

Grounds to Agree

**The use of independent mediation by
Reading Borough Housing Department in dealing
with anti-social behaviour and nuisance**

A Mending Fences Project Study
by
John Hedge

June 2005

THAMES VALLEY
PARTNERSHIP 
Working for safer communities

Contents

	<u>Page</u>
1. Reasons for the Study	5
2. Description of the Study	7
3. The Local Context	9
4. Analysis from the Case Material	11
5. Some Considerations on Costs	19
6. Housing Department Views and Policy Issues	21
7. Community Safety Perspective	23
Appendix 1: Defining and Measuring Anti-social Behaviour An extract from the Home Office and Development Practice Report	
Appendix 2: Dealing with Nuisance Reading Borough Council Tenant Services Fact Sheet	
Appendix 3: The Mediation Service Reading Borough Council Tenant and Property Services Customer Advice Note	

1. Reasons for the Study

The Nuffield Foundation funded project 'Mending Fences' has been examining how the use of preventive and problem solving solutions can be developed more fully as an approach to anti-social behaviour. The work over the last two years has included a range of activity, but a central strand has been to explore the role of community mediation as a key problem solving option.

Mediation nationally has grown steadily since the 1980s, and now operates in a very wide variety of settings, including family work and commercial disputes. The techniques used by mediation agencies are well tried and tested, and the national body; Mediation UK has also introduced the expectation that all services will work towards accreditation and the Community Legal Service Quality Mark. In the Housing management field the use of mediation has been recognised as an important area of good practice for some time, and many local authority departments and Registered Social Landlords have contracts with Mediation services to take referrals, usually in respect of neighbour dispute or allegations of anti-social behaviour.

Apart from the substantial study conducted by Dignan and others at Sheffield University in 1982, there has been surprisingly little written about how this work is funded, whether outcomes justify the funding, and whether the interventions could be assessed as value for money. The present study is one of three being carried out as part of Mending Fences, and attempts to answer some of these questions. Resources did not permit a complete study of costs and benefits, given the range of unit costs and variables, which would have to be taken into account. Enough information was available, however, to draw some conclusions about the work, and the factors, which seem most relevant to good practice.

I am very grateful both to Reading Borough Housing staff and Thames Valley Community Mediation for their contributions to the study. I hope that the findings are useful to both agencies in further developing their partnership, and that the study will also be of interest to other housing and community safety agencies.

2. Description of the Study

The study focuses on the mediation referrals made to Thames Valley Community Mediation by Reading Borough Housing Department in the financial year 1st April 2003 to 31st March 2004. I read the available case papers on each case, including the correspondence, case notes and invoices. In this way I was able to track the referral process, the case management and the outcomes in each case, together with the costs charged to Reading Borough Housing Department for each case, within the annual allocation for mediation referrals.

During the study I met with a number of housing staff as follows: -

- Collette Baker: Policy Officer, Tenant and Property Services.
- Sarah Tapliss: Principal Nuisance Officer.
- Jane Warren: Area Manager.
- David Brown: Senior Housing Officer.
- Richard Gundry: Housing Officer.

I interviewed the Co-ordinators for Thames Valley Community Mediation, Margaret Keys and Brian Haines, who had also been directly involved in a number of the mediation cases.

I interviewed Anthony Brain, Community Safety Manager and Rebecca Horne Anti-Social Behaviour Co-ordinator, from the Reading Community safety Department.

I am grateful to all who participated for their time, commitment and patience.

3. The Local Context

Reading is a large Unitary Authority Borough with its own directly managed Housing stock of about 6,000 units, making it the largest housing provider in the Borough. Though an area of very high prosperity and very low unemployment Reading has significant areas of deprivation, including local authority estates, which suffer disproportionately from crime and anti-social behaviour. Reading has considerable ethnic and cultural diversity, with a significant BEM population and a good reputation for its community relations.

Thames Valley Community Mediation is a small independent community mediation scheme, affiliated to Mediation U.K, and a member of the Thames Valley Community Mediation Consortium, a grouping of local schemes. It operates in Reading and East Berkshire, and the contract with Reading Borough Housing is its largest Service Level Agreement. For the year in question the budget for Mediation from Housing was £20,000, which was fully spent. The agreement had been introduced several years earlier, and an initial in-house assessment after the first year had recommended the continuation of the agreement.

4. Analysis From the Case Material

Overall in the year 1st April 2003 to 31st March 2004 Reading Housing had 263 complaints of nuisance or anti-social behaviour and 48 were sent to mediation- a proportion of 18.25% of cases. Whether this could have been higher was beyond both the scope of the survey and indeed the budget allocation, but it seems to indicate that mediation was a substantially used part of the anti-social behaviour 'toolbox'. Because of the focus of this study I read only those cases actually funded from the year in question, which was 39 cases.

