

DUNDEE CITY COUNCIL

REPORT TO: POLICY & RESOURCES COMMITTEE – 13 FEBRUARY 2014

REPORT ON: REVIEW OF DUNDEE COMMUNITY MEDIATION SERVICE

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 110-2014

1. PURPOSE OF REPORT

- 1.1. The purpose of this report is to review the current provision of mediation services in the City in terms of effectiveness and efficiency.

2. RECOMMENDATIONS

- 2.1. It is recommended that Option 1, as outlined in the report, is approved as the most cost effective, customer focused and cost efficient means of enhancing the Council's dispute resolution service to residents suffering anti social behaviour.

3. FINANCIAL IMPLICATIONS

The financial saving to the Other Housing Account associated with Option 1 is £98,460 per annum. The saving for 2014/15 will be £73,845 due to the saving being realised from July 2014 due to the termination period of six months.

4. MAIN TEXT

4.1. Background

SACRO have been commissioned to provide a Community Mediation Service (DCM) since 2003. The Housing Department's Anti Social Behaviour Team (ASBT) make referrals to DCM who seek to work with the parties involved to attempt to resolve any difficulties to the satisfaction of all involved in the dispute. DCM then feedback the outcome of the referral only to the ASBT.

In 2013/14 the budgeted cost to the Other Housing Account is £159k.

4.2. Referrals

Referrals to DCM have historically been low but have improved since the ASBT introduced an automatic referral system for all first time noise complaints made to the ASBT, unless the complainant specifically objects.

The automatic referral system increased the referrals to DCM in an attempt to establish early low level intervention and to allow ASBT Investigation Officers to focus on cases where mediation is unlikely to be a viable option.

This report analyses referrals to DCM in 2012/13 and 2013/14 when the automatic referral process was fully functional.

Referrals to DCM by ASBT 2012/13 = 318.

Projected for referrals to DCM by ASBT 2013/14 = 298.

4.3. Referral Outcomes

During the financial year 2012/13 a total of 318 referrals were made by the ASBT to DCM. Of these, 262 were automatic referrals and 56 referrals were made by the Investigation Officers.

Out of the 318 referrals made, 118 either did not engage, or no further action was required.

Of the 200 referrals that progressed, the tables below show the outcomes of these referrals:

Table A: Outcome of Cases

Full Agreement	37
Significant Improvement	35
Withdrawal from Process	2
Irreconcilable Differences	3
TOTAL	77

Table B: Outcome Advice & Support

All parties declined the service	3
One or more (but not all) parties agreed to proceed	48
No response from one or more parties	29
Problems resolved without mediation	25
One or more parties moved away	5
Referred onto another agency/service	2
Not suitable for mediation	7
Support from service resulted in improved comms	4
TOTAL	123

Table A shows that only 77 of the 200 referrals progressed to some form of mediation.

Of the 77 where mediation was engaged, 72 referrals led to a full agreement or resulted in significant improvement being reported.

Of the remaining 123 cases, Table B shows the range of reasons for non engagement with DCM.

4.4. Options Considered

The following options for improved, more cost efficient and more effective service delivery were considered:

1. Cease referrals to DCM and revert to previous process where all cases receive a comprehensive assessment of the complaint by the ASBT.

This option, if approved, would form part of a remodelling of how dispute resolution is managed by the ASBT.

Given the volume of additional cases, to be managed by the ASBT, this would require the recruitment of an additional 2 generic Investigation Officers.

2. Continue referrals to DCM but with a reduced budget to reflect the need for efficiencies and value for money.

This option would still raise the same concerns regarding engagement and the low level of positive outcomes for the significant costs expended on the service.

3. Continue service as at present.

This option would not deliver any cost savings, nor would it deliver an improved service to residents in terms of effectiveness and efficiency.

Conclusion

Option 1 provides for improved service delivery and improved value for money and allows for greater linkage with the newly established Community Safety Hub in West District Housing Office.

4.5. Other Information

Option 1 would require an increase of 2 generic Investigation Officers in the ASBT to manage the increased workload of cases previously referred to DCM.

The cost of 2 additional Investigation Officers is £60,540 per annum.

