appropriate time passes the case to the mediator. They are always available to give support during or after the mediation process, which often retains engagement.

Renfrewshire The prevention and outreach officer (employed by the local authority homeless team) does an assessment with both parties and provides support and advice to the young person, also helping with practical needs. They work closely with the mediator (employed by the Local authority community mediation team so as to be a neutral party). Parents may be offered support in the form of signposting, but the young person is really the focus.

Rock Trust At the stage of referral the mediator asked the young person to examine whether any additional issues that were putting pressure on the relationship were being addressed through support. The mediator “turned the referrers into temporary PAs” (reference Amber Personal Advisors). In this way, the mediator could remain impartial because someone else was doing the support work. When he worked with parents, the mediator did the signposting.

South Ayrshire The mediator is part of the Throughcare Social Work team. Support is offered by the team in accordance with young people’s needs. All young people are treated equally, so regardless of whether or not they are leaving care or are in housing need, they can access the supports they require. This is fairly unique as most Throughcare Teams focus solely on young people leaving care.

East Lothian/ North Lanarkshire In both of these areas if a young person identified to the mediator an area that they needed support with, the mediator referred this back to the Local Authority homeless department member of staff who would provide support or signpost so that this need was met.

Two further teams expressed future plans for the incorporation of support into their service. South Lanarkshire stated that they were considering whether the service may evolve into involving 2 separate roles. Relationships Scotland Tayside and Fife were looking to find funding for a new partnership with Shelter to offer a partnership of mediation and support. Three teams mentioned that there had previously been the potential for support partnership model explored, but these had never come to fruition.

RECOMMENDATION:

Mediation cannot meet all the needs of a young person at risk of homelessness. Having a strong model of support alongside mediation enhances the work of the mediator. Service design should consider potential channels of support for service users. For example; partnership working, utilising existing internal support workers or assigning both mediation and support roles within the team. In addition, it is the suggestion of this report that mediation is most effective in the prevention of homelessness when coupled with sound information on the realities of homelessness for both the young person and their family and to give them advice about the potential consequences of homelessness for them. This may be provided by the mediator themselves or, if it is felt that this would compromise the mediator’s impartiality, by a second party.

How often do you signpost/ refer on? What types of organisation is this to?

Linked with the issue of support is the common practice of referring service users on to other agencies for specialist areas of support that mediators cannot provide. 91% of interviewees said that they refer people on to other services.

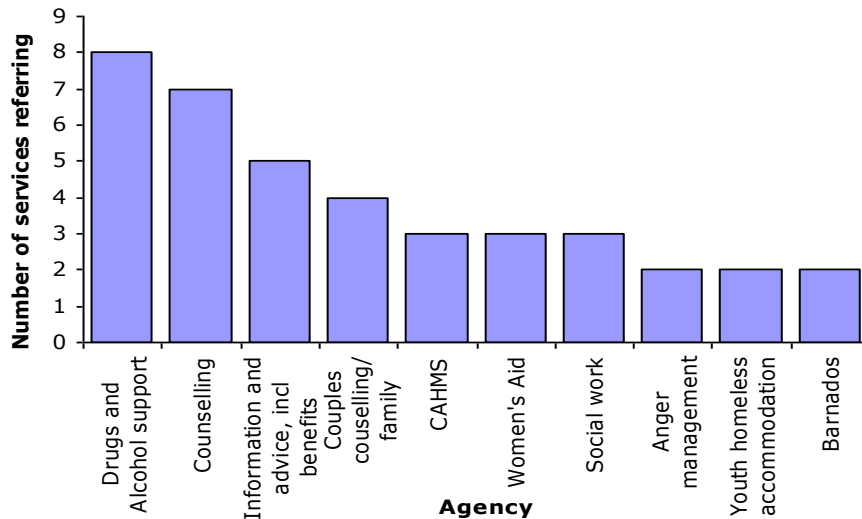


Chart 8 – Signposting

Other agencies mentioned included: Bereavement counselling, independent living charities, Victim Support, local authority homeless teams and Parentline.

*As Amber is **not a long term intervention** and many cases present long term needs, it is important that there is a sustainable exit strategy for everyone involved. Also, it is important to be aware of what skills lie within the team and what skills lay out-with the team but at the same time to ensure that the client is receiving support in all areas that are preventing them from fulfilling their potential. - Amber*

Mediation and counselling are close bedfellows... Issues that come up during mediation are sometimes best dealt with in a therapeutic setting. Often it is these deeper issues that are putting pressure on the relationship and they come to the surface during mediation. - Dumfries and Galloway

The team were not encouraged to [signpost] as they are mediators and not advise givers or social workers. - North Ayrshire

It is mostly parents that we signpost on, as parents don't feel so well supported. If the parents had received support earlier on, it may never have reached this stage. Parents are often crying out for help to support their child properly. - West Dunbartonshire

RECOMMENDATION:

Services should be aware of a wide range of specialist support services available in their local area, particularly those relevant to young people. They should also be aware of how to effectively refer service users to the most appropriate agency.