Behaviour Leading to Referral

As the terms 'nuisance' and anti-social behaviour remain difficult to define closely, it seemed important to attempt some typology of the behaviour, which led to referral, and generally how serious did it seem to be. The most useful typology to have emerged so far is that given in the recent Home Office Development and Practice Report, 'Defining and Measuring anti-social behaviour', (Home Office 2004). A copy of the typology is provided as Appendix 1, and in summary main categories of behaviour are given, which are then divided into four core areas, as follows:

- **Misuse of Public Space**, eg substance misuse, sexual conduct, abandoned cars, and vehicle related nuisance.
- **Disregard for community or personal well being**, eg Noise, rowdy behaviour, nuisance behaviour, hoax calls or animal related problems.
- **Acts directed at people**, eg Intimidation or harassment, abuse, voyeurism or threats. These behaviours may be on the grounds of race, sexual orientation, gender, religion, disability or age.
- **Environmental damage**, eg criminal damage, graffiti, damage to buildings, litter, and rubbish or fly tipping.

In many cases, the initial complainant had cited more than one type of behaviour. In some cases raising the complaint with a neighbour had resulted in retaliatory behaviour; and of course in some cases there were allegations and counter-allegations. Making a preliminary assessment of such complexities usually falls to the Housing Officer, and assessment and timing are key issues in housing management.

In the present study a note was made of all the presenting factors, whether they were the initial problem, a reaction, or indeed a counter-reaction. This means that for the 39 cases there are appreciable more than 39 types of cited behaviour!

Misuse of Public Space

In this core area there were the following instances: -

Alcohol use: 4 cases: Drugs: 1 case. Parking: 1 case, Car repairs and DIY: 2 cases.

In only 8 cases out of 39, therefore, or just under 23% was the behaviour occurring in public or communal space, reflecting the fact that these are exclusively housing referrals. If Mediation access were extended across the local authority there would certainly be much higher figures.

Disregard for Community or Personal Well-being

Noise was a problem in 25 of the cases or 64%, reflecting the importance of this issue, both in terms of environmental health and anti-social behaviour. In 3 cases it was the only obvious issue, but in many more it was the presenting symptom of a more complex set of problems between the parties referred. The noise sources were quite wide ranging. While loud music and barking dogs were mentioned on a number of occasions, it was often the context which made the problem more serious for the complainant- especially noise late at night. In two cases it was alleged that noise had been used itself as a retaliation for other behaviour. The picture at referral, though, seemed very often to be of noise followed by retaliation from others - often threats or verbal abuse. In several cases recording or logging had been used previously, but these mediation referrals show some of the complexity which underlies many noise problems, and perhaps the need for agreement and understanding more than emphasising issues of evidence and enforcement.

As far as other community and well being issues were concerned, pet problems were mentioned on three occasions and shared facilities twice. A football banging against a fence was mentioned in one case.

Action Against People

In this core area of the anti-social behaviour typology there were 25 mentions, ie abuse, threats, harassment or violence was a factor in 64% of the cases. The biggest category was verbal abuse (15 cases), followed by threats (10), Harassment (9) and actual violence (5). Bullying both in respect of children and between adults was an alleged focal point in several cases. Mediation intervention in housing cases is sometimes rather simplistically described as dealing with neighbour dispute or neighbour nuisance, but in reality very real fear of violence or actual violence may be a factor. It needs to be noted that in this sample seven cases had involved the police at some stage (18% of cases) and this was usually because of alleged threats or violence.

In relation to hate crime issues racism was alleged in two cases.

Environmental Damage

As with misuse of public space this core area featured much less. However, damage to property, ranging from plants to buildings and fittings was mentioned in four cases and abandonment of rubbish in one. Again this reflects the fact that these are all housing

referrals, and at present Reading does not have an authority wide arrangement for mediation referral.

Some Behaviour Related Issues

Overall a reading of the case material suggested that in the vast majority of cases the behaviour certainly could be classified as anti-social behaviour. One case primarily involved mediation of a dispute between the Housing Department and the tenant, though problematic behaviour was also involved. Several cases reflected strong feelings over apparently minor behaviour, but otherwise the behaviour concerned and the level of dispute were serious or worse. This seems on the face of it to reflect an appropriate use of referrals and resources, but this issue is discussed in more detail later.

While formally speaking a Housing Officer was the referrer in all cases, there was considerable variation so far as the stage at which referral was made. Overall referral was made quite early and this was often related to successful outcome, as is reported later, but in seven cases there had either been significant earlier interventions, such as diaries, police visits or the involvement of other agencies, including Social Services, Mental Health and Substance Misuse services. In one case an injunction was already in place and possession proceedings were being taken in another. While early intervention may be timely and enhance the prospects for success, use of mediation at a later stage can work if the reasons are clear.

Neighbours, Groups or Communities?

Typically two parties were involved in these referrals. Sometimes the parties would be individuals but often families. In eight cases, however, (20%) three or more parties were involved, and several cases the problems involved a number of people in the vicinity - up to 10 in one particular case. Mediation's ability to use its processes in relation to a number of parties in a single case is sometimes not well known, and a later example describes how this can be effective.

Vulnerability was sometimes evident from the case papers. This was normally related to the alleged perpetrators rather than the complainants, as in the four cases where children's problems ranging from ADHD through to alleged neglect were involved. In one case the child had learning difficulties. Among adults alcohol featured as an obvious problem in four of the cases and drugs in one case only. Inter-generational issues occurred in three cases, and in all cases the complainants were elderly.

