

# **COMMUNITY MEDIATION**

## **ENSURING GOOD PRACTICE**

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**Sacro aims to make communities safer by providing a range of effective services across Scotland to reduce conflict and offending and by influencing criminal justice and social policy.**

**Sponsored by the  
Scottish Government**

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# CONTENTS

## Introduction

1. What is Mediation?
2. Community Mediation
3. The Primary Aims Of Community Mediation
  - 3.1 Historical Background
  - 3.2 Transformation or Resolution?
  - 3.3 Transformation
  - 3.4 Resolution
  - 3.5 Challenging Attitudes
  - 3.6 A Common Approach
4. Values
5. Good Practice
  - 5.1 The Importance Of Ensuring Good Practice
  - 5.2 Mediator Training
  - 5.3 Staff Recruitment And Support
  - 5.4 Volunteers
  - 5.5 Equal Opportunities/Access To Services
  - 5.6 Dealing With Prejudice
  - 5.7 Safety
  - 5.8 Referrals Policy
  - 5.9 Case Management System
  - 5.10 Confidentiality/Access To Records
  - 5.11 Monitoring And Evaluation
  - 5.12 Reviewing Good Practice
6. Where Can I Find Out More?

## Appendices

- Appendix 1. Feedback Checklist
- Appendix 2. Volunteer Agreement
- Appendix 3. Equal Opportunities Policy
- Appendix 4. Complaints Procedure
- Appendix 5. Policy On Dealing With Prejudice
- Appendix 6. Personal Safety Policy
- Appendix 7. Referral Criteria
- Appendix 8. Case Management System
- Appendix 9. Guidelines On Case Recording
- Appendix 10. Mediation UK Dispute + Outcome Codes
- Appendix 11. Policy On Confidentiality
- Appendix 12. Policy On Access To Client Records

## **Introduction**

This guide is the third in a series of six which cover a range of issues related to the setting up and running of community mediation services. Although hard to quantify exactly, all the available evidence seems to indicate a significant upward trend in the incidence of neighbour disputes over the last ten years. The resulting challenge presented to social housing providers and other agencies is considerable. These guides are part of a broader initiative by Sacro and the Scottish Government to assist social housing providers in meeting this challenge.

### **Scottish Community Mediation Centre<sup>1</sup>**

The Scottish Community Mediation Centre (SCMC) provides high quality training and consultancy work in the field of Community Mediation and constructive conflict resolution.

SCMC is managed by Sacro and funded by the Scottish Government. We provide services to a wide range of national, international and local government agencies as well as bodies such as charities, social housing providers and police.

The Centre acts as the administrative base for the Scottish Community Mediation Network and its accreditation schemes.

We offer a range of resources on all issues around constructive conflict resolution in neighbourhoods.

Training, advice, guidance and assistance are available to mediation services, social landlords, and all other agencies concerned with neighbourhood conflict.

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<sup>1</sup> Formerly Known as Community Mediation Consultancy + Training Service

## 1. What Is Mediation?

Conflicts arise in all aspects of our lives and can be resolved in a variety of different ways, both formal and informal. We are all familiar with formal methods of conflict resolution such as those provided by civil and criminal law, and we are all practiced in the use of informal techniques such as negotiation and bargaining. Some types of dispute, however, are not easy to resolve satisfactorily through the courts but at the same time seem difficult for the people involved to resolve themselves. Mediation is aimed at assisting in the resolution of such disputes through a process of skilled and principled intervention. As a process, however, it differs from other methods of dispute resolution in some very important respects:

- Mediators are impartial – rather than representing the interests of one party they are there to help everyone reach an agreed resolution and to increase mutual understanding.
- The mediation process gives everyone involved the opportunity to be fully heard and to hear (usually for the first time) other sides of the story.
- Mediators do not pass judgement or impose solutions – the people involved are helped to voluntarily take responsibility for finding a practical way forward, although mediators will offer skilled assistance and support.
- The dispute is not aired in public – mediation is a private process involving only the mediators and the parties to the dispute, and mediators act under a detailed policy of confidentiality.
- An important part of the mediator's job is to identify and help resolve the underlying causes of a conflict as well as the symptoms – mediation agreements are aimed at long-term solutions
- While mediation usually involves discussion of issues around past events, its main focus is on what is going to happen and how people will behave towards one another in the future.
- Because mediation is informal it can be a quick and comparatively cheap method of resolving disputes.

In this guide we will talk about mediation in relation to neighbour disputes, but mediation is used in a wide and increasing number of settings, from resolving playground disputes to helping to resolve Health Service complaints or brokering peace in situations of armed conflict. The following types of mediation may also have relevance to social housing providers:

- Workplace Mediation – this can assist in resolving some workplace disputes, particularly where conflicts are interpersonal in nature.
- Young People/Family Mediation – this assists in situations of threatened or actual homelessness involving young people.
- Complaints Procedures – mediation can be used as a voluntary alternative to or initial stage of formal complaints procedures for public services.
- Commercial Mediation – mediation is increasingly used as an alternative to civil litigation in commercial disputes.

In all of the above, as in other forms of mediation, the process of resolving difficulties can be effected in a speedy and cost-efficient way, while at the same time taking steps to ensure that future relationships between disputants are made more positive, thus reducing the likelihood of future conflict.

## **2. Community Mediation**

Community mediation is a widespread and well-established tool for dispute resolution, with hundreds of community mediation centres operating both in the UK and the rest of the world. In Scotland alone, thousands of neighbour disputes have been handled by mediators, most involving two sets of neighbours, but some involving whole neighbourhoods of fifty to a hundred or more households. Community mediation in Scotland has its own stringent accreditation schemes for services, mediators and mediation training.

Community Mediation services deal with a wide range of neighbour disputes, including issues around noise (normally around 50% of all cases), children, boundaries, use of common areas, abusive behaviour, vehicles, rubbish, pets, and a wide variety of other issues. The disputes resolved by mediation range from the seemingly trivial and short-lived (although trivial disputes can often get out of hand), to those which are serious and chronic, making the lives of all involved a misery and taxing the resources of the police, housing officers, social workers and other public agencies.

## **3. The Primary Aims of Community Mediation**

### **3.1 Historical Background**

Community Mediation initiatives have been operating in the UK since the mid 1980s and in Scotland since 1995. As is to be expected in any developing form of social intervention, there were a variety of theoretical and practice-based perspectives on how, why, and when mediation should be carried out. This variety of approach was compounded by the development, as described in the second guide in this series (Choosing A Model Of Service Delivery) of a range of models of delivering a Community Mediation service, from local authority in-house services to independent community-based services.

Differences in approach were evident in issues such as whether mediators should accept cases involving racism or domestic abuse where power imbalances were likely to be extreme, and whether mediators should insist on clients meeting face to face. These differences were, and remain, at their most pronounced in the basic question of what should be the primary aim of mediation, a question that clearly needs to be addressed before turning to issues of best practice.