During 2012/13 the ASBT dealt with approx. 1,500 complaints of anti social behaviour.

Should Option 1 be implemented Investigation Officers would have a greater knowledge and understanding of all tools available as part of the overall investigation of a complaint.

5. POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. An Equality Impact Assessment has been carried out and is attached to this report.

6. CONSULTATIONS

The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services and all other Chief Officers have been consulted in the preparation of this report. No concerns were expressed.

7. BACKGROUND PAPERS

None.

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

JANUARY 2014

ASSESSMENT OF OPTIONS

A summary of the relative issues around each Option is as follows:-

Option 1

- a. To deal with an additional 300 (approx.) cases, which would have been referred to DCM, the ASBT would require to recruit 2 additional Investigation Officers.
- b. The advantages of the ASBT investigating these cases rather than them being referred to DCM as at present are:
 - ASBT are more likely to get the complainer to engage;
 - ASBT are much more likely to take action even where the alleged offender does not engage;
 - All cases will be dealt with by experienced multi-skilled Investigation Officers;
 - ASBT have a greater range of tools, options and resources at their disposal (eg partnership working with the Community Safety Hub) than DCM do;
 - A full administrative audit trail will be available for all complaints and will be readily available for all Investigation Officers;
 - The multi-agency approach of the ASBT/Community Safety Hub will be applied to all complaints/disputes.
 - Timescales will reduce significantly where the offender does not engage;
 - Complainers will have one point of contact for all complaints made.
- c. The only envisaged downside of this option is the loss of an independent agency (DCM) to carry out a mediation service. However, this may well be offset by the delivery of a more efficient, responsive, timely and effective overall dispute resolution service from the ASBT.

Option 2

- a. Savings may be realised although these would be less significant than in Option 1 and are likely to focus exclusively on Property Costs and Admin Costs (totalling approximately £22k).
- b. Reducing the budget will not address the issue of effectiveness of the service and the low level of engagement in the current service provided by DCM.
- c. DCM have trained and experienced mediation staff.
- d. DCM is independent of Dundee City Council but is exclusively funded by the Council.

Option 3

- a. The cost of DCM for 2013/14 is £159k.
- b. Engagement levels are low.
- c. DCM have trained and experienced mediation staff.
- d. DCM is independent of DCC but is exclusively funded by the Council.

DUNDEE CITY COUNCIL

Equality and Diversity Rapid Impact Assessment Tool

Part 1

Date of assessment December 2013	Title of document being assessed Review of Community Mediation Service
1) This is a new policy, procedure, strategy or practice being assessed (If yes please tick box) <input checked="" type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please tick box) <input type="checkbox"/>
2) Please give a brief description of the policy, procedure, strategy or practice being assessed.	To Review the service provision of Community Mediation.
3) What is the intended outcome of this policy, procedure, strategy or practice?	To provide the most cost effective, customer focused and cost efficient means of enhancing the Council's dispute resolution service to residents suffering anti social behaviour
4) Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	None
5) Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	No
6) Please give details of council officer involvement in this assessment. (E.g. names of officers consulted, dates of meetings etc)	Stewart Steen and Jim Fenton
7) Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	No further evidence has been identified.

Part 2

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

People with a disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Part 3

1) Have any positive impacts been identified? (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)	If yes please give further details No
2) Have any negative impacts been identified? (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)	If yes please give further details No
3) What action is proposed to overcome any negative impacts? E.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. see Good Practice on DCC equalities web page	N/A
4) Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome? (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)	If yes please give further details - No
5) Has a 'Full' Equality Impact Assessment been recommended? (If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required) Seek advice from your departmental Equality Champion.	If yes please give further details - No
6) How will the policy be monitored? (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	The proposed changes to the service delivery will be managed and overseen by supervisors within the Antisocial Behaviour Team and other Housing Managers.

Part 4**Name of Department or Partnership: Housing****Type of Document**

Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input checked="" type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

Contact Information

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Signature of author of the policy: David Simpson Date 23/12/2013

Signature of Director / Head of Service area: Elaine Zwirlein Date 23/12/2013

Name of Director / Head of Service: Elaine Zwirlein

Date of next policy review: On-going