The problem behaviour concerned involved children or young people in 17 of the cases (44%). This may seem a relatively low figure, given the preoccupation with young people's role in anti-social behaviour, so in some ways this is an interesting finding, particularly when it is born in mind that in several of the cases involved allegations between children. It is clearly very important that careful assessment is done in cases involving children, not least because of the dangers of judging what 'reasonable behaviour' really is.

Outcomes

It was clear from the records in each case whether an agreement had been reached between parties, and because of a routine follow up undertaken by the mediation scheme some weeks later, also reasonably clear whether any resolution of difficulties had lasted. The aim of the Mediation scheme in each case was to follow established procedures in seeking the co-operation of parties and then setting up a face to face meeting where the issues would be worked at and then an agreed written agreement come to. Where face-to-face contact could not be achieved a shuttle process was used. The aim with shuttle contacts was also to secure an agreement. Agreements were often quite detailed and referred to specific behaviours and what the parties undertook to do about them. In this assessment of overall outcomes results have been graded as follows:

- **Cases which could not be mediated.**

There were seven of these, 18% of the total. This sometimes meant that one of the parties was not prepared to be involved, and sometimes that they did not respond to contact requests.

- **Cases where there was some progress.**

This occurred in 11 of the cases, just over 28%. This covered a range of situations, including several cases where the outcome was that one of the parties moved away. In one case involving mental health issues there was certainly some recorded improvement, but other council action was being taken to reinforce this. In one of the cases, which had involved the Police there had been limited agreement but reasonably effective truce was in place and holding- an agreement to differ in effect. In the remaining 7 cases either agreement had been quite limited, or there were signs of some subsequent breakdown in it.

- **Cases where there had been clear agreement and apparent resolution.**

There were 20 of these cases, 51% of the total. Cases were only included in this category where it was clear that there had been an agreement, and that this seemed at follow up to be holding. Interestingly a comparison of these cases against others did not indicate that they were necessarily cases involving apparently 'less serious' behaviour. As is the case with much anti-social behaviour seriousness is often quite a subjective matter anyway. A number of other factors are at least as important in determining prospects for a successful outcome. These are listed at the end of this section.

In one case only was the problem apparently resolved prior to work commencing. If this case is taken out of the calculations there was some progress in 31 out of 38 cases, or 81.6% of the cases, and a resolution in 20 out of 38, or 54%. This is reasonably in line with nationally cited estimates of mediation success rates, but constitutes an impressive level of performance in Reading, given the nature overall of the cases.

Factors Associated with Positive Outcome

- **Prompt referral.** Case where the Housing Officer had not delayed in referring the case.
- **Robust referral.** Cases where the Housing Officer was clear and firm with complainants that this was a worthwhile option, which they should engage with. To be able to do this you need of course a confident understanding of the process and mediation's capacity, as well as confidence in the local authority's procedures.
- **Prompt pick up and contact by the Mediation scheme.** The records indicated that the norm was an initial contact within a few days, and the initial visits quite quickly after that. This is clearly an important performance standard, and seemed to be a significant confidence factor both for housing staff and service users. This is a key capacity management issue for mediation schemes.
- **Effective case management and accountability.** Most of the intake work for Thames Valley Community mediation is undertaken by one worker, who has a great deal of dialogue with Housing Department workers. There was much evidence of this contributing to the overall case management. If a participant needed further help, for example Floating Support this was indicated and feedback tended to continue through the management of the case. If the mediation approach is to work with certain disadvantaged or handicapped groups, such as the mentally ill, or those with substance dependence then this kind of practical approach seems to work well, not only in enabling the process to continue, but also in bringing in help, which can support settlements. Within the mediation field there is considerable debate about confidentiality and its boundaries. While this is an important issue an overly rigid approach can be very limiting. Common sense is called for, and this was very much in evidence in the work in Reading.
- **Good targeting.** With only one or two exceptions the referrals had been appropriate - that is to say they were serious enough to merit outside independent involvement but not so serious as to merit immediate statutory enforcement. This seemed to relate both to a well-informed referral group of Housing Officers, and the effective 'screening/moderating' role of the Principal Nuisance Officer, whose contribution is described in more detail in a later section.

Some Summarised Examples

- Two neighbouring families where the problems were to do with allegations about, noise particularly from children. The situation became very tense and angry. The family being accused of making excessive noise had two children with ADHD. There had been some Housing Officer involvement prior to referral. Mediation met with the complainant 10 days after the referral and with the other family on the same day, with a face- to -face joint meeting taking place three weeks later. A four-point agreement was negotiated and a month later this was holding successfully. The case was therefore closed one month after the agreement was signed and two months after initial referral.

Costs: £175 x 2 for two visits to the parties and £250 for the joint meeting. Overall charge therefore £600.

- Two families living near each other but not immediate neighbours. The complainant said that a woman's partner was harassing and intimidating the complainant's son. There were counter allegations of verbal abuse, and that the son had been bullying the other party's daughter at school. The situation had been difficult for some time. The Police and Housing Officer had both been involved. Initial meetings were held with the parties separately, and then second meetings with both parties separately, which succeeded in achieving a face-to-face meeting some 8 weeks after the referral date. The young people attended the face-to-face meeting with their families and a six-point agreement was signed, which was holding well at the follow up contact a month later.