### **3.2 Transformation Or Resolution?**

One model of mediation, known as the “transformation” model, views the personal growth of individuals involved in conflicts as the primary aim. In this model, mediators will seek to help parties involved in a conflict to gain increased awareness of their own and others’ lives and actions through the process of mediation - in effect to change their attitude to themselves and others. In contrast, the “resolution” model views success as being defined by an agreed practical outcome to the dispute emerging as a result of the mediation intervention, and sees personal growth as a positive but by no means necessary by-product of the process.

It could be argued that it is beneficial to have such differences of approach existing side by side: difference provides a basis for experimentation and recognising and valuing diversity. It can also be argued that to seek to standardise approaches too much would result in an inflexible and possibly

ineffective form of intervention - after all, we are not dealing with “standardised” people with “standardised” problems. It is more likely, however, that such fundamental disagreements about the primary purpose of mediation are likely to confuse the public, funders and referring agencies alike. We therefore believe it is necessary at the outset to try to define a common general approach. In doing so, the following questions require to be addressed:

- a) Is the process or the outcome more important?
- b) How vigorously should the mediators challenge what they perceive as “entrenched” and “counter-productive” positions/attitudes in parties to the dispute?

### **3.3 Transformation**

Adopting a transformational model without modification would present problems for any organisation with a “service delivery” aspect to their work. The typical relationship between funders and service providers at the moment and for the foreseeable future is one of providing resources in return for measurable practical outcomes, and personal growth is not likely to be viewed either as a high priority or as something which is easily measured.

What is perhaps an even more fundamental block to the adoption of the transformational approach is the client’s perception of what mediation offers them. Services are advertised to clients as offering assistance in resolving disputes, and mediation as a process which offers practical solutions for the future. If services were to view personal growth rather than resolution as the desired outcome, in the interests of honesty and legitimacy they would be obliged to advertise themselves as such: it is doubtful if many neighbours would engage with services on these terms.

### **3.4 Resolution**

Resolution is the model which most easily fits in with standard approaches to the provision of services to the public - it is measurable, it enables potential clients to be clear about the service’s role, it is easier for mediators to define their role within the process and to remain relatively impartial, and the value of the outcome is easily understood.

To rule out personal change completely would, however, be as unsatisfactory as to aim only for transformation: in some disputes the process is one simply of negotiating positions, but in others at least some change or transformation of attitude or understanding is necessary in order for there to be an end to the conflict. It is also the case that in the course of participating in a resolution-based mediation process, some clients will find their awareness of themselves and their actions towards their neighbours to have undergone a dramatic change.

To put it another way, in achieving the primary aim of resolution of a neighbour conflict, the mediation process will sometimes also effect a change or transformation of views, opinions or attitudes.

### **3.5 Challenging Attitudes**

How far, then, should mediators seek to achieve this change of attitude by their influence, and how vigorously should they approach views or attitudes which “need” to change? There are two broad strategies for achieving change; one can either create the right circumstances for change to happen, or one can consciously seek to make change happen by direct intervention. The choice for

mediators is whether they let the mediation process (including the mediation session) work to provide the *opportunity* for a change of views or attitudes by clients, or whether they challenge “unhelpful” positions with the individual client when such attitudes are seen to occur, and do not proceed further until a change has been effected.

As with the debate around transformation and resolution itself, there may be no absolute right or wrong, but the following points should be considered:

a) Mediation does not take place in a vacuum - clients are subject to a huge range of powerful influences, both societal and interpersonal. In the face of these, and given the fact that mediation is a “brief” intervention compared with counselling or therapy, is it realistic for a mediator to effect significant and lasting personal change in all but a small minority of cases?

b) Mediators are expected to be impartial by the public and by funders (as well as specialist bodies like Scottish Community Mediation Network). There are difficulties in having clients perceive us as impartial if we are addressing their individual attitudes rather than the conflict as a whole. It can, of course, be explained to them that their neighbour may also have their attitudes or views challenged if necessary, and this may go some way to reassuring them.

c) Direct challenge of views or attitudes is difficult enough in a therapeutic environment such as counselling, where there is at least an implied agreement by the client that their attitudes may need adjusting, and where there is not the added complication of another client. In the context of mediation, where the mediators have not been invited to examine and challenge a client’s attitudes, the reaction may be a negative one. If the negative reaction is enough for the client to lose faith in the mediator’s impartiality, little may have been gained.

### **3.6 A Common (Facilitative) Approach**

With reference to the above, the following general principles are put forward as possible guidelines for achieving a common approach to neighbour mediation:

a) The role of mediators is primarily to facilitate a resolution of difficulties between clients, not to change in an individual’s awareness.

b) Where it becomes clear that some change of attitudes is essential for resolution to be possible, as in the case of unconscious prejudice, mediators should first seek to create the environment for change rather than challenge attitudes directly. This may be done through uncovering problematic aspects of a client’s attitudes through use of open questioning, summarising etc., and/or by allowing the mediation process to do this (e.g. face-to-face interaction between neighbours).

c) If it still appears that a particular client’s attitudes are probably going to block any chance of resolution of a conflict, these attitudes should be challenged gently (See section 4.6 on dealing with prejudice).

d) If this process is unsuccessful, it should be explained to the client that mediation may not be appropriate in the particular case, and possible alternative routes to a resolution should be briefly indicated.

## **4. Values**

All organisations work within a system of values, whether explicit or implicit. It is essential for organisations which serve the public to be clear and open about what values they are committed to. In their Practice Standards for mediation services, Mediation UK described a set of values and principles considered to be essential for any mediation service:

*Mediation Services are expected to:*

*Ensure and preserve the neutrality of their mediators regarding the objectives and outcomes of all mediation cases.*

*Be independent in management and operation **or** have a strategy to counter the potential influence of a managing or funding agency which might have a stake in the outcomes of specific mediations and threaten the impartial nature of mediation.*

*Maintain a confidential mediation service in line with management policy, procedures and legal obligations.*

*Ensure that all activities are free from unfair discrimination and are governed by principles of equal opportunity, with referral criteria that give equal access to mediation for all who come within that service's remit.*

*Respect and care for all workers, whether paid or voluntary, valuing the contribution of volunteers and not exploiting them.*

*Be accountable to all who have an investment in the service and continually seek to improve the service offered to clients.*

## **5. Good Practice**

### **5.1 The Importance Of Ensuring Good Practice**

Intervening in situations of conflict where those involved are usually stressed and often depressed by their circumstances is not easy. Moreover, neighbour disputes are unpredictable and rarely similar, with mediators requiring to act with a great deal of autonomy, and often make important decisions immediately. It is therefore essential that mediators act within a clear and appropriate policy and ethical framework which provides as much guidance as possible. Following good practice should ensure that most mediator interventions are positive: failing to follow good practice will run a real risk of making volatile situations even worse. The following list of areas of good practice does not seek to be comprehensive, but rather to cover the main areas. Further guidance and assistance can be obtained from Sacro or Scottish Community Mediation Centre (see section 6)

## 5.2 Mediator Training

Adequate training is the single most important factor in setting up a mediation service and SCMN operates a national accreditation scheme for community mediation training. The following is suggested as a minimum set of requirements for any mediator training course, and applies whether training staff or volunteers:

- a) The course tutors should be experienced community mediators as well as having training/experience in running training courses.
- b) An initial community mediator training course should be at least thirty hours long
- c) Course objectives should be clear and appropriate
- d) Selection for the course should be clear and reflect good equal opportunities practice.
- e) Course contents should include substantial opportunities for skills practice.
- f) There should be adequate means of assessing both candidates and the course itself.

