

Shelter

Mediation for young
homeless people

A good practice guide



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Mediation UK

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‘This guide will be a great help for both new and existing mediation services. It correctly identifies one of the biggest issues facing mediation services today – that of being seen as gatekeepers for social housing – and tackles it head on. It does this by emphasising the core principles of mediation, namely confidentiality, neutrality and voluntary participation.’

Karen Harding, Development Coordinator, Alone in London

Written by Sue Cullen

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Foreword

Much has been achieved since Shelter's Homelessness Act Implementation Campaign. Local authorities have welcomed the switch from their homelessness service being about responding to events, to one that is anticipating problems and preventing them becoming crises.

There is a great deal of innovative work being done in the area of homelessness prevention, and mediation with young people and their families has the potential to be a useful and effective tool. However, it is important that services are, and remain, focused on young people, rather than being shaped to the needs of local authority housing departments.

The Vodafone UK Foundation is supporting Shelter's work with and for young people, enabling Shelter to provide young people with the information they need, at the time they need it. Both the Vodafone UK Foundation and Shelter are working together to tackle youth homelessness and social exclusion in the long term.

This guide is an example of Shelter's work in supporting local authorities and organisations with policy ideas, examples of good practice, and campaigns to support local initiatives.

It aims to be simple, practical, and easy-to-use. We hope that you will find it a valuable resource.

Introduction

Currently, there is increasing interest in mediation with young people and their families. New government guidelines recommend that this approach should be explored by local authorities, and it is mentioned in many of the recent homelessness-prevention strategies. In practice, mediation services may find themselves working most frequently with 16/17 year olds and their families, but the good practice guidelines set out in this document will also be relevant to older young people. However, there are few mediation schemes with a history of working with this specialist group, and the distinction between mediation proper and related interventions such as negotiation, advocacy and arbitration, is often blurred. Little has been published relating to the development and evaluation of this kind of mediation and consequently there is not much help available to any council or other organisation seeking to set up, or improve, such a scheme.

This guide does not set out to be the last word on mediation with young people who are, or may become, homeless, and their families. Rather it is a starting point for bringing together tried and trusted elements of mediation, along with the emerging and innovative service that needs to be offered to these groups.

Mediation has been gaining in popularity since first coming to prominence in this country during the 1970s. It benefits from generally agreed standards and protocols, and two well-established umbrella organisations, Mediation UK and the UK College of Family Mediators, provide guidance and training whilst working to develop and promote the principles of mediation. In order to provide a good service, any mediation scheme dealing with young people needs to be based firmly on these principles. They will provide a foundation on which a scheme tailored to service users can be built, while ensuring continuity and quality of service.

Legal context

The recent Homelessness Code of Guidance for Local Authorities (July 2002), which accompanies the Homelessness Act 2002, encourages local authorities to use mediation or other forms of reconciliation with homeless 16- and 17-year-olds.

‘Where the housing authority are satisfied there is genuine homelessness (in the case of 16- and 17-year-olds), the first response should be to consider the possibility of reconciliation with the applicant’s immediate family, or the possibility of him or her residing with another member of the wider family.’

Section 6.9

This advice is elaborated on in a further section of the document:

‘Some 16- or 17-year-olds may have left home because of a temporary breakdown in their relationship with their family. In such cases, the housing authority may be able to effect reconciliation with the family. Wherever appropriate, this should be the housing authority’s first response in cases

involving this client group. In some cases, however, relationships may have broken down irretrievably, and in others it may not be safe or desirable for the applicant to return to the family home, for example, in cases involving violence or abuse. Therefore, any mediation or reconciliation will need careful brokering and it is recommended that the assistance of social services be sought in all such cases. The process of reconciliation may take time and housing authorities may need to provide interim accommodation under s.188 in the meantime.’

Section 8.38

This guidance has encouraged some local authorities to either contract established mediation services to provide a service for young homeless people in their area, or to set up mediation schemes of their own. However, practice around mediation for this group can become confused; it can overlap with homelessness investigations, arbitration or family counselling, while conflicts of interest can make it difficult to ensure that the service is truly focused on young people.

What is mediation?