Costs. £175 x 4 for meetings with parties and £250 for face-to-face meeting. Overall charge £950.

- Letter of complaint to the council from 10 families in an estate close complaining about the use of intimidating and threatening behaviour, including foul and abusive language by one couple. The case involved some owner-occupiers. Initial work involved consulting with the complainants with one of them offering her house to do this, and also helping liaise with the others. Meetings were set up with a prior commitment that those who could not attend agreeing to be bound by any agreement reached. After the initial meetings separate face-to-face sessions were held with the male and female parties, and this yielded agreements. The initial round of meetings was held two weeks after referral, and the face-to-face meetings held a fortnight after that. The follow-up contact a month later indicated that agreements were holding well and that the situation had considerably improved.

Costs: £175 x 2 for initial meetings and £250 x 2 for separate face-to-face meetings with men and women. Total costs £850.

- Two neighbouring families where the complaint was about the drunken and abusive behaviour of a male partner. Police had been called, and there had been a harassment warning. Soon afterwards a baby buggy had been vandalised and this incident was logged by Police as Criminal Damage. There were allegations and counter-allegations of fighting, noise, shouting and ongoing threats. There seemed evidence that both families were noisy and volatile. Initial meetings were held within a week of referral, and a face-to-face meeting took place a week after that. An agreement was reached and the follow-up indicated that this was holding. There had been no subsequent complaints.

Costs. £175 x 2 for initial meetings and £250 for face-to-face meeting. Total costs. £600.

- An owner-occupier had his house burgled and accused a neighbour's son. Mutual accusations followed, and the son was charged, though the case was, subsequently, dropped by the Police. There were further allegations of Criminal Damage. There were allegations and counter-allegations of egg throwing and threatening behaviour. Meetings with the parties were held within two weeks of referral, and a face-to-face

meeting was held three weeks after that, leading to an agreement, which had held subsequently, and the case was closed

Costs. £175 x 2 for initial meetings and £250 for face-to-face meetings. Total costs. £600.

- Four parties altogether, two of them elderly women complaining about the behaviour of an elderly man who had moved in. He was accused of making threats, causing damage, attacking a dog, and being noisy, part of this being to do with his undertaking d.i.y in shared public space. There had been some police involvement. It was not possible in this case to get as far as a face-to-face contact, but shuttle mediation was used, and an agreement was reached in this way. The initial meetings took place two weeks after referral, and the shuttle negotiation took place a week after that. There was some progress and the situation did quieten down, but there remained some residual problems.

Costs. £175 x 2 for initial meetings and £250 for the shuttle negotiation. Total costs £600.

- Two neighbours, with one alleging harassment, threatening behaviour and noise, including threats to kill and cause damage. Alcohol was clearly a factor, and the problems included arguments about boundaries. Initial meetings were held a week after referral, and a face-to-face meeting was set up for 10 days later, but this failed and had to be converted to a shuttle exercise. An agreement of sorts was reached, but the complainant became ill and had to go into hospital, very unhappy about the situation. While there was some progress there was not an overall resolution, and the problem centred on the perpetrator's limited co-operation and alcohol problems.

Costs. £175 x 2 for initial meetings and £250 for a shuttle negotiation. Total costs: £600.

- Two near neighbours. Complaint was about an 11 year-old son allegedly running over on a bike the three year-old son of the complainant, injuring the child's legs. Threats and counter threats followed, including violence and the Housing Officer had met with both parties. An initial meeting was held with both parties, but the face-to-face meeting failed, as one party did not attend. The matter was not resolved, but the complainant seemed to derive some benefit from the contact, and matters were finally resolved when one party moved away.

Costs. £175 x 2 for initial meetings and £175 charge for the failed face-to-face meeting. Total costs. £525.

- Two neighbours. Some mental health and drug issues on one side. Allegations of leaving rubbish, and making noise. The alleged perpetrator had a mental health worker. The Housing Officer became involved and initiated the use of diary sheets. The Housing Officer sent a letter to the perpetrator, and a councillor also became involved. It was agreed that noise-monitoring equipment would be used. On the mediation side the initial meetings were held a fortnight after referral and a face-to-face meeting was held three days after that. Follow up revealed some improvement, though the council also indicated that it was considering other action.

Costs. £175 x 2 for initial meetings and £250 for the face-to-face meeting. Total costs. £600.

- Two neighbours. Allegations about loud late-night noise and subsequent threatening behaviour and verbal abuse. Matters had been reported to police twice before. One party was quite resistant to the mediation process and proved difficult to contact, with much avoidance. In due course a shuttle negotiation took place and there was an agreement. There was some progress and an uneasy truce appeared to be in place. The initial meetings were held 10 days after referral, an initial and one sided shuttle two weeks after that. A shuttle to both parties took place one week further on.

Costs. £175 x 2 for the initial meetings, £175 for the failed shuttle, and £250 for the shuttle. Total costs. £775.

