

MENDING FENCES

The development of a problem-solving, community-oriented approach to anti-social behaviour

Originally used to describe a wide range of sub-criminal or doubtfully prosecutable behaviour; capable of causing great distress, the dividing line between crime and ASB has now become harder to define, and criminal justice agencies all now have direct responsibilities. The political profile of ASB is very high, with a number of very strong central pronouncements about the primacy of enforceable powers, especially the ASBO. New powers have further accentuated the disproportionate focus of control on the tenants of social landlords, and, funding has followed enforcement, on the basis of very clear statements from ministers and the Anti-social Behaviour Unit.

ASBOs are an important provision when absolute control and immediate enforceability are required, but they are essentially a punitive measure, rather than a positive community based response. Much of the national political and practice debate about ASB is founded on assumptions from inner-city areas and areas of high multiple deprivation. Early evidence implies that breach rates are high, and that the orders do not allow for active intervention to assist behaviour change.

Mending Fences

The main notion behind Mending Fences was that a comprehensive approach to ASB should maximise the use of preventative and problem solving strategies and that this should make sense in terms of achieving sustainable solutions which empowered local people, whether as neighbours, or part of larger groupings.

A key aim was to help with the capacity building of mediation, including the demonstration where possible of its potential to provide best value provision as against statutory intervention. Community involvement and empowerment were regarded as crucial to a comprehensive response, as were training and referral awareness for many groups of staff. The ASBO should be seen as the top of a hierarchy of options, but even at that stage there may be some room for restorative or problem solving contributions.

What Have We Learnt?

- The 'toolkit' approach to anti-social behaviour is inadequate. As well as the tools (methods of intervention) you also need to have information, skills, capacity, and a clear idea of what 'tools' can be used in conjunction with each other.
- Good structures and protocols are crucial to good practice and development. Without them there is little chance of consistency, responsiveness, or accountability.
- Lack of a coherent definition of anti-social behaviour makes consistent assessment difficult. A further complicating factor is that assessing the seriousness of any given behaviour also involves assessing the impact felt by victims. Similar anti-social behaviour may attract different levels of response from the victims.
- A wider response is needed to anti-social behaviour; especially around issues of community engagement and community development. Public involvement is important in building confidence and resilience, so that neighbourhoods may feel less dependent on external authority and more empowered to make things happen for themselves.

Mediation in Anti-Social Behaviour

One of the central objectives of Mending Fences was to ensure that the contribution of community mediation to anti-social behaviour responses was increased, and that coverage was achieved across the Thames Valley. This was tackled in five ways:

- Funding for co-ordinators over two years, to 'back fill' the extra time needed for them to become involved in local structures and local strategy work.
- Direct capacity building work with each scheme over the life of the project.
- Two specific projects on racial tension in Oxford and Milton Keynes
- Providing schemes with joint access to key players at a Thames Valley wide level.
- Support for the development of the Thames Valley Community Mediation Consortium, to provide a more effective infrastructure and tackle common goals such as improved training and joint bid making.

ABOUT THE PROJECT

The Mending Fences project was set up with a three-year grant from the Nuffield Foundation in November 2002. It had five key aims:

- Support and strengthen the work of community mediation schemes and their use in responses to anti-social behaviour
- Support the development of policy and practice on anti-social behaviour within the Thames Valley.
- Identify, support and develop good practice in prevention work and responses to anti-social behaviour.
- Use local experience from the Thames Valley to contribute to the national debate on anti-social behaviour work.
- Support for the development of restorative approaches in tackling anti-social behaviour.

A theme throughout has been to support the case for a proportionate response to anti-social behaviour; based on fair assessment, local problem solving and coherent use of a linked range of options, built into local policies and procedures.

Organisations Involved

The original funding agreement for direct financial support applied to four schemes across the Thames Valley.

- Mediation Buckinghamshire
- Mediation Oxfordshire
- Resolve
- Thames Valley Community Mediation

It became clear very quickly that Milton Keynes Community Mediation, though not a recipient of 'back filling' funding should be fully involved in Mending Fences.

MENDING FENCES: A SUMMARY OF WORK UNDERTAKEN

On the ground a recurring theme was that when mediation was involved in cases of anti-social behaviour the results were often impressive. Mending Fences worked in a variety of ways to promote increased use of mediation in anti-social behaviour:

Neighbours

Mediation can become over-identified with neighbour disputes, but there is no doubt that these many such cases have clear anti-social behaviour implications.