7.3 WORKING WITH YOUNG PEOPLE

During the interviews for his research, many comments were made about the nuances and practicalities of this types of work. It would not be practicable in this context to list each point; however the main points can be divided into five categories:

- i) Emotional intensity
- ii) Building rapport
- iii) Contact and communication
- iv) Meetings
- v) Venues

i) EMOTIONAL INTENSITY

This type of mediation can be emotionally demanding for mediators due to the intensity of the cases. For some mediators, this was connected to their own family relations.

*This type of mediation can be so emotionally demanding and draining that **without the right support it may lead to burnout.** – East Lothian*

*Working with families and young people that are homeless can be emotionally very engaging and have an impact on your own **personal values.** - Glasgow*

Both mediators feel that it affects us personally and emotionally more than community mediation because we both have children at home ourselves. – East Dunbartonshire

ii) BUILDING RAPPORT

In general there is a relatively substantial age gap between the mediator and the young person, which naturally can create some barriers particularly when the young person is in conflict with the main adult(s) in their life. The mediator's first job is to become a trusted adult whom the young person will be open with.

*It is vital to build **trust and rapport** with a young person before they will tell you anything. – Dundee*

Building trust and listening. Often a lot of people haven't been listened to before without the other person having an agenda. - North Ayrshire

iii) CONTACT AND COMMUNICATION

The issue of making initial contact and then maintaining it has been found by many services to be significant in mediating between young people and their families. This can be separated into three areas: Response times, parental details and means of communication.

- Response times

1 in 4 respondents mentioned their response time to referrals. This ranged from 2 days to 2 weeks. Some services have found that in working with young people it is imperative to be in contact regularly in order to maintain engagement with the service.

With young people, it is important to keep the momentum of cases going, arranging the next appointment when you see them. – Dundee

You have to work responsively to the time scales of the young people. It's more about working together around the needs of a young person in crisis. – Glasgow

- Parental details

For the majority of services interviewed the young person is their client, with parents being "Party B", to borrow a term from Community Mediation. Parental details are not always given by the referrer, either because they are not available or because it is felt that this should be the choice of the young person. For 3 services, that parental details were not given at the point of referral was identified as a barrier to the service reaching its potential. 3 other services also relied on the young person to give contact details for their parents, but for them this did not seem to be a problem.

The mediator has to get details from the young person, which can be a barrier. He feels as though he is not able to contact some of the parents who could benefit from the service. – Rock Trust

It is felt that some families will have missed out because they were never contacted. It is the team's experience in community mediation that when one party engages, the other is likely to re-consider. - Aberdeenshire

- Means of communication

It emerged as a shared experience that young people can be difficult to maintain contact with, which can be frustrating and hamper the progress of mediation. This has led to services reconsidering their methods of communication. 3 interviewees cited young people being hard to contact as a barrier to the service reaching its potential.

In normal instances, Relationships Scotland would send a letter but for young people we have made a variation from this model and normally phone or text. – Forth Valley

As young people could be difficult to get hold of on their mobile phones, or would not answer their phones, it could be some time before the mediation worker was able to contact them and only in selected cases did the young person want to meet. - Aberdeenshire

In working with young people you have to be thoughtful about how you engage with them. For example, using text messages rather than voicemail. – Fife

iv) MEETINGS

Working with young people and their families, some patterns emerged in services' comments about mediation meetings.

- Harder to arrange

Of the cases that were referred, in most instances the client failed to attend the first meeting, which proved frustrating for the mediators. - Fife

Working with young people is different and difficult: many of the young people were chaotic and did not turn up for meetings. There was lots of frustration around this. The team learnt things such as not making appointments for early in the day unless a young person is definitely going to be there. – Dundee

-More frequent meetings and longer cases

The survey showed that on average services expected to make between 3 and 5 visits to families, plus face to face mediations. Cases lasted on average 3 months.

In this type of work, there are an increased number of sessions and it takes more time and patience to reach an agreement. - Tayside and Fife

There tends to be a higher concentration of meetings, it is as if a community mediation case is "concertina-ed". – Perth

Face-to-face meetings tended to be shorter, more frequent and more focused than community mediation cases. This was due to the high intensity of the issues at hand and working with young people who maybe couldn't concentrate for very long, intense periods. – East Lothian

There would always be more than one initial visit because the young people were often not used to opening up and labelling what they wanted to see happen in a situation or how they were feeling... in terms of staff time... this was intensive. - North Ayrshire

- Process

The comments below were unique but insightful as to how working with young people may affect mediation.

