



East Lothian Community Mediation

Annual Report 2010/2011

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Working in Partnership with East Lothian Council



Accredited Service

> **Sacro's Vision**

Our vision is for a safer Scotland, able to resolve conflict constructively and to deal effectively with offending and its consequences.

> **Sacro's Mission**

Our mission is to promote safe and cohesive communities by reducing conflict and offending.

> **Sacro's Values and Principles**

We are committed to working to the highest ethical standards. These include: integrity; recognising and valuing diversity; promoting equality of opportunity and probity in the use of public funds.

Our practice is guided by the belief that all should be shown respect and be empowered to take personal responsibility, acknowledging their capacity for change.

Our key principles are that we acknowledge:

- > conflict is most effectively resolved through informal, facilitated resolution which assists those involved to identify their own lasting solutions
- > offending and its consequences are most effectively dealt with through an emphasis on community disposals and sentencing, other than where there is an overriding need to protect society.

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INVESTOR IN PEOPLE

Introduction

In the last year, East Lothian Community Mediation service has continued to make a significant contribution to reducing conflict and resolving disagreements across East Lothian. Not only in the capacity of working with neighbours and communities but also in the provision of workplace mediation.

The mediation service which has a wide depth, knowledge and understanding of conflict has now been operating since 1999. The individual and collective expertise has ensured the practice of mediation is highly effective and a successful process. Our mediators work to high standards of professional and ethical standards. This year we ensured that the service and mediation staff achieved the most recent accreditation standards from the Scottish Community Mediation Network. The service is also registered with the Scottish Mediation Network.

The service continues to work in partnership with East Lothian Council to reduce anti-social behaviour and we value our excellent working relationship with our stakeholder. We would also like to take this opportunity to convey our sincere thanks to our key referring agencies: Kenneth Black and the Anti-social Behaviour Team, Area Housing Managers and Teams and Lothian & Borders Police, who ensure the flow of referrals to our service.

The report will provide an opportunity to reflect on the year gone by and provide an insight into some of our work. We have sought the views of some of the clients that have used our service in the past year, both those who embraced mediation from the start and some who at first were very unsure that their situation could change or improve. We have included some of the anonymised feedback from our returned client questionnaires and testimonies from clients who volunteered to talk about their experiences: our thanks to all who participated.

Diane Marr

(Service Team Leader & Mediator)

Statistical Information

1 April 2010 – 31 March 2011	
Total referrals received	105
Number of Households	242
Cases Carried Forward	9
Referral Routes	No.
Antisocial Behaviour Team	53
Housing	26
Environmental Protection Services	2
Police	8
Self	13
Other	3
Presenting Issue	No.
Noise	42
Children's Behaviour	10
Anti-Social or Abusive Behaviour	31
Boundary or Property Disputes	17
Other	5
Soundproofing Issues Noted	19
Method	No.
Advice, Guidance & Assistance (Classification Enquiry)	51
Mediation Used	63
Mediation Meeting	15
Shuttle Mediation	48
Outcomes	No.
Full Agreement	21
Improvement	19
Withdrawal during mediation process	12
Closure due to irreconcilable differences	6
Other (e.g. client moved away)	5

➤ 63% cases had positive outcomes

Early Intervention & Tackling Anti-social Behaviour

We continue to work closely with our partner agencies to tackle Antisocial Behaviour. Mediation is seen as a critical part of the police and the council's overall approach to tackling neighbour disputes. Where appropriate mediation is recommended and a referral is made to the service. The referrals are made as early as possible as neighbour disputes can escalate quickly, although, in some situations referrals are made even after formal warnings have been served.

Mediation can defuse many conflicts by assisting people to look at their concerns, find practical and workable solutions, and agree ways forward. Trained and skilful mediators provide a safe, staged and structured environment which enables this work to take place. With preparation and initial private meetings, there are then options around shuttle mediation and mediation meetings.