Most mediation services regard a basic thirty-hour course as only the first step in acquiring the necessary skills. This initial training will typically be followed by a probationary period where the mediator will work with a more experienced colleague, gradually taking on more of a leading role in the process. Services should also have an ongoing programme of further training: a useful means of ensuring mediator training needs are being met is by having a training record for each mediator in a service and by reviewing this regularly in the course of supervision.

## 5.3 Staff Recruitment and Support

Staff should be recruited according to a written recruitment procedure which stipulates the method of selection for interview and selection of successful candidate. The procedure and application form should be scrutinised to ensure they do not discriminate against certain groups of candidates, and each post should have a comprehensive written job description and job specification as well as clear terms and conditions of employment. Local authority services will operate under NJC<sup>2</sup> nationally-agreed terms and conditions: it is also advisable wherever possible for independent services to adopt these, both in the interests of parity and of access to a ready-made comprehensive system. Following recruitment there should be an induction process which familiarises post-holders with the organisation, its policies and methods of operating and identifies initial training needs.

A formal procedure of support and supervision is good practice for any organisation: for mediation services it is essential. As has already been said, mediators operate with a great deal of autonomy in delicate and volatile situations, and although community mediators normally work in pairs, the opportunity to reflect on their individual practice is crucial. Formal supervision should be at least every two months, and should include the following:

- a) casework levels
- b) issues around casework
- c) training/development needs
- d) teamwork

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<sup>2</sup> National Joint Council for local government services

Once services are well-established, they may consider introducing a staff appraisal scheme with written annual feedback on achievements, strengths and weaknesses.

Equally important is the issue of day-to-day support. Mediators should have a means (formal or informal) of discussing issues arising from casework with colleagues and supervisors. One method of ensuring this is through using a co-mediator feedback form (see appendix 1 ). Another method used by some services is to hold regular case conferences or practice meetings. Regardless of the method used, the fostering of a culture of open discussion of practice and casework issues is essential for mediators to improve their skills and broaden their experience.

#### **5.4 Volunteers**

If services decide to use volunteer mediators, it is just as important as for paid staff members that recruitment, support and supervision procedures are adequate. The decision to use volunteer mediators should always be made for clear reasons, and never simply as a way to avoid staff costs. Most services using volunteers have taken a conscious decision to do so for reasons of community development, and although there is some evidence to indicate that use of volunteers can help to manage higher caseloads, this can only be achieved while maintaining high standards by having adequate procedures and support. To train volunteer mediators requires an investment of time and money: to retain experienced volunteer mediators requires that they be valued and nurtured. As a minimum, the following needs to be considered:

- a) Recruitment – Volunteer mediators should be clear about the commitment expected from them and from the service both during and after training: this is best done by means of a Volunteer Agreement (see appendix 2). Volunteer recruitment should be planned to attract people who broadly reflect the client group, and should be free from discrimination against certain groups of candidates. Expenses should always be adequate to ensure that volunteers are not out of pocket.
- b) Support and Supervision – The support and supervision structures outlined in section 5.3 apply equally to volunteer mediators, although the implementation may have to differ. Volunteers may require more structured opportunities for discussion of casework issues, as typically they will not be in contact with colleagues so frequently. One means of meeting this need is to mix individual supervision with group supervision sessions which incorporate structured group discussion on practice and casework issues.

#### **5.5 Equal Opportunities/Access To Services**

In-house services are likely to have a pre-existing Equal Opportunities Policy covering the entire organisation: independent services may have to create one. It is important that creating an Equal Opportunities Policy is not just a paper exercise: every individual in the service should both be familiar with and subscribe to the aims of the policy. Every policy should contain the following:

- a) A statement of the service's intent to combat discrimination
- b) The objectives of the policy
- c) Measures to meet the objectives
- d) A monitoring and review process

One of the most important aspects of equal opportunities is access to the organisation and its services. The following should be considered:

- Are people with mobility difficulties easily able to use the service?
- Is service advertising targeted sufficiently and appropriately for its intended client group? Is it available in other languages/media?
- Is there open access to volunteers (e.g. no formal qualifications required), and are all out of pocket expenses paid?
- Is the composition of the Management /Advisory Committee representative of the local population?
- Can people complain through a Complaints Procedure if they feel they have been unreasonably denied access?

A sample Equal Opportunities Policy can be found in Appendix 3, with a sample Complaints Procedure in Appendix 4.

## **5.6 Dealing With Prejudice**

As described in section 3.5, it is sometimes necessary for peoples' attitudes or values to change before a neighbour dispute can be resolved. This is particularly true in the case of prejudice. What does a mediator do when she/he encounters prejudice from a client, either towards another client or towards themselves? Mediators have to deal quickly with the unexpected, and only have one opportunity to get things right: it is important, then, that their organisation makes it clear what is expected of them in such situations. Guidance on prejudice should include the following:

- A definition of prejudice
- A distinction between levels + types of prejudice (e.g. direct/indirect)
- Guidance on when prejudice should be challenged
- Guidance on when and how the mediator should withdraw
- Guidance on legal issues around prejudice

A sample policy on prejudice is included at appendix 5. As with equal opportunities, it is important to ensure that the introduction of such a policy is combined with staff/volunteer/committee training.

## 5.7 Safety

While the safety record of mediation services has so far been good (there have been no serious incidents involving community mediation services in Scotland to date), it is important to plan for how risks to mediator and client safety can be identified and minimised. The best way to do this is for services to foster a culture of safety-consciousness, backed up by adequate policies and training. Safety can be separated into two distinct but interconnecting areas:

### *Personal Safety*

- Is there a personal safety policy giving guidance on how to minimise risk?
- Is the policy a compulsory part of mediator training?
- Is there an adequate risk assessment system for referrals?
- Is there a clear and adequate reporting situation for incidents of actual or potential risk to safety?
- Are policy and practice reviewed in the light of incidents?
- Are mediators and support staff trained in dealing with difficult situations?

### *Health And Safety At Work*

- Is there a Health And Safety At Work policy?
- Does the policy have a procedure for identifying and dealing with workplace hazards?
- Is there an accident book in use?
- Are policy and practice reviewed in the light of incidents?
- Is there adequate first aid provision?
- Is there a fire procedure with regular drills?
- Are mediators and support staff trained in health and safety issues?