*It is far more intense and because of the nature of the client group it needs to be a bit more **relaxed and flexible** about "strict mediation" procedures. – Renfrewshire*

The mediators look at the power imbalance – might use advocates to address power imbalance, either for a young person or a vulnerable adult. - Orkney

v) VENUES

As young people rarely have their own means of transportation, and are more likely to be put off by a formal venue, many services use community venues that are convenient for young people in order to maximise engagement. Particularly in rural areas, mediators can travel large distances to meet with clients due to the small size of the services. Two interviewees mentioned this strain on staff time and service resources a limiting factor in the success of their service.

*Contact with service users may happen in the Relationships Scotland offices in Dumfries, or may be at a wide range of community venues e.g. libraries, CAB offices, GP surgeries etc. **Anywhere that is quiet, private and neutral.** – Dumfries and Galloway*

*Meeting young people at cafes because they are more **informal and friendly** than at the council offices. – Dundee*

7.4 TIMING OF MEDIATION

In your experience, what is the usual trigger point for service users to choose mediation?

The most commonly cited triggers for people accessing mediation were:

- When people reach a crisis point (5)
- When an agency makes a referral to mediation (6)
- When there has been a major incident, or life is getting very difficult (3)

Other trigger points mentioned were: just before crisis, when people don't know what else to do, how important investment in the relationship is, conflict, and avoiding court costs.

Often Crisis is often the trigger, or when someone is "at the end of their tether", which is just before crisis and there is still some space for reconciliation. – Amber

This question also provoked interviewees to discuss awareness raising, as most people don't know about mediation until a referral agency tells them about it. 5 interviewees noted a lack of funding for awareness raising as a barrier to the service reaching its potential.

*It depends on so many different factors. For example, awareness. In most cases **engagement relies on agency referral.** – Dundee*

In the same way that people don't phone the plumber until the pipes burst, despite having been aware that there were problems, people don't engage with mediation until the conflict reaches crisis point. The best time is, however, before then. This is about raising awareness so that people can know about mediation and how it can be preventative. - Tayside and Fife

Does there appear to be a "best" time to access mediation?

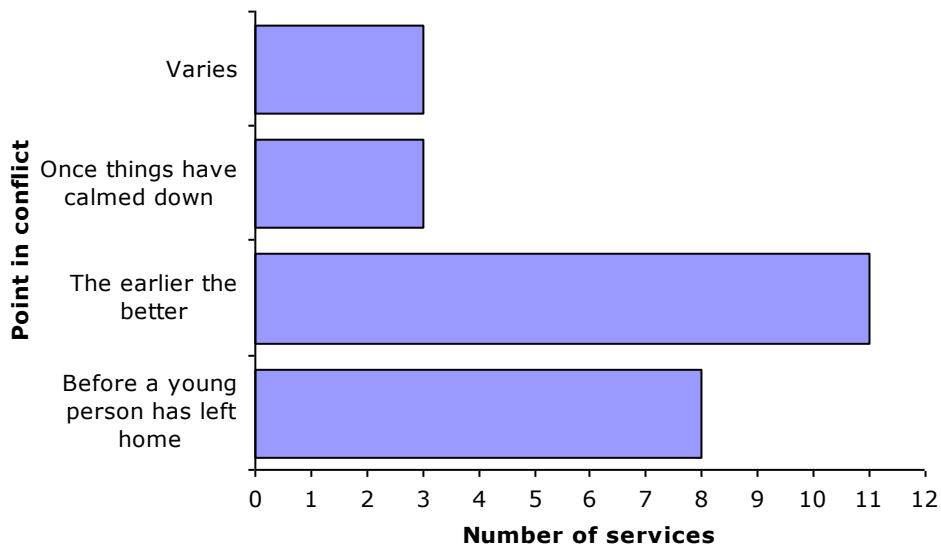


Chart 9 – Best Time

N.B.: 5 services also mentioned that the point of crisis/ when presenting as homeless is not the best time to mediate

CRISIS INTERVENTION

There was fairly clear consensus that mediating at the point of crisis is not the best time to prevent homelessness through mediation. However, many felt that there could still be value in it and in some cases it can prevent homelessness. Services which have had the most success working with young people at the crisis point of presentation have integrated strong support structures into their service design and either been present at the presentations or worked closely with a designated youth homeless officer. The quotations below are just a sample of the comments on this topic:

People have to be in the right state of mind to mediate, to be willing to negotiate and relatively emotionally stable. Timing the mediation right is very important. – Forth Valley

Earlier preventative work would be very effective in preventing young people from ever reaching the position where they are at crisis. Preventative work would be lot cheaper than the crisis interventions that the council has to offer. – Dundee

The point of crisis is the least good time but sometimes this is unavoidable as this is the only time when people find out about mediation. - East Lothian