Mediation is what happens when two people or two parties disagree with each other and need someone to help them solve their problem. The mediator, who should have appropriate training and experience, fulfils this role. This is a very simple definition of mediation. Definitions from other sources are given below:

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

Mediation UK

‘Mediation is a process employed when two or more people are unable to communicate with each other, and consequently are having trouble coming to an agreement. The process involves a trained mediator who will assist (the parties) to communicate with each other and reach decisions on issues that are causing difficulty.’

Russell, Jones and Walker, Solicitors

‘I have an elaborate definition of mediation as being about assisting communication between individuals or groups in conflict in order to manage or overcome estrangement and effect positive change. That last bit is important. To be effective, the activity of mediators must assist a conflict to change in a positive way, however minimal.’

Brendan McAllister, The Mediation Network for Northern Ireland

Mediation has been in use for a number of years among some voluntary groups working with young homeless people. In some cases qualified mediators deliver it, and in others project workers provide it more informally. Mediation is usually only one aspect of the support made available by such projects; other services offered may include housing advice and information, practical support, and temporary accommodation.

Mediation may take place between the young person and their parents, or anyone else who has been providing them with a home, or, more rarely, between the young person and the hostel or supported accommodation that has evicted them.

Types of mediation

The two main types of mediation that have been developed fall under the headings of family mediation and community mediation.

Family mediation

This kind of mediation is mainly used by couples who are separating. They use it to settle issues such as arrangements for the children, financial arrangements, dividing up property, or for any other issues connected with a separation or divorce.

Community mediation

This includes neighbour mediation, workplace mediation, victim-offender mediation, and work in schools training young people to be peer mediators. As community mediators deal with the community at large, they often have some understanding of the background problems that can contribute to tensions between parents and children. Some community mediation schemes are already involved in mediation with young homeless people.

Principles of mediation

The following principles were developed over a period of time by organisations involved in mediation, and have been agreed to by both Mediation UK and the UK College of Family Mediators.

Key elements of mediation

- Impartial skilled negotiator
- Voluntary (on the part of the clients)
- Confidential
- Informal and flexible
- Decisions based on consensus
- Focused on the future to achieve a 'gain-gain' result and resolve conflict.

Seven stages of the mediation process

- Initial contact with the first party
- Initial contact with the second party
- Preparing to work on the dispute
- Setting the scene – hearing the issues
- Exploring the issues
- Building agreements
- Closure and follow-up.

Role of the mediator – underlying principles

- Mediators help people to identify their own needs, clarify issues, explore situations, and negotiate their own agreement
- Mediators do not advise those in dispute, but help people to communicate with each other
- Mediators are impartial, and must have no stake in the outcome of the process.

The mediator will:

- remain non-judgemental
- listen actively
- act impartially
- encourage changes in perspective
- seek out underlying needs and interests.

Elements of successful mediation

Those in dispute:

- willingly take part
- are prepared to be open and honest about the situation and their part in it
- want to work cooperatively with the other party to find a solution
- want to continue to have a relationship
- feel that they are in a safe atmosphere.

When mediation may not work

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

Mediation schemes with young homeless people and their families should only be undertaken if the above principles can be adhered to, and all parties involved understand the implications of carrying them through, and are committed.

Purpose of mediation

It is important that this question is given thorough consideration before a mediation scheme is set up. Does the local authority or organisation feel the main usefulness of such a scheme lies in the possibility of young people returning to the family home, or would they consider the repairing of fractured family relationships an equally positive outcome? An evaluation that judges success solely on numbers of young people returning to the family home risks devaluing other, more fundamental, benefits. As the Lemos and Crane study 'Mediation and Homelessness' (2001) says:

'An appropriate analogy would be with Relate, the marriage guidance service. Their goal is not to keep marriages together. In many cases their role is to help people to separate amicably. So they do not reduce the number of separations and divorces, but they may help to achieve other benefits... Similarly mediation is unlikely to reduce the demand for social housing, but it may produce other benefits, principally in the sustaining and strengthening of social networks.'

Broadly, these should be the main aims/outcomes of a successful mediation:

- the young person and their family resolve their difficulties, leading to the young person either returning home or remaining at home
- the young person and their family resolve their difficulties but decide that instead of the young person returning to the family home, they will live with other family or friends
- the young person and their family resolve their difficulties, and the young person returns home with the aim of a planned move to alternative accommodation

- the young person and their family resolve their difficulties but decide that the young person cannot return home, even temporarily. The family agrees to support the young person in living independently.