A sample Personal Safety policy is included in appendix 6. For assistance in developing a workplace Health + Safety Policy see section 6.

## 5.8 Referrals Policy

Services should develop guidelines or indicators about the type of cases they are prepared to accept. Some services take cases only from their local housing department, others take referrals from the public at large: some services are prepared to accept cases where there have been incidents of violence, others are not. Whatever the policy, it is important that the public and referring agencies are as clear as possible about who can refer and what cases may or may not be accepted for mediation. Even although many services will not bind themselves to hard and fast rules, preferring to assess each case individually, it is nevertheless important to develop general guidelines.

### *Source Of Referrals*

- Will the service accept self-referrals?
- Which agencies will referrals be accepted from?
- Do agencies need to get agreement for the referral from one neighbour or both?
- Is there an official referral form?
- How much detail about the dispute does the agency provide?
- What information on outcomes will be given to the referring agency?

A sample Referral Criteria policy is provided at appendix 7

### *Types Of Cases*

- Does the service accept cases where there are allegations of racism?
- Can there be criminal proceedings pending or underway because of the situation?
- What, if any, incidence of previous violence is acceptable?
- Will the service deal with multi-party issues?
- Does the service deal only with disputes between adjacent neighbours?
- Does the service accept cases where people have drink/drug problems?

## **5.9 Case Management System**

All services, regardless of size or type, need to develop an effective process for the administrative and operational management of cases. It is also necessary that there is a written description of the process which is clear enough to be understood by new mediators and support staff. Some services use a computerised case management system such as “Mediation Manager”, others operate with manual files and casebooks. Either way, there should be a systematic process with clear procedures at each stage of a case’s “lifetime”.

### *Accepting Cases*

How are decisions made as to whether to accept cases or not? Is there a risk assessment process? Where are the details of the case recorded? How is the case allocated to particular mediators and how is information passed on to them? If an agency referral, what feedback do they get?

### *Initiating Action*

Are clients contacted by phone or letter? Are there standard agency letters? Who makes appointments? How long is allowed for appointments? Is the appointment entered in the office diary and recorded in the case file?

### *Client Meetings/Mediation Meetings*

Should the venue be the client’s home, in a neutral venue, or in the office? How is the meeting recorded and by whom?

### *Case Tracking*

Are there systems (manual or computerised) in place for ensuring cases remain “active” until they are closed according to agreed procedures? How often are cases reviewed to monitor progress, and whose responsibility is this? Are case records of sufficient detail that a new mediator could be appointed to a case and be able to ascertain what stage the case is at, what each party’s position and wishes are, and what the agreed next step is?

### *Case Closure*

Who decides when a case is closed and how the outcome is defined? Are clients and referring agencies informed when a case is closed? What happens to the case record?

### *Statistics*

Are cases classified by type and outcome according to a recognised classification system such as that recommended by Mediation UK? Is there a system for reviewing the level of casework and outcomes on a regular basis?

A sample case management system and guidelines on case recording can be found in appendices 8 and 9. Scottish Community Mediation Network's case classification system is found in appendix 10.

## **5.10 Confidentiality/Access To Records**

It is in the nature of the process of mediation that sensitive and sometimes inflammatory statements and views are made to mediators. These are made in the expectation that the mediation process is entirely confidential and that such material will not be passed on or repeated beyond the service. This will normally be the case, but there may be exceptions, and mediators will need guidance on what the service's expectations are on confidentiality. Similarly, clients may expect that their case records will only be seen by the mediators involved in their case, or at least only by individuals attached to the mediation service. Sometimes, however, clients will demand to see their file in entirety, including the record of what their neighbour has passed on to the service in confidence. Again, it is important that the service has a policy on this, and one which conforms with the Data Protection Acts.

### *Confidentiality Policy*

- Is there a clear policy on confidentiality and is it made available to clients?
- Are mediators and support staff trained in use of the policy?
- Does the policy indicate whether confidentiality applies to individual mediators in a case or extends to members of the mediation service?
- Does the policy cover circumstances where confidentiality may be broken (e.g. child abuse, harm to clients, serious crime)?

### *Access To Records*

- Are records stored in a safe place?
- Is there a clear policy on access to records and is it made available to clients?
- Are mediators and support staff trained in use of the policy?
- Does the policy describe the type of information which the service may hold on clients?
- Does the policy cover circumstances where access may be denied?
- Do clients have a right of complaint if access is denied?
- Does the policy comply with the Data Protection Acts?

Sample Confidentiality and Access policies can be found in appendices 11 and 12.

## **5.11 Monitoring + Evaluation**

Are there systems in place for the monitoring of standards of casework, such as client questionnaires or sampling procedures? How does the agency evaluate the

standards of its work and measure itself against “best practice” in the field? Does the agency intend to apply for service accreditation with Scottish Community Mediation Network? For further information on monitoring and evaluation please see Sacro’s Good Practice Guide “Community Mediation: Monitoring And Evaluation Of Services”

### **5.12 Reviewing Good Practice**

As services develop, grow and gain expertise in mediating in different situations, it will become necessary to alter and add to their policies and procedures. In the same way that it is wrong to have policies which are created and then stuck in a filing cabinet to be forgotten about, it is equally wrong to look on policies and procedures as unalterable or irreversible.

The relationship between practice and procedure should be a dynamic one, with procedures subject to regular revision in the light of experience. A dynamic organisation is one which is constantly seeking to improve through self-examination, and a yearly review of all current policies and procedures can be an invaluable tool in this process.

## **6. Where Can I Find Out More?**

**Scottish Community Mediation Network** is the umbrella body for community mediation services. It has developed a community mediation service, mediator and training accreditation scheme administered by the Scottish Community Mediation Centre. The Centre has published a wide range of materials on all aspects of community mediation.

### **Scottish Community Mediation Centre**

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For information on other forms of mediation in Scotland, contact:

### **Scottish Mediation Network**

18 York Place  
Edinburgh EH1 3EP

**FEEDBACK CHECKLIST**

<b>Things Mediator did which were helpful</b>	<b>Med.1.</b>	<b>Med.2</b>	<b>Things Mediator did which were <i>not</i> helpful</b>	<b>Med. 1.</b>	<b>Med2.</b>
Asking open questions			Using complicated language		
Using appropriate tone of voice			Asking unhelpful/inappropriate questions		
Using clear simple language			Rushing people		
Showing respect			Making assumptions		
Warmth			Getting annoyed		
Clarifying			Giving advice/counselling		
Summarising			Talking too much		
Encouraging			Making judgements		
Thinking creatively			Losing Direction		
Understanding the issue			Forgetting what people say		
Not blaming			Adopting a superior approach		
Being impartial			Interrupting		
Exploring the issue			Telling people what to do		
			Citing own experiences		

Appendix 2

**BRIGADOON COMMUNITY MEDIATION SERVICE**

**VOLUNTEER AGREEMENT**

Brigadoon Community Mediation Service is committed to providing a supportive and positive environment where volunteer mediators will be given the opportunity to continually develop their skills and knowledge. We are equally committed to ensuring the highest standards of service for people using the project, and therefore require volunteer mediators to uphold these standards and to work within the conditions and policies formulated by the service.