Working with 'crisis response' services is not the right place to pitch, especially the housing offices. People are not at the right place/ time to accept mediation. It is too late, you have to look earlier in terms of prevention. **Who are these people who are at risk of homelessness? And who knows who they are? Where do you find them? How do you know that they are experiencing these problems that may lead to them becoming homeless, at the point where it is *breaking down* but not *broken*?** The project has started looking at schools, in particular family support and guidance, through the Falkirk Locality Models. – Forth Valley

People tend to chose mediation at crisis point, but the most effective time for mediation is when the conflict first starts. – Glasgow

That there is a "best time" at all is debatable. In fact, sometimes mediation in the middle of a crisis can work. This is affected by your capacity to respond to a crisis, and whether the young person is at that time prioritising the issue of addressing their relationship. – Rock Trust

Receiving referrals at the point of crisis means that for most people it is too late, what they are interested in is where they are going to sleep tonight, not repairing long-damaged relationships. - Shetland

EARLY INTERVENTION

There was strong agreement between respondents that mediation is most effective when used as an early intervention. The quotations below are just a sample of the comments on this topic:

The team are trying to concentrate more on early intervention, working at the point cracks appear rather than when things have broken down. It is harder to attract early cases because many more agencies would need to make referrals which would require a lot of awareness raising. - South Lanarkshire:

It is better if there can be intervention before this [crisis], but sometimes when people think there are no other options, mediation presents a positive option for them. – South Ayrshire

The pilot indicated the need to reach young people at a younger age, around 14. The team found that if a young person had been given a house there was little motivation for them to return home... In the light of the pilot, there was consensus among referrers and mediators that benefit could be gained by finding a way of referring young people and their parents at an earlier stage, before they present as homeless. – Dundee

Ideally we would like to work with 14 and 15 year olds, when the conflict is starting to emerge, rather than when they reach 16 and it is at crisis point. – Shetland

RECOMMENDATION:

Mediation should be available as an earlier form of intervention, before family conflict reaches crisis point. In particular, services would benefit from receiving referrals for those identified as at risk of becoming homeless from universal services such as schools. An answer must be made known to the cry of "where are these young people? How do we find them?" Further investment should be made in developing processes and tools for identifying young people at risk.

8. LOOKING FORWARD

What would you like to see changed?

AWARENESS RAISING

Eight interviewees would like to see national awareness of mediation increase, including education about when it is appropriate. Two ways suggested to do this were through embedding mediation in schools and lobbying the government to make mediation standard as the first port of call across dispute resolution situations. For two teams, it was particularly important that those at a high level become more educated about mediation and its benefits.

*Mediation needs to become **embedded in everyday life**, giving skills to deal with conflict. Across Europe in a lot of places mediation is the first thing that people think of rather than looking to the legal system. – North Ayrshire*

*Ideally there shouldn't have to be professional mediators because it should be part of the culture and people should be able to mediate for family and friends. This is why the **work in schools is so important**. It is embedding alternative dispute resolution in culture from a young age. – Fife*

We'd like to see Scottish Mediation Network championing the cause more, to see mediation embedded across Scotland. This could maybe be done through getting a high profile champion who could have influence in the right places. – South Lanarkshire

People would benefit from being more educated about mediation, including not leaving it to crisis point. – Glasgow

EARLY INTERVENTION

As shown by the above Glasgow quote, and reflected in a number of the responses to this question, a wider awareness of mediation would mean the possibility of referrals at an earlier stage in conflict, "before the pipe bursts" (Tayside and Fife). This theme has also been evidenced in service responses to the question "when is the best time to mediate?" which showed 'As early as possible' as the most common response. When put alongside the evidence in Chart 5, which clearly demonstrates that the majority of services do not cover lower ages, the need for more early intervention is clear.

8 services identified wanting the opportunity for mediation to be offered prior to a young person presenting as homeless, as an early intervention measure.

5 mentioned that this would include being able to have wider referral pathways.

4 services mentioned working with under 16s as a way to prevent homelessness.

*Ideally the service would work with under 16s to offer more preventative work. All of the 4 cases that went to mediation were with young people aged 16- 18, which is indicative of where it is most effective. **Being able to work earlier in a case would be more effective.** – Aberdeenshire*

RECOMMENDATION:

Previous research has shown that large numbers of young people under the age of 16 run away each year due to conflict with their parents; there is a strong connection between this behaviour and later becoming homeless. Mediation services should be made available to younger teenagers and their families, particularly 14 and 15 year olds. This will necessitate partnership working between 'Children and Families' and 'Housing and Homelessness' commissioners so that young people under the age of 16 who are running away or who are at risk of becoming homeless can access mediation and preventative support.