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

Mediation should not be confused with, or take the place of, a homelessness investigation. Young people have the right to make a homelessness application and have it assessed on its own merits. Referral to mediation should not be made an actual or implied condition for a homelessness application to be considered. Every young person, every family and every homelessness situation is unique, and should not be subjected to a 'one size fits all' package of intervention. For some young people and their families mediation may be helpful and enabling, for others it may be extremely inappropriate. The mediation process must be clearly explained to participants, with the emphasis on confidentiality and impartiality. Both parties should undergo an assessment to ensure that the approach is suitable for their needs and that they are willing participants in the process. For these reasons, mediation should always be undertaken by an experienced, impartial and accredited mediation service.

When mediation is not appropriate

Mediation is not appropriate if:

- the young person has stated that they are suffering from violence or abuse in the family home, or there is reason to suspect that this might be the case. Screening for this should be part of the assessment undertaken before any referral for mediation is made
- relationship problems are not the main cause of the housing difficulty. Clients experiencing housing need as a result of over-crowding, for example, should not be referred to mediation. Any such referral will be a waste of time and energy for both the client and the mediation service
- there is no support or future planning underpinning the mediation. Such an approach would be unlikely to provide a long-term solution. Families and individuals are likely to need support after mediation sessions are concluded, and 'resolved' cases need to be monitored in order to provide effective evaluation
- people are coerced or forced into it. Where this happens, the intervention is set up to fail. As with counselling, no one can be 'sent' for mediation. Active engagement is an essential part of the process. Clear information should be provided, including the possible benefits of the process. It should be emphasised that the situation and any solutions reached are under the control of the participants.

Early intervention

When a young person has left, or been thrown out of, the family home following an argument, the situation has obviously reached crisis point. Often, the point at which the young person first becomes known to the housing department may feel like the end of the line to them and their family.

By the time a young person becomes homeless, they are likely to have already been through several crises in their lives. These may have included school exclusion, running away, involvement with social services or the youth justice team, or the introduction of a new step-parent. It may be that mediation is more effective and timely, especially in keeping the family under one roof, if offered as soon as it becomes clear that the family needs help in resolving disputes and strengthening relationships.

This approach would require cooperation between all agencies working with families and young people, including schools, social services, youth offending teams, the health service, the Connexions service, and housing departments. It could be advantageous to housing departments to promote or take a lead in raising awareness of the effectivity of early intervention, as this is likely to ease the strain on their services at a later date.

Interventions could include:

- **Parenting groups for parents of teenagers**
Unfortunately these are much less widespread than groups for parents of younger children. They usually take the form of discussions around various aspects of teenage behaviour and, importantly, give parents the opportunity to share and learn from each other.
- **Support groups for young people**
These can be attached to youth services, voluntary agencies, or health services. They provide a place where young people can share their worries and fears, and also gain access to information and help.
- **Family counselling**
This concentrates on the family as a unit, rather than the individuals who are part of it. It can help to build communication skills and provide a different perspective on problems. It may be a useful follow-up to mediation. Depending on location, it may be possible to access it through social services, the health service, or a voluntary group. As with most support for families with teenagers, it is likely to be in short supply.
- **Family conferencing**
This approach is widely used in the

context of restorative justice and for those children who are on the brink of being taken into care. It is just beginning to be used for young people who run away or leave home. Typically it would involve family, friends, and the young person in a discussion about where the young person should be accommodated, what kind of support they might need, and who would provide it. Although professionals will also be involved in facilitating the process and offering support and practical help, the family should be given private time together, and any decisions should be theirs.

- **Respite accommodation service**
A service that would be available on an emergency basis, ideally allied

to mediation or other family support. Such 'crash pad' schemes are already provided in some areas for young people in crisis and feature in some of the new homelessness strategies.

- **Packages of care to help young people move into independent living**

If bridges have been built, but the outcome is that the young person will still not be returning to the family home, they will need tailored support to help them to live independently. Family, and perhaps friends, can have the opportunity to join with professionals in offering a support package – this could range from providing help with meals to accompanying young people on visits and interviews.

Evaluation and monitoring

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

- the feelings of participants. Did they find the mediation helpful, and, if so, in what way?
- did the level of support offered to the young person by the family, before and after the mediation, change?
- did the family manage to come to a mutually acceptable solution to their problems?
- if the decision reached was that the young person would remain

in the family home, how long did this arrangement last for?