***What we ask:***

***What you should expect:***

1. Time Commitment  
*A minimum of 4 hours per week.*

*Flexibility as far as possible with regard to arranging client visits and mediation sessions*

2. Supervision  
*Attendance when required at supervision sessions.*

*Group supervision every 3 months, individual supervision every 6 months. Additional individual support where necessary.*

3. Confidentiality  
*The service's policy on confidentiality must be followed at all times.*

*Where a situation arises that may require a confidentiality to be breached, a member of staff make themselves available as soon as possible and will take responsibility for the decision.*

4. Training  
*Acceptance of the need for ongoing training and attendance at training events where possible.*

*Opportunities for internal and external training where relevant to your needs.*

5. Equal Opportunities  
*Compliance with the terms of our Equal Opportunities Statement, and a commitment to good equal opportunities practice.*

*Compliance with the terms of our Equal Opportunities Statement, and a commitment to good equal opportunities practice.*

6. Expenses  
*Accurate recording of expenses on Volunteer Expenses form*

*Reimbursement of expenses at rates stated on Volunteer Expenses form.*

7. Admin. Procedures  
*Agreement to follow procedures as stated in Administrative Guidelines.*

*Efficient administrative back-up*

8. Moving On  
*As much notice as possible if you intend to end your involvement with the service.*

*References as appropriate.*

Signed:

.....  
(Volunteer)

.....  
(For Service)

Date: .....

## BRIGADOON MEDIATION SERVICE

### EQUAL OPPORTUNITIES POLICY

Brigadoon Mediation Service's values of mutual respect and equality of opportunity mean that everyone, irrespective of gender, sexual orientation, race, religion, national origin, disability or age is entitled to work in an environment free from discrimination, intimidation, bullying or harassment.

We will make every effort to prevent discrimination or other unfair treatment against users of our service, members, volunteers and staff. The Service is committed to making access to our services as open as possible and to have systems of recruitment and referral which do not exclude or discourage participation.

Members, staff and volunteers have a responsibility for their own behaviour and should ensure that they comply with the policies and procedures within the Service and highlight any instances where discrimination or harassment takes place. Training on, this policy and its supporting procedures will be provided. Any breach of this policy and associated procedures will be dealt with under the disciplinary policy and procedure.

#### Introduction

1. This policy and its associated procedures apply to all members, volunteers and staff.
2. The policy aims to:
  - a. develop good employment practices
  - b. maximise the effective use of human resources to ensure an efficient and effective service
  - c. ensure that the best staff are recruited from the widest possible range of applicants
  - d. assist members, volunteers and staff in achieving their full potential.
3. The policy underpins every aspect of the work and policies of Brigadoon Mediation Service.
4. Any breach of the Equal Opportunities policy and its associated procedures will be dealt with under the Disciplinary Policy and Procedure.
5. Separate procedures on harassment, recruitment and selection, training and development and flexible working have been devised to support this policy.

#### Principles

1. All members, volunteers and staff will be given equal opportunity irrespective of gender, marital status, sexual orientation, race, religion, national origin, disability, or age.
2. Training and guidance in the operation of this policy and associated procedures will be provided.
3. The application of this policy will be monitored regularly. An annual report will be provided to the Board of Directors.

4. All policies and procedures will be reviewed on a regular basis to ensure that they continue to meet our commitment to equal opportunities and comply with statutory requirements.
5. We will endeavour to ensure that the language used in publications, reports, advertisements and other forms of communication will be of a non-discriminating nature.

## **Procedures**

### **A. Harassment**

#### **Introduction**

1. Brigadoon Mediation Service has developed a procedure to deal with harassment at work as part of its commitment to equal opportunities and the removal of discrimination within the workplace.
2. Harassment takes a variety of forms and may involve an action, behaviour, comment or physical contact which is unwanted, unwelcome, objectionable or causes offence. It may be directed on the basis of gender, sexual orientation, race, religion, disability, age or some other characteristic. Harassment may also involve abuse of power or authority.
3. Harassment may result from conduct which is not intended to cause offence but arises because of a lack of awareness of others feelings. This conduct, whilst potentially less serious, may result in action being taken.
4. Where harassment is alleged, every effort will be taken to ensure that the alleged harasser is dealt with fairly.
5. Both the harassed and alleged harasser have rights of representation throughout this procedure.
6. If harassment is experienced it may be tackled in an informal manner or, especially if the situation is serious, by making a formal complaint.

#### **Informal remedy**

1. Wherever possible, individuals should attempt to resolve the situation by explaining directly to the harasser or bully that their behaviour is unwelcome, unacceptable or offensive and asking them to stop.
2. It is recognised that some people may feel uncomfortable with this approach and they should seek the assistance of their line manager or trade union representative.

#### **Formal remedy**

1. Where the informal approach fails or is considered inappropriate, or the nature of the harassment is more serious, then staff should make a formal complaint to the line manager or senior manager, as appropriate.
2. The complaint should be in writing and contain as many facts as possible, e.g.:
  - the name of the alleged harasser
  - the nature of the behaviour
  - times/dates of any offences

- witnesses
  - any action taken by the member of staff to stop the harassment.
3. All complaints will be investigated promptly, confidentially and will be taken seriously. The senior manager or line manager will arrange for an independent manager to conduct the investigation. Should the alleged behaviour be more serious then arrangements to suspend in accordance with the disciplinary procedure may be necessary.
  4. All individuals involved in the investigation are expected to maintain confidentiality. Any breach will be considered a disciplinary offence.
  5. Following on from the investigation a hearing may be called in line with the Service's disciplinary procedure where the case will be presented and the alleged harasser will be given the opportunity to present their case.
  6. In accordance with the disciplinary procedure any statements or evidence will be made available to the alleged harasser prior to the hearing and both complainant and alleged harasser will be entitled to representation at all stages in the process.
  7. Any member of staff accused of harassment will be treated fairly and in accordance with the disciplinary procedures.
  8. Where it is established that harassment has taken place then action will be taken in line with the disciplinary procedure. Appeals will also be subject to the disciplinary procedure.
  9. If the outcome of the formal process is that the complaint is unfounded or should have been resolved informally, then this will be recorded.
  10. If the complainant feels aggrieved at the outcome of the investigation or the disciplinary hearing then they will also have the right of appeal to the next level of management in accordance with the grievance procedure.
  11. Any member of the Service who brings a complaint of harassment or bullying or anyone who supports them in bringing such a complaint shall not suffer any detriment or victimisation for so doing. If it is established that detriment or victimisation does occur then disciplinary action will be taken.
  12. In their course of their duties members of the Service may experience harassment by clients. If this does occur then staff should raise the matter with their line manager.
  13. Wherever possible the Service will assist members of staff if they wish support in dealing with matters of harassment or bullying. This will be dealt with confidentially through your line manager.