THE WORLD OF MEDIATION

Four different services felt that there should be more cohesion in the future between services offering mediation, and that the lack of cohesion and sharing was limiting the progression of mediation in Scotland. Two services suggested that local authorities should be required to offer mediation, for people to at least attend a first meeting. Tayside and Fife suggested that the government fund local family centres to include mediation.

*Currently the national picture is that **cohesion is still lacking** and there is a concern that mistakes made a number of years ago in one area will be repeated in another. Funding is tight and it seems to be a missed opportunity if best practice is not shared. – East Lothian*

Would like Local Authorities being required to offer mediation between young people and their families. - Fife

*It would be best if organisations worked together **co-operatively** to share knowledge, skills and opportunities rather than looking to advance their own causes. **Partnership working is the way forward.** – Dundee*

RECOMMENDATION:

Services undertaking mediation between young people and their parents for the prevention of homelessness should be registered with Scottish Mediation Register. The Scottish Housing Regulator should consider monitoring this, to ensure that high quality mediation is being delivered appropriately and consistently.

What do you think the future of YP and families mediation is in your LA in next five years? What about nationally?

PREVENTION

On a local level, five services felt that in their local authorities there will be more focus on prevention and early intervention. For some this was because of the pressure that local authorities are feeling on resources and early intervention's potential to save money. Only two of these mentioned this directly in terms of their mediation team being able to save the local authority money. Two further teams mentioned that their survival in the future depended on their ability to 'prove' the financial efficiency of mediation. On a national level also, prevention was considered. Both the likelihood of mediation being made a priority because of money saving and prevention slipping down the priority list because of economic pressure were mentioned. This reflects an awareness of the link between money saving and prevention but a general lack of consensus about where mediation will sit.

It is all dependant on funding. We need to prove we can save the council money. – Renfrewshire.

With strain on every budget mediation could save a lot of money through preventing people becoming caught in a negative cycle and the cost that this can incur e.g. hostels, supported accommodation. – Fife

LOCAL AUTHORITY STRATEGY AND FUNDING

Some services saw their future as dependent on the local authority homelessness strategy/ team, which are in many areas across the country changing and re-forming. This has lead to uncertainty for mediation team leaders about whether there will remain a place for their team in the services commissioned by their local authority. Uncertainty regarding future funding was explicitly mentioned by six teams, as compared to only two teams that expressed relatively security in their ongoing funding. This uncertainty around ongoing funding from current funding streams has caused two teams to consider creatively thinking about how to generate more income, three services spoke of the need to look for alternative streams of funding and a further two teams seeing diversification in the future as necessary to maintain their funding.

We're considering the possibility of asking for voluntary contributions from clients. – Dumfries and Galloway

There is still a place for mediation but we may have to offer more than that, grouping together with other services. – South Lanarkshire

Dumfries and Galloway summarised this by saying, *all areas are facing the same funding uncertainty.* Tayside and Fife predicted that this would result in increased competition and thereby the funding going to 'the big boys' – national charities with a large staff.

There will be little funding from the government because of spending cuts, so whether charities can fill the void is the big question. – Perth

In the next five years it is inevitable that Local Authority funding will dry up. Therefore it is essential to identify independent funding streams. – Amber

Encouragingly, six services saw their future in terms of their proactive engagement in improving or embedding their service, for instance by improving reporting or attracting funding.

The service will continue and improve. – South Ayrshire

Overall, services were confident about their contribution but concerned about ongoing funding.

9. KEY FINDINGS, RECOMMENDATIONS AND CONCLUSION

KEY FINDINGS

This research identified 43 self-defined mediation projects, including homeless officers that use mediation skills, which have operated in Scotland since 2001. Mediation projects have been situated in four different organizational contexts: Relationships Scotland Family Mediation Services, Sacro Community Mediation services, voluntary sector homeless organisations and local authorities. Within local authorities, there have been two distinct types of delivery: homeless department staff using mediation skills in their role, and dedicated staff posts for mediation, either situated within the homeless, community mediation or social work departments.

Key findings of the survey completed by 23 services representing 27 mediation projects include:

- Local authorities have been the major driver for the use of mediation in the prevention of homelessness. A variety of operational models have been used. 5 models of support integrated alongside mediation having been used.
- Local authorities are seen to focus on young people returning or remaining at home whereas mediators' primary aims are around restoring relationships. The interviewees felt that viewing mediation solely as a way of preventing people from becoming homeless is too narrow a view. However, there has been very little evidence of explicit pressure, coercion or "gatekeeping" through mediation.
- Due to commissioning largely being by Homeless Departments, there was a clear trend towards services being available for young people aged 16 and over. 15 services were solely available to young people at the point of presenting as homeless or while they were in temporary accommodation. 10 accepted referrals for young people who were at risk of homelessness and 4 were available as an early intervention.
- The above is in contrast with the theme throughout the interviews that early intervention is the most effective time to work with a family in conflict. 83% services identified early intervention, before a crisis – i.e. the point at which a young person presents as homeless – as the best time to mediate.
- Only one of 23 services interviewed had a full time, dedicated member of staff. Services have largely relied on part-time or dual positions to staff this work. The small nature of the projects that have existed, alongside the fact that the large majority of them have existed within services with other main focusses, has resulted in an absence of research, development and training in the field. Services funded for 12 months or less expressed that they did not have the time to embed.
- The majority of mediators delivering working with young people and their families for the prevention of homelessness have been trained in community mediation. All others have trained as family mediators. Additional specific training has been sporadic. Some mediators have found that working with young people and their families to be quite different to their previous experiences/ training.