The next door families had once been friends, but complaints about noise had escalated to abuse, intimidation and real hate.

The mediation meeting started as a shuttle with both sides writing down how they felt and what they needed for things to improve. Astonishment followed as they both read that the other felt abused and intimidated. How could each believe themselves to be the victim of the situation? Anger drove them to confront each other. As the mediators calmed them down, clarified the issues and particularly the large amount of common ground, shouting and blaming were replaced by listening and responding. Past misunderstandings were cleared up. Future respect and conduct were agreed on and an agreement signed. At the end of the meeting, a lift home was offered by one party and accepted by the other.

Parents and Teenage Children

The majority of Thames valley schemes have involved funded work to prevent homelessness among young people, and sometimes self-referrals focus on difficulties between parents and children.

Inter-generational Problems and Conflicting Life Style

Problems in these areas are widespread and often go on unresolved for long periods resulting in escalating emotional problems and even violence.

An elderly woman reported problems with a neighbour whose children made a considerable noise both day and night. Already very distressed about the recent loss of her husband, the noise from the children was adding to her difficulties. She was afraid to approach them herself and felt vulnerable. When the mediators visited the family, they were unaware of the noise, but sympathetic to their neighbour's plight. They had never in fact met her. In the ensuing joint meeting considerable progress was made, and a relationship begun.

A Community Organisation and Local Residents

Mediation can be involved in some of the situations which are suitable for community conferencing.

Consultation and Facilitation with User, Community and Residents' Groups

Social inclusion and social cohesion are key preventive issues around anti-social behaviour:

Cases Involving Racism or Racial Tensions

Mediation cannot change deep-seated racist views, but it can promote understanding where views are based on ignorance, and clarify situations based on wrong assumptions or miscommunications.

A group of young asylum seekers from the same country had begun to gather to exchange news at the end of a particular street. They also used this as a convenient time to phone their home country on mobile phones. Because of the time difference this was quite late at night, and there was anxiety and resentment from local residents about the noise and number of people involved. A process of negotiation between representatives of the residents and the asylum seekers led to awareness of mutual concerns and an agreed solution, which resolved the problem.

Explicitly Anti-social Behaviour Cases

Mediation can be used as a preventive measure and also to improve the setting up of ABCs.

Police, housing, community safety and environmental health were all brought in to deal with complaints against a young woman and the visitors she was unable to control. Residents felt threatened and were demanding her eviction, while agencies felt that she needed support rather than punishment. Through mediation between the woman, the agencies and a neighbour acting as a representative for the local residents, an Acceptable Behaviour Contract was drawn up, designed to safeguard her tenancy and the well being of the neighbourhood. By hearing from her neighbour the impact of the behaviour of her visitors, the woman was more motivated to uphold the ABC. The neighbour contributed to the process and witnessed the woman's commitment to change. The mediator ensured that the meeting was supportive to the young woman despite the serious conditions being imposed. It was in effect a restorative ABC conference. The housing officer present said that 'it was obvious that mediation is perfect for ABC's'.

MENDING FENCES: MEDIATION ISSUES ARISING FROM THE WORK

Money

All the community mediation schemes in the project were financially fragile, reflecting a lack of coherence about funding within local authorities. Crime and Disorder Partnerships (CDRPs) did not usually fund directly and, despite a higher profile during the life of Mending Fences, money from central sources did not permeate through to mediation schemes. Mediation is quite good value relative to other interventions, especially if it prevents the need for more expensive enforceable options, but this message is still not heard by many agencies. Community mediation needs to

- develop a higher local profile.
- give better feedback to both referrers and funders
- promote awareness of quality standards, and the Quality Mark
- collaborate more effectively together within the Thames Valley Mediation Consortium

Referral and Capacity

Mediation schemes depend on publicly funded referrals for most of their business, including anti-social behaviour related work. Funding tends to be tied to referral levels, so low levels of referral often mean reduced funding, or even non-renewal. Under-referral can therefore be a real problem. Community mediation needs to

- be written into key protocols about the management of anti-social behaviour:
- ensure higher levels of staff awareness and better referral performance
- develop a robust, clear briefing and referral system with clear protocols and procedures, regular reviews of numbers and performance and good information, with particular support for early referrals.