- Three near neighbours, where one party with four children, a single mother, was the object of complaints over the behaviour of the children, noise, abuse and threatening behaviour. This was a complex case in which as well as allegations of neglect the mother had been recently charged with an offence against a 14 year- old boy who visited the house. One of the main issues was of youths visiting the house in groups because of the alleged lack of control over the woman's 15 year- old daughter. Police had been actively involved and it was planned that the family Social Worker would support the woman through the mediation process. A number of management options were considered and a first round of meetings was undertaken, but at that stage it was agreed by all agencies that the case was not mediatable and the process went no further. Overall this was an ambitious referral, and the factors which seem to have rendered the case not mediatable both because of the adamant attitude of the complainants that only a move would satisfy them, and the fact that a court case was pending.

Costs: £175 x 3 for initial meetings. Total costs £525

5. Some Considerations on Costs

Not all mediation schemes charge the same, and of course Service Level Agreements with housing and other funders will include different requirements and expectations. In the case of Thames Valley Community Mediation, as indicated in the examples quoted, charges are standardised by the type of intervention, and a straightforward case involving two parties and a face-to-face agreement seeking session will come out at £600. Cases may cost less or more depending on the willingness of the parties or the complexity of the case. There is no specific charge for the set-up of the case, not for the other overheads involved in case management, and these are included in the overall costs.

It is hard to estimate what savings a successful mediation intervention might provide for the purchaser. Earlier studies have suggested that mediation can achieve some savings overall. Certainly the Housing staff interviewed for this study all felt that their time was saved, enabling them to undertake other duties, and they all stressed the time consuming nature of dispute work, where all parties tended to see them as a source of authority that should be able to resolve matter in their favour. As well as time saving, they felt that they were saved considerable stress. They felt that they could trust the mediation scheme on speed of involvement, and keeping them informed as necessary.

Clearly unresolved disputes and problematic behaviour do have a range of other costs, which satisfactory settlement can offset. These go beyond timesavings for the Housing Officer referrer, and may be considerable, as follows: -

- Legal costs for case which are not settled and go on to enforcement action. This could include both notice, repossession, or indeed costs incurred in obtaining Anti-Social Behaviour Orders, in extreme cases.
- Direct costs to other services. This would include both police time, and input of time and expertise from other council services-notably Environmental Health and Social Services.
- Indirect costs to other services. Work arising from unresolved dispute and anti-social behaviour is associated with a range of other calls on public service time and expertise. Examples would be higher health demand, and extra calls on Social Services.

In considering whether the present arrangement could be regarded as 'good value' for Reading a number of performance issues are relevant. If performance changed in these critical areas then this would reduce value. The two main factors seem to be as follows: -

- **A very high rate of appropriate referrals.** This is achieved by monitoring through the Principal Nuisance Officer, and by regular training and briefing contacts undertaken by Thames Valley Community Mediation. This is not charged for specifically, and is seen as being mutually advantageous in securing both quality and quantity of referral.
- **High success rates.** This is achieved by prompt pick up of cases, and by the high quality of work undertaken. Recruitment, training, supervision and support of skilled

Mediators take time and skill. Such commitments are significant core costs to the provider.

There does seem to me to be evidence from this study that having access to appropriately used good quality mediation provides significant benefit to the Reading Housing Department, not only in time and energy, but in quality of service to tenants with problems.

The charges made by Thames Valley Community mediation are broadly in line with charges by other schemes within the region. Mediation provision is sometimes purchased on a price basis alone. This is a difficult area, but important points for purchasers to bear in mind are the skill levels of the provider and their sustainability. Like other community mediation schemes in the Thames Valley, TVCM is a member of Mediation U.K, and is signed up to a commitment to working towards the Community Legal Service quality mark. To aspire to this an organisation will need to comply with detailed requirements on process, management, supervision and audit. This does involve considerable management and core costs, which will have some impact on unit costs within Service Level Agreements. Best Value of course does not mean the cheapest, and this is as true of mediation as anything else.

It is curious that for some reason costs benefit questions have tended to be addressed to mediation provision rather more than to other approaches. Perhaps this is because public service is often reactive rather than preventive. Perhaps this is also because mediation is delivered from small independent agencies rather than being housed within statutory supervision. Overall, though, the case can be made that there is considerable cost benefit, if the conditions are right.

On a wider basis there is a major issue about Mediation schemes and core costs, which are proving increasingly difficult to sustain across the country. Certainly a bigger SLA across the whole local authority and CDRP in Reading would help, but there is also a case for core support funding from central government, an issue which Mediation UK has been raising for some time. Community mediation makes a relevant contribution to the agenda of at least four Departments - the Home Office; ODPM; Department of Constitutional Affairs, and Health. The diversity of work may mean that responsibility falls between them all, but there is a case for joined up central support, not least because mediation might then be made available free to the public.

6. Housing Department Views and Policy Issues

Housing Managers

The Housing Managers who contributed in interview said that a major benefit of mediation was the avoidance of costly legal cases, and that quick speedy resolution was valuable for all concerned. It was recognised that Housing Officers needed to 'sell' the process and provide reassurance, and that for this reason they had included mediation in both the leaflet to tenants on nuisance, and a special leaflet about the Mediation Service. Copies of both these leaflets are included as appendices to this report. Managers showed much confidence in the professionalism of the scheme, and the individuals managing TVCM.