- Referral processes and relationships with referrers were the most commonly mentioned limiting factors for a service, with 15 out of 23 respondents expressing the desire for more referrals from certain groups or the lifting of restrictions to receive referrals from a wider range of sources, especially education.
- 80% of services interviewed found that under half of referrals converted to face-to-face mediations. There were a variety of reasons for this, many of which rest on service design. It should be recognized that for all kinds of mediation there is an inevitable drop-off rate. The experience of services is that much positive work is done prior to face-to-face meetings often affecting significant positive change.

RECOMMENDATIONS

It is prudent for new mediation services to learn from the lessons of previous ones, and for those commissioning mediation projects to shape them in such a way as to create conditions for them to be successful. In addition, many mediation services are looking to retain funding by delivering Best Value. The following recommendations are based on both the findings of the literature review and the research. Some of the recommendations are similar to those made in the 2001 Homelessness Task Force research report and also to the 2005 Good Practice Guide. Many of them have not been played out in the development of mediation, therefore it is important that they are restated, based on the new evidence herein.

DESIGNING EFFECTIVE SERVICES

- **Earlier Intervention.** There is a strong consensus amongst mediators that mediation should be available as an earlier form of intervention, before family conflict reaches crisis point. In particular, services would benefit from receiving referrals for those identified as at risk of becoming homeless from universal services such as schools. An answer must be made known to the cry of "where are these young people? How do we find them?" Further investment should be made in developing processes and tools for identifying young people at risk.
- **Under 16 work.** In addition to mediation services being available before crisis hits, they should be available to younger teenagers. Previous research has shown that large numbers of young people under the age of 16 run away each year due to conflict with their parents; there is a strong connection between this behaviour and later becoming homeless. Mediation services should be made available to younger teenagers and their families, particularly 14 and 15 year olds. This will necessitate partnership working between 'Children and Families' and 'Housing and Homelessness' commissioners so that young people under the age of 16 who are running away or who are at risk of becoming homeless can access mediation and preventative support.
- **Service Shape.** Many operational models have been used. In commissioning a new service, the importance of impartiality in mediation should be considered. This may involve the use of independent services or local authority mediation staff being placed internally outwith the homeless department.
- **Support.** Mediation cannot meet all the needs of a young person at risk of homelessness. Having a strong model of support alongside mediation enhances the work of the mediator. Service design should consider potential channels of support for service users. For example; partnership working, utilising existing internal support workers or assigning both mediation and support roles within the team. In addition, it is the suggestion of this report that mediation is most effective in the prevention of homelessness when coupled with sound information

on the realities of homelessness for both the young person and their family. This may be provided by the mediator themselves or, if it is felt that this would compromise the mediator's impartiality, by a second party. Services should be aware of a wide range of specialist support services available in their local area, particularly those relevant to young people. They should also be aware of how to effectively refer service users to the most appropriate agency.

DELIVERING AND DEMONSTRATING QUALITY MEDIATION

- **Quality and Accountability.** Services undertaking mediation between young people and their parents for the prevention of homelessness should be registered with Scottish Mediation Register. The Scottish Housing Regulator should consider monitoring this, to ensure that high quality mediation is being delivered appropriately and consistently. Budgets should allow for on-going CPD for mediators to ensure high quality mediation and for staff to keep skills fresh. Services should share training opportunities, which will have financial benefits as well as resulting in more training.
- **Education** Clear and explicit discussion should be held at the establishment of a service around the priorities of the mediators and the local homeless department. There would be clear benefit for both professions in educating the other about their work, priorities and the reasons behind them, and finding ways to productively bridge any gaps in purpose and understanding.
- **Referral.** Processes around referral are the most common factor in a mediation service not fulfilling its potential. It is recommended that there is regular communication between mediation services and their referrers to establish when further awareness raising is appropriate and to ensure that referrers are informed about mediation and its benefits. Service targets need to allow mediators to spend significant time raising awareness of their service, in order for referrals to be generated.
- **Communication.** There should be regular, clear lines of communication between mediation services and their commissioners. Any concerns or adjustments that either party have can then be addressed and the project is more likely to be successful in the eyes of both parties, leading to services being sustained beyond the pilot period. Terms and conditions regarding information sharing should be established between mediators and commissioners at the outset of any mediation service or work. Terms of confidentiality should also be made explicit to service users, who may have concerns about information being passed to other professionals or family members. Communication around the relationship of mediation and the homelessness assessment process should be clear and explicit from the first point of introducing mediation to service users.
- **Monitoring.** If mediation is to make a full case for its impact, there would be benefit in recording the softer outcomes in a way which promotes the aims of the services. Services should develop systems to record outcomes in line aims outcomes in order to demonstrate the full impact the service is making. There should also be tighter recording of accommodation outcomes in mediation cases in order to further establish the case for mediation. This would be most effective if all services submitted outcomes to a central point, such as the Scottish Community Mediation Centre.
- **Operational Issues.** The report has highlighted a number of lessons that have been learnt in the operational running of a mediation service working with young people and their families. Recommendations include:

- i) The *emotional intensity* of the work necessitates regular and appropriate supervision
- ii) *Contact and communication* can be difficult. Maintaining the momentum of a case and communicating in the most convenient way for the young person (e.g. text message) is important.
- iii) *Meetings* should be expected to be more numerous and over a longer period than community or family mediation cases.
- v) *Venues* should be safe, neutral and accessible as young people will rarely have their own transport.

MEDIATION NATIONALLY

- **Funding.** There is strong evidence that well placed preventative work saves local authorities money – mediation sits firmly within this category. The vast majority of mediation services are local authority funded. Services to date have been limited by being small scale with limited funding added onto other projects. For many the future is dependent on a shrinking pot of local funding, creating an uncertainty about the future. This report recommends that more money is invested in mediation and its development to face the large problem of youth homelessness.
- **Network.** The Homeless Task Force research report in 2001 made strong suggestions around the building of mediation networks and a forum for sharing good practice. The lack of this development has resulted in a general feeling of isolation amongst practitioners and minimal sharing of good practice. Therefore, this report recommends that all practitioners participate in a national network that supersedes the traditional community/ family mediation boundaries and also includes practitioners from local authorities and homeless organisations with a remit for mediation. This would develop greater cohesion and support for mediators working in this field, sharing lessons and best practice. Currently the Scottish Community Mediation Network hosts one such forum which is open to all and happy to act as a central point of contact.

CONCLUSION

Mediation has expanded to become an accepted part of homelessness prevention in the ten years since the first projects started in Scotland. It is an important tool in restoring family relationships; giving vulnerable young people vital conflict resolution and communication skills. Its unique principles and practice lead families to their own solutions which are more likely to stick than decisions imposed by others. As relationships are strengthened, often families find that a young person can stay at home or even return home, thus preventing homelessness. Even if a young person does move out, having the support of their family can be crucial in helping them to sustain their tenancy. Services across Scotland over the past decade have been small, scattered and varied. With increased cohesion, sharing of best practice and investment, mediation will prevent increasing numbers of young people from experiencing the trauma of homelessness.

APPENDIX 1 - QUESTIONNAIRE

Young Person and Families Mediation Survey

Name _____
Team _____
Date of Visit _____

Young person and families mediation in your area

1. What is the history of young person and families mediation in the area? 23/23 responses
2. Who runs your service? When was it established? Is your service contract renewable annually? 23/23 responses
3. Which geographical areas do you cover? Which areas do the majority of your referrals come from? Is there any correlation with areas included in the Scottish Index of Multiple Deprivation? 19/23 responses
4. What is your service's relationship with the Local Authority? What degree of autonomy do you have from the LA? 23/23 responses

Your team

5. What are the staff's job titles and the number of hours they work? Do you use any volunteers/ sessional workers/ dual positions? 23/23 responses
6. What paths did your staff take to come to these roles? What training have members of your team been on towards their CPD? Who provided this training? 23/23 responses

The service you deliver

7. What are the aims of your service? 23/23 responses
8. In rough order of priority ("1" for the agency who refers the most, "2" for the next etc), which are the service's main referring agencies? 23/23 responses

Homelessness team
Schools
Self referral

General housing teams
Voluntary sector
Other

Social care
Police

9. Are there any groups that you would like to receive more referrals from but have come against barriers with? 21/23 responses
10. What are your referral criteria? What is your referral procedure? 23/23 responses

11. Do you find that most referrals become cases where a shuttle/ face to face mediation takes place? 20/23 responses
12. What does a "normal" case look like for you? i.e. what model do you use, do you co-mediate? 23/23 responses
13. Average number of visits per case? 17/23 responses
Average length of case? 16/23 responses
14. How often do you signpost/ refer on? What types of organisation is this to? 21/23 responses
15. What are the key values in your mediation service? 21/23 responses
16. What are your stated case outcomes? 19/23 responses
17. What factors do you feel prevent your service from reaching its full potential? 23/23 responses
18. What are your criteria for case closure/ exit strategy/ long term tracking? 18/23 responses
19. Do you offer/ have you in the past offered any additional services e.g. schools outreach work? 20/23 responses