Organisations and Structures

Issues of management and organisational capacity were of major importance in all the Thames Valley schemes, and this is broadly reflective of the position nationally. Community Mediation needs to:

- work in close collaboration within the Thames Valley Consortium.
- consolidate of the number and size of schemes.
- develop an alternative model to the charity structure

There were three main recurring anxieties and misunderstandings around referral and use of mediation in our work.

Whose problem is it?

Many citizens feel they cannot deal with conflict themselves. The problem is accentuated by political preoccupation with enforcement. Community development relies on people having the chance to resolve problems and live with each other effectively.

Why do we need someone else when we have all these officials?

Trained officials, regardless of how good they are, cannot properly be mediators. Officials easily become accused of taking sides, precisely because of the power they represent.

Does it work?

The case for problem solving approaches depends on soft data and value judgements. Mediation is in the double bind which affects new, radical solutions; 'show us evidence and you get the money, but we won't give you money to get the evidence'.

Restorative Justice and Community Conferencing

One of the central issues which arose from the work of Mending Fences, is the extent to which there is an overlap of skills, approaches and contexts between community mediation, community conferencing and restorative justice approaches. Clarity about the respective contributions of restorative justice, mediation and community conferencing is vital if problems are to be addressed promptly and fairly. This means clear procedures, appropriate training and an inter-agency approach between partners, which involves voluntary sector agencies, and which can be communicated clearly to the public.

MENDING FENCES: AN OVERVIEW OF POSITIVE WORK WITH YOUNG PEOPLE IN THE THAMES VALLEY

During discussions with ASB staff in the Thames Valley who worked with young people on ABCs, four main themes emerged: people; principles; policies; practice.

People

- Finding and retaining staff with the right experience, knowledge and skills is a key aspect of building capacity and expertise.
- The use of outreach workers ensures the most excluded communities and individuals are reached and can access services. Spending time with communities is important, informal conversations on the street, or visits to the local shopkeeper can be more effective than formal processes.
- Effective communication and networking with a broad range of people and agencies were seen as key. Some found that by linking in with other departments/organisations they were able to access valuable learning/training opportunities, such as through an RJ unit, or a local YOT.
- Co-ordination is key in developing work where a number of agencies are involved. ASB co-ordinators can join services together, and hold an overview

Cherwell District Council has an ASB case worker who helps direct young people to appropriate agencies, works with families, provides support and keeps a watching brief over all the ABCs.

Principles

- Clear, strong principles need to underpin service plans, so that staff and others understand and commit to service aims and objectives and how they are delivered.
- Early, positive intervention; informed and accurate assessment; and community involvement are needed for ASB work to be effective.
- Where meeting targets takes priority, strong principles act as reminder of what the work is all about and prevent a purely 'number counting' mentality
- Strategic planning, alongside grassroots community involvement work is needed in the initial stages in order to bring information and people together.
- A strong commitment is needed to raise awareness of ASB work, through providing clear and accessible information for all interested parties, including local communities.

Bucks have a resource pack 'Tackling ASB Across Bucks', which emerged from the ASB Strategy Group who decided how ASB policy should be implemented across the county. A sub-group is now developing a training package – a directory of who is doing what and where.

Policies

- Good practice relies on clear written policies and systems.
- Policies in relation to ABCs should offer clear guidance on who, when, how and what. Plans should state priorities, and where resources should be targeted.
- Policies need to describe the steps to be taken when low-level ASB is encountered, how and when to use ABCs, and action in the event of a breach.
- Different groups need tackling in different ways. Policies are needed on how this should be achieved, particularly at the strategic inter-agency level.

South Bucks established a partnership programme for ABCs and failing ABCs. It was agreed if there was a failing ABC then the Police should contact YOT who then check the appropriateness of the contract and change it if needed. This is achieved through a joint meeting between YOT, the young person, their family, and the Police. YOT then work with the young person.

Practice

- Restorative justice is an important tool in relation to ABC work.
- Constructive activities are vital in positive interventions with young people with ASB.

In South Oxfordshire an elderly couple were feeling intimidated by two families and their children. The ASB caseworker got everyone round the table to talk about it. ABCs were going to be used, but after the meeting this wasn't necessary.

- Engagement in positive activities gives reassurance to the community that 'something constructive is being done', and provides security in the knowledge that if young people are positively occupied they are unlikely to causing trouble.
- Understanding young people's needs and the reasons they choose not to engage in some activities are vital practitioner skills.
- It is important that other young people don't see bad behaviour as a way of getting 'perks' if they are given an ABC

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