There was recognition of some of the boundaries, including severity of behaviour, violence and so on, but overall a perception that the scheme was able to deal well with a diversity of need and presenting problems. Mental health was seen as a difficult area, where careful initial assessment was needed, and similar considerations applied to substance misuse cases.

Nuisance and anti-social behaviour work was seen as taking up an increasing amount of Housing Officer time, and this seemed to relate to generally lower tolerance levels as much as a deterioration in overall behaviour. These issues took up at least 10% of a Housing Officer's time it was estimated.

Housing Officers

The Housing Officers who contributed were very positive about the scheme, and felt it was a considerable time-saver, though much depended on their initial 'sell' to complainants. It was felt that having the leaflet available was particularly helpful.

Training and updating on mediation was seen as helpful, and it was felt that this was not only important for all new staff, but as a regular refresher within the department.

Housing Officers worked closely with Area Beat Police Officers and this was a key connection for them. Area Beat Police Officers were also generally aware of the scheme, and positive about it, though they seldom had direct contact with it.

It was felt that mediation coped well with some forms of racial tension, and at the lower levels of race issues this was an appropriate option.

Principal Nuisance Officer.

This seems an important role both in the management of the contract and in helping to achieve the right level and type of referral. The point was made that the contract is with the Housing Department, and that at present other departments did not have a provider, nor did the Community Safety Department for anti-social behaviour purposes. It was felt that the work could usefully be broadened into these areas, and efforts were being made to secure funding. Mediation as part of a package involving housing support was also seen as potentially valuable.

A monthly meeting was held with TVCM, known as the Mediation Meeting. This allowed a review of cases, and a check for possible referrals, and was seen as a very useful way of monitoring progress. The good level of trust and the good contact with the TVCM lead were seen as central to the effective functioning of the scheme.

7. Community Safety Perspective

Both the Community Safety Manager, and Anti-Social Behaviour Co-ordinator also contributed helpfully to this review. Both echoed the views of Housing staff on the importance of referrers 'selling' the idea to complainants and often to perpetrators as well. They felt that the Nuisance Officer did play an important gate-keeping role on referrals.

From the community safety perspective they did see mediation as an essential part of the toolkit of interventions, but pointed out the current pressure on resources and the difficulty in funding an extension of mediation cover across the local authority. Efforts were continuing, however, and a bid had been made to GOSE for some initial money to broaden access. While most RSLs had provision for housing work there was no funding for private tenancy or for owner-occupiers. Similar problems applied to cases involving public open space. Potentially the role of mediation could be much broader. Overall it was hoped that the Borough and its CDRP could approach mediation use on a more corporate basis.

Defining and Measuring Anti-social Behaviour

An extract from the Home Office and Development Practice Report

Defining and measuring anti-social behaviour

RDS typology of anti-social behaviour

Table 2.1 below sets out the typology of anti-social behaviour. This has been based on a range of anti-social behaviour definitions currently in use, including those detailed in the CDRP Audits (2001) or Strategies (2002) and definitions used in Home Office funded research and by other government departments. It also draws on the experiences of anti-social behaviour identified by respondents in the 2000 British Crime Survey (BCS).

The purpose of the typology is to provide a practical framework and guide to the main categories of behaviour that are widely accepted to be anti-social by both practitioners and the public. The categories are divided into four core areas according to whether they occur in a public space, whether they have a direct or indirect victim and whether the behaviour impacts on the environment. Examples are provided of specific activities, which could fall into each category. The list of examples is not intended to be exhaustive and it is likely that CDRPs and CSPs will be able to identify additional examples based on local experience.

Table 2.1: RDS typology of anti-social behaviour

Misuse of public space	Disregard for community/ personal well-being	Acts directed at people	Environmental damage
Drug/substance misuse & dealing	Noise	Intimidation/harassment	Criminal damage/ vandalism
Taking drugs	Noisy neighbours	Groups or individuals making threats	Graffiti
Sniffing volatile substances	Noisy cars/motorbikes	Verbal abuse	Damage to bus shelters
Discarding needles/drug paraphernalia	Alarms (persistent ringing/malfunction)	Bullying	Damage to phone kiosks
Crack houses	Noise from pubs/clubs	Following people	Damage to street furniture
Presence of dealers or users	Noise from business/industry	Pestering people	Damage to buildings
Street drinking	Rowdy behaviour	Voyeurism	Damage to trees/plants/ hedges
Begging	Shouting & swearing	Sending nasty/offensive letters	Litter/rubbish
Prostitution	Fighting	Obscene/nuisance phone calls	Dropping litter
Soliciting	Drunken behaviour	Menacing gestures	Dumping rubbish
Cards in phone boxes	Hooliganism/loutish behaviour	<i>Can be on the grounds of:</i>	Fly-tipping
Discarded condoms	Nuisance behaviour	Race	Fly-posting
Kerb crawling	Urinating in public	Sexual orientation	
Loitering	Setting fires (not directed at specific persons or property)	Gender	
Pestering residents	Inappropriate use of fireworks	Religion	
Sexual acts	Throwing missiles	Disability	
Inappropriate sexual conduct	Climbing on buildings	Age	
Indecent exposure	Impeding access to communal areas		
Abandoned cars	Games in restricted/ inappropriate areas		
Vehicle-related nuisance & inappropriate vehicle use	Misuse of air guns		
Inconvenient/illegal parking	Letting down tyres		
Car repairs on the street/in gardens	Hoax calls		
Setting vehicles alight	False calls to emergency services		
Joyriding	Animal-related problems		
Racing cars	Uncontrolled animals		
Off-road motorcycling			
Cycling/skateboarding in pedestrian areas/footpaths			