The bigger picture

20. In your experience, what is the usual trigger point for service users to choose mediation? 17/23 responses Does there appear to be a "best" time to access mediation? 21/23 responses
21. What LA/ national priorities do you consider your team to be contributing to? 16/23 responses
22. What do you think the future of YP and families mediation is in your LA in next five years? What about nationally? 19/23 responses
23. What would you like to see changed? 20/23 responses
24. Anything else? 15/23 responses

APPENDIX 2 – SCOTTISH COMMUNITY MEDIATION NETWORK QUARTERLY RETURN BY HOMELESSNESS AGENCY

AGENCY: _____

Referrals and Cases

Period	Total referrals/ enquiries closed	Of the total referrals/ enquiries closed, the number of cases closed is:
QTR 1 April - June		
QTR 2 July - September		
QTR 3 October - December		
QTR 4 January - March		
YTD		

Case Outcomes (equal to number of cases closed)

Period	Agreement/ Improvement	No Agreement/ No Improvement
QTR 1 April - June		
QTR 2 July - September		
QTR 3 October - December		
QTR 4 January - March		
YTD		

Age Group

Period	<16	16 - 25
QTR 1 April - June		
QTR 2 July - September		
QTR 3 October - December		
QTR 4 January - March		
YTD		

Case Outcomes – A Breakdown

Period	Remained at home	Returned home	Moved out with support	Other positive outcome	Closed due to irreconcilable differences	One or more parties withdrew	Other negative outcome
QTR 1 April - June							
QTR 2 July - September							
QTR 3 October - December							
QTR 4 January - March							
YTD							

Referral Source

Period	Housing	Social Work	Education	Self	Other
QTR 1					
QTR 2					
QTR 3					
QTR 4					
YTD					

END NOTES

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EDINBURGH CYRENIANS

Edinburgh Cyrenians Trust was formed in 1968 by local people out of concern for the evident problem of homelessness in Scotland's capital city. Over the past 40 years the charity has developed an outstanding track record in pioneering creative solutions to the contemporary problems faced by people on the margins of society, such as; homelessness, poverty, deep unemployment, recovery from addiction and recidivism. The charity has an indefatigable commitment to reaching out and engaging with people trapped on the margins and working with them to fulfill their potential as contributing members of society. The charity also has an environmental brief, seeing the connection between valuing people and valuing our planet as part of the solution to a sustainable and happy future for society. Cyrenians trademark approach is to do new things really well and use the evidence of benefit to inform and inspire wider change. www.cyrenians.org.uk

AMBER MEDIATION SERVICES

A Cyrenians' Prevention service, Amber Mediation was established in Edinburgh in 2006, coupling mediation with high quality support work for the whole family. Every year the team works with around 100 families to prevent young people becoming homeless due to conflict. The service works with a wide range of situations: from very early intervention with 14 year olds whose school work is being disrupted by severe arguments at home, to helping young people who are in their own tenancies rebuild bridges with their family. Amber delivers conflict resolution workshops to S3 and S4 pupils across Edinburgh and the Lothians, equipping young people to handle the inevitable disputes that accompany teenage years constructively. Amber delivers a range of specialized training programmes on mediation with for the prevention of homelessness, including modules on supporting young people and their families.

www.ambermediation.org.uk

SCOTTISH COMMUNITY MEDIATION NETWORK

The Scottish Community Mediation Network represents community mediation services from virtually all Scottish local authority areas. Different models of service provision have been developed, from independent specialist charities to In house local authority mediation services. All models, however, share a basic requirement that mediators work with the public in a safe, effective and efficient way. Because of this, SCMN has introduced a comprehensive accreditation scheme for mediators, mediation services and training courses. SCMN has been accepted as an 'approved body' for the purposes of the Scottish Mediation Register.

SCOTTISH COMMUNITY MEDIATION CENTRE

The Scottish Community Mediation Centre has a national and international reputation for high quality training and consultancy work in the field of Community Mediation and constructive conflict resolution. The Centre, which is managed by Sacro and funded by the Scottish Government, has provided services to a wide range of national and local government agencies as well as other bodies such as charities, social housing providers, police and Ombudsmen.

We provide a comprehensive service of training, consultancy and practice advice on all aspects of community mediation, as well as acting as the administrative base for the Scottish Community Mediation Network and its accreditation schemes. We are able to offer a range of resources on all issues around constructive conflict resolution in neighbourhoods. Training, advice, guidance and assistance is available to mediation services, social landlords, and all other agencies concerned with neighbourhood conflict.

www.scmc.sacro.org.uk