- if the decision was that the young person would leave the family home, did mediation help in making that move a planned one?
- if the young person left the family home, where did they move to? In particular, did they move in with other family members?
- did the family as a whole feel that the mediation helped to improve the relationship between the young person and other family members?

This kind of firm data is urgently needed to help with the development of future mediation services. The gathering and processing of such information should be built into any planning at an early stage.

Appendix one: mediation scheme checklist

- Work with an accredited and experienced mediation service. They should be a member of either Mediation UK or the UK College of Family Mediators, and preferably should have, or be working towards, the CLS Quality Mark in Mediation.
- Make sure that staff have been given mediation awareness training. This will help to ensure that inappropriate referrals are not made and that a thorough risk assessment has been undertaken before clients are referred. Any reputable mediation service should be able to offer, or develop, this training.
- Remember that many people have never heard of mediation and have no knowledge of the benefits it can offer. The best source of information for the client is likely to be the mediation service, rather than local authority staff. They could produce, or collaborate in producing, a brochure or flier about the service and may also be able to undertake home visits.
- Be aware of the boundaries between mediation and a homelessness investigation. Clients owed a duty by the authority should be placed in temporary accommodation while investigation and mediation take place. Forced mediation, as an actual or implied condition of a homelessness application, is extremely unlikely to help families in either the short or the long term.
- Have clear guidelines around confidentiality. This is a core value of mediation, and any mediation service will already have explored how to set up and maintain it. Mediators, with the agreement of participants, may report outcomes back to a local authority, but there should be no expectation that any details of the mediation will be shared.
- Understand that it is not the business of mediators to make judgements about whether clients are homeless or not, or what kind of housing problem they may or may not have. Being non-judgemental is another core value in the mediation process and it should not be compromised. Mediators do not have the training or experience to undertake a housing assessment, just as housing officers do not have the training or experience to deliver mediation work.
- Back up any initiative with appropriate documentation. This may include:
 - a brochure or flier for clients giving details of the service
 - a brochure or flier aimed at referrers
 - a referral form
 - an outcomes form
 - a service level agreement.
- Ensure that monitoring and evaluation are built into any mediation initiative from the beginning. Success should be measured by positive outcomes for individual clients, rather than inflexible targets centred on whether people return home or not. A return to unsafe or inappropriate accommodation cannot be counted as a successful resolution. Refer to the section titled 'Evaluation and monitoring' for ideas on the type of information that should be gathered in a thorough and ongoing evaluation.

Appendix two: putting together a service level agreement

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

It should be made clear whether the terms defined within the SLA are thresholds for an acceptable service, targets to which the provider should aspire, or expectations they would strive to exceed. The service may be defined in both qualitative and quantitative terms. Any statistics included in an SLA ought to be measurable on a regular basis, and the SLA should be clear on who has responsibility for this. An SLA between a mediation service and a local authority may cover:

- **specific aims**

This section of the SLA should detail the purpose of the mediation scheme and for whom it will be provided.

- **payment for services**

For example:

'The SLA will provide (*customers name*) with a maximum of (*number*) young persons and parental mediation cases to be undertaken between (*date*) and (*date*) for the sum of £(*fee*) excluding VAT.'

Specify what the payment includes.

For instance, does it include transport for clients to the mediation venue and mediation awareness training for staff?

- **service delivery**

This section should set out in detail the mechanics of how the scheme will operate. It should also attach timings to specific actions.

For example:

'(*The provider*) will wherever possible visit and assess all clients referred by (*the customer*) within five working days of receipt of the referral.'

- **documentation and reporting**

This section should specify all the documentation that the mediation scheme will generate.

These may include:

- referral forms
- case updates
- statistics
- monitoring forms
- outcome forms.

Any timescales concerned also need to be set out.

For example:

'Outcome forms will be completed within seven days of the final session being concluded.'

- **training**

Mediation awareness training is an important issue, and when and how this will be made available to staff and other stakeholders should be set out in the SLA.

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We are the fourth richest country in the world, and yet millions of people in Britain wake up every day in housing that is run-down, overcrowded, or dangerous. Many others have lost their homes altogether. Bad housing robs us of security, health, and a fair chance in life.

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