Source: Research Development and Statistics Directorate

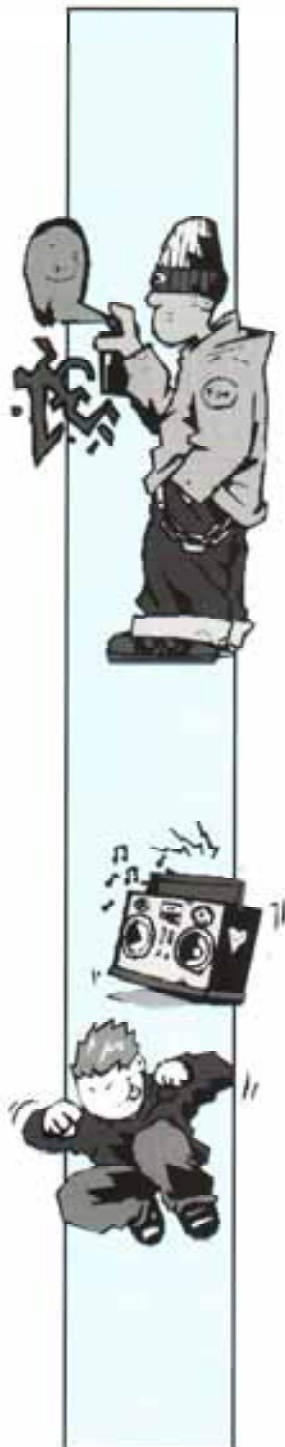
Dealing with Nuisance

Reading Borough Council Tenant Services Fact Sheet

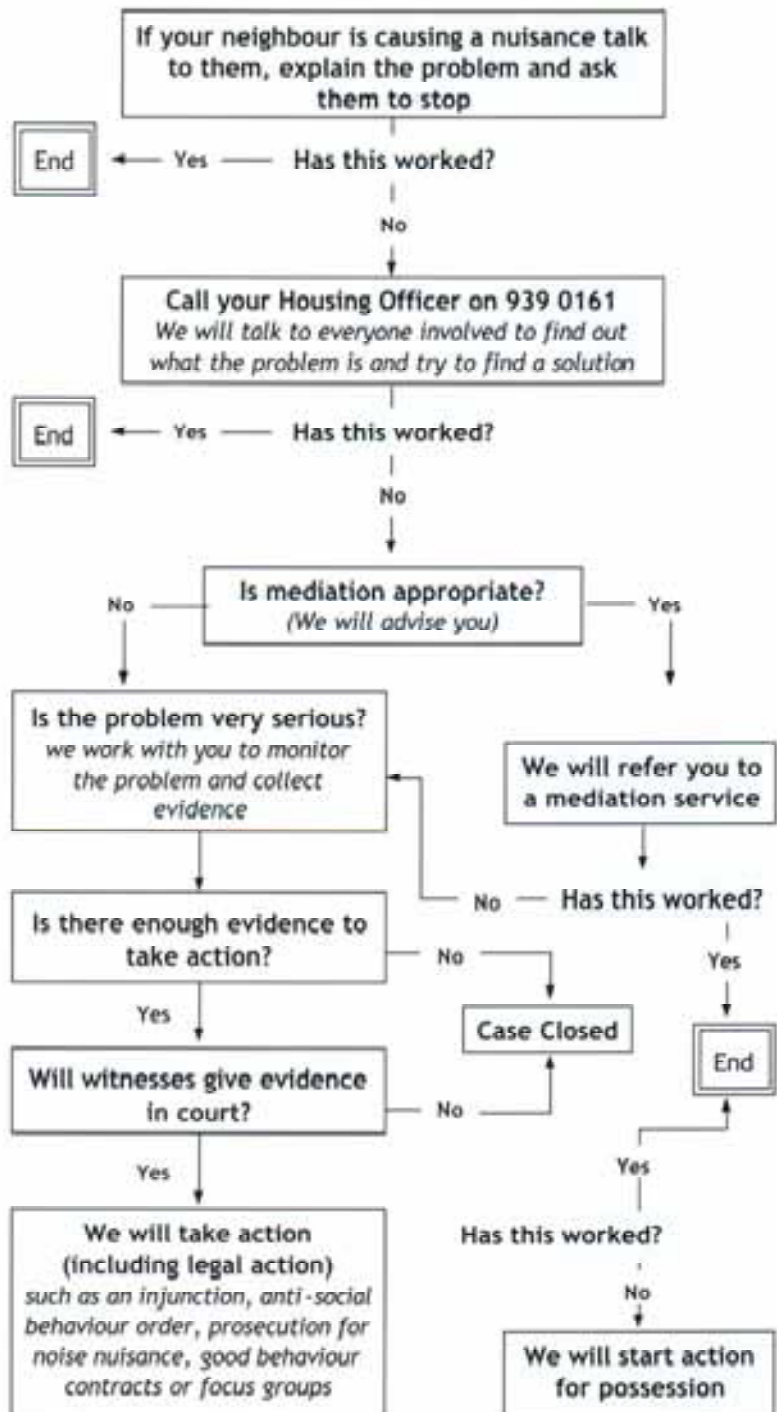


Tenant Services Factsheet

Dealing With Nuisance



September 2003



The Mediation Service

Reading Borough Council Tenant and Property Services Customer Advice Note



Tenant and Property Services Customer Advice Note

Social Services & Housing

Useful Telephone Numbers
Housing Services 9390161 Nuisance Team 9390953
Thames Valley Community Mediation 9626204

The Mediation Service.

Advice for tenants who are experiencing nuisance or anti-social behaviour and would like to sort out the problem.

Our response to Nuisance and Anti-Social Behaviour.

Nuisance and anti-social behaviour covers a wide range of behaviour from clashes of lifestyle to criminal activities. As a landlord we are committed to tackling the underlying causes of nuisance.

One way to do this is through mediation.

What is Mediation?

Certain types of problem can be resolved through discussion and negotiation-particularly if they are tackled early before they are allowed to spiral out of control. Often parties in conflict find it difficult to reach agreement without the help of an independent person to help them manage discussions and stay focused on finding solutions.

Mediation is a way of sorting out differences without having to involve solicitors or the courts. Mediators are independent, non-legal people who listen to both sides of the dispute and help the people involved to reach agreements between themselves.

How can Mediation Help?

Who are the Mediators?

The Housing Department employs an independent mediation service to work on our behalf. They are called Thames Valley Community Mediation. The mediators are people who have had specific training and experience in helping people who are in dispute to work out solutions to problems.

The mediators don't take sides or tell people what to do. They help people explore solutions and find agreements they can live with.

How can mediation help?

Mediation can help resolve the following problems:

- Noise Nuisance
- Difficult behavior caused by children and teenagers
- Verbal Abuse
- Intimidation, harassment and threatening behavior
- Nuisance caused by pets (e.g. dogs)
- Parking Issues
- DIY and car repairs
- Boundary Disputes
- Rubbish

How can mediation help? continued...

In more serious cases the mediators will work alongside the Police, Environmental Health and other agencies to get effective solutions to a Problem.

How do I access the Mediation Service?