## **B. Recruitment and promotion**

1. Vacancies will be advertised externally and internally to ensure maximum opportunity.
2. Applicants will be given clear and accurate information about posts through advertisements, job descriptions, person specifications and interviews.
3. Recruitment literature will not imply a preference for any group of applicants unless there is a genuine occupational reason which limits a post to a particular group.
4. Interviews will be conducted on an objective basis and will deal only with an applicant's suitability for the post and ability to fulfil its requirements. Consideration will be made to making reasonable adjustments to ensure that those with a disability are not disadvantaged.
5. All advertisements will carry Brigadoon Mediation Service's commitment to equal opportunities.

## **C. Flexible working arrangements**

1. Requests for flexibility in working hours e.g. reduction in hours, job share arrangements will be considered to ensure that, wherever possible, staff are not disadvantaged in any way, provided the Service is able to maintain an efficient and effective service.

## **D. Training and development**

1. Brigadoon Mediation Service will ensure that no member of the service will be discriminated against in the provision of training and development opportunities. The staff appraisal scheme should ensure that staff training and development needs are identified, in a consistent manner and methods of meeting these needs are agreed.
2. All members will receive training in equal opportunities and, where a member of staff carries specific responsibilities, appropriate training will also be given.

## Appendix 4

### **BRIGADOON COMMUNITY MEDIATION SERVICE UNHAPPY WITH OUR SERVICE?**

We are committed to providing our customers with an efficient and polite service. If you are unhappy in any way, it is important that you let us know so that we can look into things and take any necessary action. Don't feel that you shouldn't make a fuss – we need you to tell us if we're doing something wrong.

#### **WHAT SHOULD YOU DO IF YOU WANT TO COMPLAIN?**

##### *REGISTER YOUR COMPLAINT*

Stage 1:

If you are unhappy with the service you have received, let the Manager know as soon as possible, either by phoning or writing. You will get a written reply within fourteen working days.

##### *STILL NOT SATISFIED?*

Stage 2:

If you are still unhappy, or if your complaint is about the Manager, you should get in touch with the Senior Manager at Brigadoon Community Services Ltd. They will arrange to meet you and will give you a written reply within fourteen working days of the meeting.

##### *FURTHER ACTION NEEDED?*

Stage 3:

If you still feel your problem has not been dealt with properly, you should get in touch with the Strategic Development Manager of the City of Brigadoon Council. They are not part of the Brigadoon Community Mediation Service and will look at your problem independently. They will give you a written reply as soon as possible.

#### ***THIS PROCEDURE DOES NOT AFFECT YOUR LEGAL RIGHTS***

#### **CONTACT**

Stage 1:           The Manager  
                      Brigadoon Community Mediation Service  
                      27 Misty Way, Brigadoon  
                      Tel (0111) 555 2101

Stage 2:           The Senior Manager  
                      Brigadoon Community Services Ltd  
                      1 Apparition Lane, Brigadoon  
                      Tel (0111) 555 3102

Stage 3:           The Strategic Development Manager  
                      The City of Brigadoon Council  
                      City Chambers, Brigadoon  
                      Tel (0111) 555 3855

#### **WHAT SHOULD YOU DO IF YOU WANT TO SEE YOUR CASE NOTES?**

We believe our clients have a right to see what we have written about them, although we cannot let you see records of confidential meetings or conversations with other clients, or any information which would breach another person's right to confidentiality.

If you want to see what is written about you, contact the Manager on (0111) 555 2101 or write to Brigadoon Community Mediation Service, 27 Misty Way, Brigadoon

## Brigadoon Community Mediation Service

### DEALING WITH PREJUDICE

#### **PREAMBLE**

Brigadoon Community Mediation Service is opposed to prejudice in all its manifestations. We are therefore concerned to take all appropriate steps to work against prejudice wherever we encounter it.

#### **PURPOSE OF POLICY**

Part of a mediator's role is to recognise and counter prejudice in her/his own perceptions and actions, and to feed back to co-mediators when they may be displaying prejudice. What is more difficult to deal with is when prejudice is displayed by a client. Should this be directly challenged? Should the mediator withdraw? Let it go in order not to endanger a possible agreement? Although it is impossible to draw up definite rules for every possible situation, it is important that all our mediators are acting within an agreed framework of responses.

#### **DEFINITION**

Collins English Dictionary: Prejudice - 1. *An opinion formed beforehand esp. an unfavourable one based on inadequate facts.* 2. *Intolerance or dislike for people of a specific race, religion etc.*

Brigadoon Community Mediation Service considers prejudice to be any favourable or unfavourable opinion held against someone solely because of their race, religion, sexual orientation, gender, age, disability or class, and not related to their personal attributes or behaviour.

Legal Definitions - Several Acts of Parliament include measures to deal with discrimination against particular groups, including the following:

- Public Order Act 1986 - makes it an offence to commit certain acts likely or intended to stir up racial hatred, or to be in possession of racially inflammable material.
- Race Relations Act 1976 - covers acts of direct or indirect discrimination against someone because of their colour, nationality, race, or ethnic or national origin
- Disability Discrimination Act 1995 - this contains new provisions to end discrimination against people with disabilities.
- Sex Discrimination Act 1975 - this makes it unlawful to discriminate on grounds of sex in the fields of employment, education, or on the provision of goods, facilities, services and premises.

\* Definitions adapted from C.A.N.S. Digest

## REACTING TO PREJUDICE

We do not consider that it is the main function of a mediator to directly attempt to change peoples' prejudices - prejudices are frequently very deeply embedded and not easily uprooted. At the same time, this does not mean that as a service or as individuals we should let displays of prejudice go unchallenged. The following is a general guide to appropriate responses to different levels of prejudice encountered during your work for the project.

1) Minor examples of unconscious prejudice - it may sometimes be acceptable to let these go unchallenged if they occur during a vital part of an interview or session. It is sometimes appropriate to challenge these afterwards and explain that they can cause offence.

Example: *"Taking the Mickey" "Going down to the Paki shop"*

2) More serious unconscious prejudice should be (gently but firmly) challenged.

Example: *thinking that people with physical disabilities are not able to think clearly or do anything for themselves.*

3) Conscious, deliberate prejudice - people should be warned that this is unacceptable, and that if they persist you will withdraw from the case.

Example: *"All women are slags and bitches"*

4) Behaviour calculated to incite racial hatred (e.g. distributing racist literature) - this should be reported to the police, as should behaviour such as physical assault, intimidation and harassment.

\* In examples 3) and 4) staff should be consulted where possible, but always informed.

