

# mediation

Housing  
Services



Leaflet ASB2  
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## Having problems with your neighbour?

Don't despair! If direct approach does not succeed, **mediation could be the answer to the problem.**

If you have ever thought there has to be a better way to settle a dispute than facing legal fees, months of recrimination, anguish and frustration, then mediation could be just what you are looking for.

## What is mediation?

Simply a way of resolving disputes **without the need to go to court.** It sounds fantastic and very simple and in essence it is. It is a way of helping neighbours to discuss problems and reach a solution acceptable to everyone involved, without the need to go to court or tribunals which could be time consuming and costly.

The objective is to get the parties to discuss their disagreements on common ground and in a relaxed environment. Hopefully they can then reach an agreement.

If both parties in a dispute agree, then a trained mediator, who is an impartial third party, guides the parties to a settlement on which they both agree.

The mediator does not impose a decision or attempt to judge the merits of the case. Mediation looks at the common ground, the positive aspects and finds the best solution for both parties.

## What problems can it deal with?

It can deal with problems with noise. For example:

- ▶ loud music
- ▶ late night parties
- ▶ barking dogs
- ▶ alarms going off

- ▶ doors slamming
- ▶ domestic appliances.

It can also deal with:

- ▶ boundary disputes
- ▶ children's behaviour
- ▶ vandalism
- ▶ harassment or abusive behaviour
- ▶ pets and parking disputes.

### Who carries out the mediation?

Trained mediators from an independent mediation service carry out the mediation. They work in pairs and aim to help both sides find a solution to the problem that everyone is happy with.

### How does the mediation process work?

#### Step 1: Referral

If you have a problem with your neighbour, you can approach the Citizens Advice Bureau who may refer the case to the Mediation Service if appropriate.

Alternatively, you can obtain a referral through the housing services, environmental health or social services departments of the Council, or the police.

**Both parties involved in the dispute have to agree to the mediation.**

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## Step 2: Contact

The Mediation Service will contact both parties with details of the process and ask them to confirm that they would like to try mediation.

## Step 3: Pre-mediation visits

The mediators will arrange to visit both parties separately in their homes to listen to their problems and answer any questions about mediation.

## Step 4: The session set up

If both parties are willing, a mediation session with both parties present will be set up at a time and place convenient to everyone. The venue is provided by the service.

## Step 5: The mediation

During the session both sides have a chance to talk without being interrupted. The mediators will ensure that any anger is safely contained.

Usually by the end of the session an agreement is reached which both parties are willing to accept. Where this is not achieved at the first attempt, another session can be arranged if necessary. The agreement is written down and signed by everyone but **it is not legally binding**.

## Step 6: Monitoring

The service will check up after an agreed period of time that the agreement is working out as planned or whether some further help is required.

If the mediation was a referral from your housing officer then the service will inform them of any agreement made and they will also check to see that all is working out with the agreement.

# the **benefits** of mediation

- ▶ The service is **free**.
- ▶ **You are in control**. The outcome of mediation is always within the control of the parties and with the help of the mediator they decide for themselves upon settlement they can live with.
- ▶ **Mediation is voluntary** and you can withdraw at any time during the process. Nothing is done without your full agreement.
- ▶ Mediation resolves disputes **fast**, usually at the first meeting of both parties.
- ▶ **Mediation is a lot less expensive than legal action**. The months, if not years, of legal action are avoided as are the consequent legal fees. Parties may of course have legal or other advisors present during the mediation if they wish.
- ▶ **Mediators are impartial**. They do not take sides.
- ▶ The mediation process is **confidential**. All sessions are conducted in private. Any information given during the process is strictly confidential (unless specifically agreed beforehand), unlike the possible publicity of court proceedings.
- ▶ The Mediation Service is independent of the Council.
- ▶ It has no legal powers and is independent of the police, the Council or any other authority or organisation. It works according to the Code of Practice laid down by the national body, **Mediation UK**.

**We hope that you have found this leaflet helpful. If you have any queries about the information in this leaflet please contact your housing officer.**