Contact your Housing Officer. They will talk to you about the problems and how mediation works. They will then speak to the other party involved (with your permission) and ask them if they will also participate. If they agree then the case can be referred to the Mediation Service.

Next Steps...

After your Housing Officer has made a referral to the Mediation Service a mediator will contact you and arrange to visit you in your home (or another place if you prefer) to talk about the problems and how to deal with the issues.

The mediator will then arrange to see the other party to talk to them and hear their view of the problem.

What happens during Mediation?

Next Steps, continued...

The mediators won't judge anyone or take sides. At this stage they won't pass anything you have said to the other neighbour.

If you both agree the mediators will usually arrange for everyone to meet in a safe, neutral place to try and find a solution to the problem.

If no one wants to meet face to face the mediators will arrange "shuttle mediation" where they go between the parties to help you reach an agreement.

The mediators help you reach an agreement that meets everyone's concerns and that both sides to the dispute can accept. They write the agreement on paper and both neighbours sign and keep an identical copy.

The mediators check with everyone at two weeks after the meeting to see if the agreement is holding.

Do I have to pay?

No, the Mediation Service is free of charge for Reading Borough Council Tenants.

Does it really work?

Almost all people who try it experience some improvement and for many it solves their dispute completely. These are some of the comments we have received from people who have been gone through mediation:

"They listened to what I had to say"

"They were really friendly and very good and helpful"

"Great I have a life again-thank you!"

Things to Remember...

Mediation is fair to both sides. Both neighbours get the chance to air their feelings and put their point of view.

- Agreements are written down, and are practical, reasonable, and form a benchmark for the future.
- No one has to admit fault or climb down. Agreements are 'win-win', offering something to both sides.
- It is a quick, effective alternative to costly legal action - or doing nothing and putting up with the problem.
- It is voluntary. You can withdraw from it at any time if you wish.



The Thames Valley Partnership

Townhill Barn

Dorton Road

Chilton

Aylesbury

Buckinghamshire HP18 9NA

Tel: 01844 202001

Fax: 01844 202008

Email: admin@thamesvalleypartnership.org.uk

Registered in England & Wales as a Company limited by Guarantee: Registration Number 2881664
Registered Charity Number 1031545. Internet : www.thamesvalleypartnership.org.uk