Kenneth Black ASB Co-ordinator

"East Lothian Council continues to consider Mediation as an important intervention in antisocial behaviour cases and neighbour disputes. The Council will only revert to taking formal action under the Antisocial Behaviour etc. (Scotland) Act 2004 and its attendant Antisocial Behaviour Policy in cases where Mediation is considered inappropriate. The Mediation option is a primary consideration on receipt of antisocial behaviour and neighbour dispute cases. East Lothian Council will seek to refer cases to East Lothian Community Mediation Service at the earliest opportunity. The Mediation Service in East Lothian has secured solutions in cases that initially appeared intractable. The move towards earlier intervention in cases by using Mediation in appropriate cases is at the forefront of East Lothian Council's approach to preventing and therefore tackling antisocial behaviour."

⇒ 50% of our referrals came from the ASBT

⇒ 30% of the cases involved Anti-social or Abusive Behaviour

Mediation Cases

Problems between neighbours can arise for a number of reasons, for example:

- ☞ Parking
- ☞ Children's behaviour
- ☞ Boundary & property disputes
- ☞ Noise
- ☞ Anti- Social and Abusive Behaviour.

Most people are looking for “consideration” and want to live a quite peaceful life.

We find that high quality audio visual equipment and hardwood/laminate flooring in properties where sound proofing is poor can create disturbances.



One case this year was a large multiparty dispute working with tenants, owner occupiers and landlords, involving 10 properties. This case culminated in two mediation meetings and very detailed agreements.

- ☞ *40% of cases - the main issue was noise*
- ☞ *45% of these stated soundproofing was poor*



Case Study

Noisy Neighbours

Initially one neighbour contacted the service. The man explained he was 'fed up with constant complaints' about him and his friend to the council and the police. When we went out to meet the people concerned, it became clear that this case involved five households from a stair of six. People had different medical and personal circumstances,

and neighbour problems added extra stress. The ground floor flats were occupied by two elderly ladies who told us about their difficulties with noise coming from their upstairs neighbours, including loud music that was often fuelled by alcohol. One of the main issues was visitors to the upstairs flats late at night after closing time at the pub. In an attempt to stop them from causing disturbance in the stair, the men upstairs were not letting the visitors in. However, this caused a bigger problem because the visitors were hanging around on the pavement right outside the ground floor flats, ringing all the buzzers and sometimes kicking the front door in an effort to get in. This caused considerable alarm and distress, hence the calls to the police.

Progress Made & Agreed Way Forward

Two mediators spent time listening to all five residents separately and then a next step was agreed. With consent there was a sharing of information and views, with a focus on what they would appreciate from each other as neighbours. There was an acknowledgement from the ladies that things had begun to quieten down and they let their neighbours know that they were pleased with that, but they were still worried. Various practical agreements were reached about how to improve the situation for everyone, and mediation also helped to clarify what was a problem in the stair. One person offered to act as a communication channel among the neighbours in the stair, passing on information or any further concerns, as he was friends with everyone. Everyone agreed on strategies that would improve neighbourly relations. However, it was made clear that if there was any further night time noise disturbance, the two ladies would continue to contact the police as they had been advised, and this was felt to be fair.

(Mediator, Morag Steven)

Case Study Review & Outcome

As standard procedure, the mediation service offers to keep in touch with people to see how their agreements are working. The people in this case study continued to agree that they had improved the situation by talking things through with the mediators' assistance.

In a telephone survey we asked:

'What do you feel the effect of using mediation has been?'

'Everything's worked out fine, now no conflict whatsoever. Mediation knocked the barriers down and it's made the neighbours get along better. They help one another out and speak to each other, which was one of the concerns, that no-one spoke to each other.'

'Since the mediation everything's got better, there doesn't seem to be any issues. I put myself forward if there were any issues in the block of six flats. If they couldn't be resolved I would get in touch with yourselves.'

'If mediation wasn't available what do you think may have happened?'

'Someone might have ended up being charged if mediation hadn't got involved. Everyone would have dug their heels in and refused to back down. Mediation allows everyone to see all the different points of view.'

"Could we improve the service in any way?"

'The people who came out were extremely courteous, friendly, explained everything. I don't see how you could improve the service. Every single member of staff knew what they were speaking about and were well trained and fantastic.'

'A lot more people should use mediation. I'll definitely be recommending it though hopefully I won't need to use it again.'