Brigadoon Community Mediation Service  
27 Misty Way, Brigadoon  
Tel. (0111) 555-2101

## BRIGADOON COMMUNITY MEDIATION SERVICE

### GUIDELINES ON PERSONAL SAFETY

While the possibility of anything violent happening to you is remote, you should always consider ways in which you can - at any time - lessen the risk of a violent episode occurring. Although it is impossible to cover every eventuality the following guidelines should assist you to be prepared.

#### Home Visits

All home visits should be carried out in pairs

#### Prepare for the Visit

- (a) Know where you are going
  - familiarise yourself with the area on a map
  - if you are still unsure, drive around the area prior to the visit
  
- (b) Let someone know your plans
  - a diary is kept in the Office which will have details of when and where you are going and when you are expected back. You should ensure that this is kept up to date and that any last minute changes are passed on to the Office.
  - If carrying out evening visits try, if possible, to let someone know when you are expected back. Discuss what you want them to do if you are late. Be clear about the time span for being late.
  
- (c) Consider the following:
  - is clothing comfortable and gives freedom of movement?
  - are you wearing something round your neck which could be easily grabbed, e.g. scarf?
  - are you wearing a lot of jewellery?
  - are your shoes comfortable and allow you to move quickly if necessary
  - is the bag you are carrying necessary? If so, consider the contents, e.g. do not carry a note of your address in the same bag as your house keys
  - could your bag be easily grabbed - whatever is in your bag is not important enough to run the risk of injury, so let go of it!

Useful items to take along

  - mobile phone (if available) - keep it switched on at all times so you can be contacted if necessary
  - change/phone cards
  - torch
  - personal alarm - in a place of easy/quick access
  - note of relevant/helpful telephone numbers, e.g. Office, AA, local garage
  
- (d) Know the exact name/s of the person/s you are meeting

### **Travelling To/From the Meeting**

(a) By car:

- don't leave luggage on display
- keep doors locked
- park in a busy, well-lit area - if parking in daylight but coming back after dark think about how things will look then
- have keys ready when you return to the car - check that all is in order around you

(b) By public transport:

- sit near the driver or beside a group of people
- tell the driver if someone is annoying you
- report any badly lit bus stops

(c) Walking:

- try to keep to busy, well-lit areas preferably walking in the middle of the pavement
- if you think you are being followed, cross the road and keep walking, and head for a busy area/shop/pub/house.
- have your door keys ready before you get to your front door

### **At the Client's Home:**

- having knocked at the door, take a step back - people will find this less threatening
- if your instincts tell you that things are not as they should be, make your excuses and leave - offer to return another day if you feel this is appropriate
- if the person you came to see is not available, do not wait on their return - you can arrange another visit
- if someone is obviously under the influence of alcohol or drugs, there is little point in meeting - make your apologies as above
- if a dog disturbs you it is acceptable to ask the owner to control it
- try to sit near the door - take a mental note of the layout of the room, the easiest and quickest route to the exit and who else is around

### **During the Meeting/Appointment**

- if someone becomes agitated, try to remain calm - this will assist you to make clear judgements and decisions about how to handle the situation
- practice various scenarios beforehand
- if the client expressed anger, acknowledge their anger  
(see notes on handling potentially violent situations)

### **Leaving the Meeting/Appointment**

- if possible try not to walk in front of someone when you are leaving
- try to keep a clear view of the client

### **Office Meetings/Appointments**

Much of the above still applies, but you now have the advantage of setting the scene and thus, potentially, reducing the risk of a violent incident.

#### Preparation:

- ensure that the meeting has been recorded in the Office diary and that the Administrator is aware of exactly who is expected and when they are arriving
- set up the meeting room considering the following:
  - the room should be welcoming - bright with appropriate seating and any special domestic requirements

- no objects which could be used as a weapon should be present,
- glass ashtrays, light-weight chairs, etc.
- consider the physical layout - if possible position yourself between the door and the clients

### **Special Notes**

Below are some practical techniques when handling violent situations - they are in no set order - not all will be appropriate in all situations. It is important to be selective. If the situation looks as if it is getting out of your control then be prepared to leave or end the session.

Respect warnings - if someone says "I'm going to get you", take it seriously

Don't talk down - do not patronise people

Lower your voice - this helps to calm the whole atmosphere

Hear them out - the client needs to have his/her version of the story told in full

Use their name

Keep talking - always talk - it can calm someone's anger

Reflect the anger - "I can see you are angry"

Back-off - yield space, but keep talking - this can calm a situation

Try to get a sizeable object between yourself and the other person

Avoid sudden movement

Maintain eye contact

Use a 'broken record' - keep repeating the same phrase, e.g. "if you calm down, I'll listen to you".

Don't get cornered or put someone else in a corner - be aware of your surroundings, where the exits are - if you trap someone in a corner, they might panic

If you are attacked:

- yell, scream, use your personal alarm. Say something unexpected to confuse the attacker, e.g. "Are you feeling all right?"
- shout "Fire", "Police" as opposed to "Help". This is more likely to attract people's attention
- notify the Police as soon as possible

**Remember** always notify staff about a potential or actual dangerous incident, even if it does not seem very serious.

**Brigadoon Community Mediation Service**  
 27 Misty Way, Brigadoon  
 Tel. (0111) 555-2101

## BRIGADOON COMMUNITY MEDIATION SERVICE

### REFERRAL CRITERIA

*\*Please note - to accept a referral we only need the agreement of one party\**

Not every kind of situation where there is a dispute is likely to be suitable for mediation. Here are the things we look for when we decide whether or not our involvement would be useful:

- People choose to get involved of their own free will.
- There is no deliberate racism involved.
- There are no criminal proceedings underway because of the situation.
- Neither party is unable to act or think clearly because of severe mental health problems, addiction, or some other reason.
- There is no high level of violence between the people involved.

Very often, it will be impossible to know all the details of a situation at the time you make contact with us, but don't worry as we will look into things ourselves, and can often help people with information etc even when we won't take things as far as mediation. If you are not sure, just get in touch!

BRIGADOON COMMUNITY MEDIATION SERVICE  
27 MISTY WAY, BRIGADOON  
TEL. (0111) 555-2101

## **BRIGADOON COMMUNITY MEDIATION SERVICE**

### **CASE MANAGEMENT SYSTEM**

#### **STEP 1. Fill In Referral Form**

Referrals may come from a number of different agencies as well as from individuals concerned in a dispute. Whatever the source, and whatever the means of referral (i.e. phone, letter, fax), a referral form is always completed. At the time of referral all the details required on the referral form may not be known, but as much as possible should be detailed.

In the case of some agencies, such as the Police, the Housing Dept. and Environmental Health, someone from the agency generally completes a referral form and either posts it or faxes it to the office.

When the referral form is received, it is put in the Referrals basket to be accepted or rejected by a member of staff.

#### **STEP 2. Accept/Reject Referral**

The referral criteria are listed on the back of the Referral form and all decisions to accept or reject a case are made on the basis of these criteria - in general it is rare for a case to be rejected. Check that the risk assessment form has been completed And that there is no unacceptable risk identified.