Sample Follow Up Telephone Questionnaire

Could you explain what the difficulties were that brought you into contact with the service?

"The downstairs new neighbours kept slamming the front door and my daughter was just three weeks old. She would wake up. They had a dog that howled. I went to the door to begin with but he was a bit cheeky."

What do you feel the effect of using mediation has been?

"Everything is fine now. It gives you a chance to chat to the person, that you wouldn't do yourself. Because I got a chance to sit down and chat before meeting with my neighbour."

If mediation wasn't available what do you think may have happened?

"It might have got a wee bit out of hand. I had a bit of a temper and I did feel like hitting him because he didn't open the door fully to me."

Now that you have used mediation, have you changed the way that you would deal with problems?

"I would say so but there's not been anything. At the mediation we decided we would chat if there was a problem. Now we get along and things are much better, she stops to have a conversation."

What would you say to anyone that wasn't sure about using mediation?

"Give it a go before you say you don't fancy it. It's in your best interest at the end of the day. You get to say things in a calm environment that you wouldn't say on your own."

I wasn't too sure about it to begin with, but thought it has to be done. I told a couple of people about it and that helped straight away. A weight's been lifted because you're not worrying."

(Calls conducted by Jasmine Reavley)

Workplace Mediation

The service provides independent workplace mediation. Conflict in the workplace can and does occur. Conflict damages relationships, performance and morale. Mediation provides an opportunity for colleagues to resolve problems collaboratively in a private and confidential way. Mediation can be used as an alternative to a grievance procedure, where employees agree to participate.

Some examples of the issues that have been mediated are:

- ☞ Interpersonal working relationships
- ☞ Managing demands and performance
- ☞ Managing the impact of organisational change
- ☞ Roles & responsibilities.

Associated Problems:

- ☞ Anxiety & stress
- ☞ Absence from work
- ☞ Loss of motivation & confidence
- ☞ Lowering productivity & the effectiveness of the people involved.

Moving forward in mediation in a future focused way can alleviate anxieties and concerns. It is empowering in that it allows for the employees to consider options and solutions that can be more creative than those achieved via more formal mechanisms.

What we have found are that the cases that have been referred have been disputes that have been ongoing for a number of years. Where possible, we would recommend referral to mediation at an earlier stage.

☞ £300 million was the cost of stress related absences from work to the Scottish economy last year

The Mediators and their reflections

From initially training to ongoing development as a mediator is progressive and takes time. Our sincere thanks to our mediators both staff and volunteers, we highly value their commitment and contribution to the service. Some reflection:

Karen Turner- Bruce

I have been working for ELCM for four and a half years, the first three as a volunteer and now as a sessional worker. I feel that the service we provide gives people who are having difficulties with their neighbours a voice that they maybe didn't think they had but through mediation they are able to open up the lines of communication and make a difficult situation better. Over the years, since I have worked for the mediation service, I have met a lot of different people who are experiencing a range of different problems. Everyone experiences things in a different way and it can affect them differently. It has made me realise that we need to treat everyone as individuals and what may be right for one person may not be right for another.

Melodie Peters

I have worked with the Service since 2001 as the Administrator and have been a volunteer since 2005. The decision to become a volunteer was not taken lightly but I have definitely enjoyed the past six years of being a mediator. The last two years I have been working as a sessional mediator. The skills I have learned have not only assisted me to be a good mediator but have also been very beneficial in my personal life as a whole.

The client mix is very diverse and the wide range of issues that clients present can be very distressing for them. As a mediator it is very important to remain impartial and not judge the people we deal with but to try and understand the situation from the clients' perspective. Part of the mediation process is to assist them to think of possible solutions or alternatives to how it is for them at the present time, and how that could be achieved. Some of the clients tell me they have never had someone actually listen to what their problem is and that in itself is very helpful to them. Speaking about the situation actually helps them to clear things in their own minds. I enjoy meeting the different clients in our community and assisting them to try and improve the difficult situation they feel they are in. Most of our clients tell us they just want to get on with living their lives and if I can assist in a small way for them to do that then that is what my input is about this is very satisfying.