#### **STEP 3. Enter In Casebook**

When a referral is accepted it is entered into the Casebook and given a number. The date the referral was received, the names and addresses of both parties, and the dispute code are all recorded. *The Casebook allows an easy way of finding the relevant case when you only have the name of the second party.*

#### **STEP 4. Making Up a Case File**

When the referral has been entered into the Casebook, a case-file is opened and numbered even if we think the case may not proceed to mediation. Case-files contain the Referral form\*, the case-sheet, copies of letters and record sheets, copies of mediation agreements and any other paperwork concerning the case. All case-files are clearly marked on the top right-hand corner of the file with the number and name of the 'First Party'. They are filed alphabetically by the name of the 'First Party' in the filing cabinet in the Admin. Office. Closed files are kept in the meeting room.

The Referral Form is then completed with other details. The 'first Party' is the person who has either referred themselves to us, or has contacted another agency who then contacted us on their behalf. The 'Second Party' is the other person involved in the dispute; normally a neighbour.

The number is included in the box marked 'Case No'. In the box marked 'Dispute Code' the appropriate number which best describes the problem is recorded. (Codes for different kinds of dispute are marked on the Code Sheet). Also mark whether or not the clients live in a Designated Area in the box provided.

Under 'Issue' all details we have received about the dispute are recorded. We don't make definite statements about anything that is a matter of dispute between the different parties. For example, we don't put 'Mrs Loose is bothered by Mr Tight playing the trombone all night' - instead we put 'Mrs Loose says that she is bothered by Mr Tight playing his trombone all night'.

\*A copy of the Referral Form is then sent to the mediator/s working on the case.

A Case Sheet is then added to the Case File. This is marked out in three areas; Date, Details and Case worker. In the area between 'Date' and 'Caseworker', details of any steps taken so far are recorded. This space will be used to record briefly all steps taken and events which occur, until the case is closed. It may be cross-referenced to the Record Sheet for more detailed recordings. It is important to record enough detail to make the case understandable to someone who has just picked up the case-sheet for the first time, and knows nothing about the case. Please see "Guidelines On Case Recording".

**STEP 5. Enter A Follow-Up Date.**

Whenever a case- file is opened and all the above tasks are completed, but further developments are awaited, a follow-up date is entered in the Office Diary. This is the next date that the file should be looked at to see what needs doing (for instance if a client has been asked to reply within 14 days, a follow up date for, perhaps, 16 days time is entered). Every morning a member of staff will check the files that have a follow-up date for that day, and will take appropriate action. A new follow-up date will then be entered in the Diary. This system is designed to ensure that important dates aren't missed, and that clients/files are not forgotten.

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## Guidelines On Case Recording

### Introduction

You might ask: why bother wasting valuable time filling in case notes when you have ten other more important things you could be getting on with? You know yourself what happened when you went to visit Barney Rubble? You're the person who is going to carry on working on the case anyway, so why should anyone else need to know? If they do need to know, they can always ask, so *what's the problem?*

The problem is that for one of any number of reasons, someone else as well as you may need to know exactly what's been happening in a case, and sometimes they may need to know *urgently*. If there is an emergency - you cannot be available all the time - could another worker tell everything that's been happening in a case from *your* case notes? How would you feel if something went really wrong because you didn't feel it was important to keep proper records? The truth is that it is just as unprofessional not to bother to keep proper records as it is not to bother turning up for an appointment with a client. Make sure that *you* treat your clients and your colleagues with respect and keep adequate case notes.

### General

- Visits and lengthy telephone conversations must be recorded on case Record Sheets
- Notify the office of any brief telephone calls with clients and any arrangements made over the telephone so that they can be recorded and confirmation or appointment letters sent where necessary.
- You need to read the next thing that needs to be done as a result of your contact with either party. Do fill this in after each contact where appropriate.
- Remember that the person you write about is entitled to read what you have written. Be factual and simple, writing only what is relevant to the case. Do not write, for example, "I began the conversation by talking about the weather..." or "...Ms D lives in a beautiful four bedroomed house in " or "Mr Z was a shabbily dressed and unshaven."
- Use direct speech or reported speech, for example, phrases like 's/he said that...' or 's/he commented ....', to make it clear the views are not your own. Writing that "Mrs A said she felt Mr B was out to get her" is acceptable: writing "Mr B is out to get Mrs A" is not acceptable.
- At the end of your case record be sure to indicate what the person has agreed you could pass on to the other party and what they want to remain confidential.

## Appendix 10

### **Scottish Community Mediation Network – Recommended Dispute Codes**

- Noise
- Children's Behaviour
- Racial Harassment
- Anti-Social or Abusive Behaviour
- Boundary or Property Dispute
- Homeless & Family
- Other

### **Scottish Community Mediation Network – Recommended Outcome Codes**

- Full Agreement/Improvement
- No Agreement/No Improvement

## BRIGADOON COMMUNITY MEDIATION SERVICE

### POLICY ON CONFIDENTIALITY

Brigadoon Community Mediation Service has a strict policy on confidentiality, which must be followed at all times. If you are ever in any doubt about an issue of confidentiality, it is important that you consult a member of staff as soon as possible.

All information given to us by clients is confidential within the service. This means that it may be discussed between members of staff and volunteers, for instance in case conferences, but will not be disclosed to anyone else without the client's permission.

No information, verbal or written, will be given out to any other agency without the client's permission.

**EXCEPTIONS** - Confidentiality may only be broken for one of the following reasons :

If there is a clear risk to a child or other vulnerable person, through neglect or physical, emotional or sexual abuse.

In cases of actual or threatened violence, where it may be necessary to inform other clients, the police, or other agencies.

If a member of Brigadoon Community Mediation Service is legally bound to give information e.g. in the course of an investigation into an alleged serious offence.

**CONFIDENTIALITY SHOULD NEVER BE BROKEN FOR ANY OTHER REASON.**

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## **Brigadoon Community Mediation Service Policy on Access to Client Records**

### **1. Introduction**

Brigadoon Community Mediation Service believes that clients of the Service have a general right of access to information held on them by the Service, and that access to any such information will only be refused in certain closely prescribed circumstances.

### **2. Nature of Information Held**

Information on clients of the Service is kept in both computer and in written form. The following information is currently held or may be held in the future:

- a) Names, addresses, telephone numbers.
- b) Classification by nature and outcome of dispute.
- c) Written communications from clients and synopses of interviews/telephone conversations.
- d) Classification by source of referral.
- e) Classification by age, sex, ethnic group, type of housing, employment status, whether or not registered disabled.

### **3. Restrictions on Access**

Access will be denied only to the following:

- a) Records of written communications by and synopses of interviews/telephone conversations with other parties.
- b) Any information which, by its imparting, would breach the right to confidentiality of another party.

Any decision to refuse access to information for reasons of a) or b) above, shall be communicated to the client in writing, informing the client that if she/he disagrees with the decision, the Service's complaints procedure may be invoked.

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