



Portsmouth Mediation Service **Annual Report 2021/22**



Trustees' Report year ending March 2022

Trustees' Report year ending March 2022.

The Trustees present their report and accounts for the year ending 31st March 2022.

Structure Governance and Management

The charity is a company limited by guarantee.

The Trustees, who are also the directors for the purpose of company law and who served during the year were:

Fiona Armstrong (appointed June 2015)

Philip Winchester (appointed December 2018)

Alan Davis (appointed November 2019)

Tom Shaw (appointed November 2020)

Alexander Boyland (appointed September 2021)

Paul Hutchings (appointed January 2022)



Phil Winchester (left) welcomes back Dr Alex Boyland for his second stint as Chair of The Management Board of Trustees.

Trustees are recruited from interested individuals, volunteer mediators and representatives of the community.

None of the trustees has any beneficial interest in the company. All the trustees are members of the company and guarantee to contribute a sum not exceeding £10 for payment of the company's debts and liabilities in the event of winding up.

The trustees have paid due regard to guidance issued by the Charity Commission in deciding what activities the charity should undertake.

The charity is managed by the trustees who may exercise all the powers of the charity. For the past year, the day-to-day operation of the charity has been carried out by the Service Manager who reports to the trustees. All policy and strategy are decided by the trustees sitting as a group on a regular basis.

The Portsmouth Mediation Service (PMS) operates for the benefit of residents in Portsmouth and for the benefit of social housing residents in the wider Portsmouth area. A substantial proportion of the work of PMS is with Portsmouth City Council.

The trustees have and continue to assess the major risks to which the charity is exposed and are satisfied that systems are in place to mitigate exposure to major risks.

Public Benefit

The trustees confirm that they have referred to the guidance contained in the Charity Commission's general guidance on public benefit when reviewing the charity's aims and in planning future activities. The trustees refer to public benefit throughout this report.

Vision

PMS aims to operate as a 'Centre of Excellence and Influence' in seeing Portsmouth established as a Restorative City.

Mission

Through a journey of assessment, mediation and restorative practice, we will partner with other envisioned people and organisations to help seek the peace and prosperity of a 'Restorative Portsmouth'.

Achievement and performance

The core work of PMS continues to be the assessment service provided to Portsmouth City Council (PCC). During this review period we enter the second year of the five-year contract with PCC, with the option of a two-year extension. The award of this contract demonstrates the esteem with which PMS staff are held by PCC in illustrating their confidence that PMS will continue to provide great service at excellent value to the city.

Remote working

The team continue to successfully work from home and delivery support to a record number of cases. The cost savings of not having the permanent office has enabled us to invest in better IT and phone equipment for the teams as well as continuing to support other projects that we might not have otherwise been able to do.

Training

Training is key to our vision of a Restorative Portsmouth, and we continue to roll out subsidised training within the community and workplaces to give insight and demonstrate the impact of restorative practices. We also host a 6-day online Community Mediation Training Course which generates an additional revenue stream, once again we have run 4 courses with participants

from around the UK. It's good to see a wide level of interest and demand in delivering future courses.

Extending our reach into other areas of the community

It's been another exciting year as we extend our mediation services to other spheres of city life. The PMS Family Mediation Service continues to serve an increasing number of local people. Also our new Landlord & Tennant Mediation Service that operates in the Portsmouth private rental sector has been adopted by Portsmouth City Council on a one-year pilot programme to further evaluate its demand and effectiveness. We are also developing a new commercial mediation offering for the small business community in and around Portsmouth.

Summary

I would like to take this opportunity to welcome Paul Hutchings our latest Trustee who joined the Management Board at the beginning of this year. Paul is very much part of the voluntary sector in Portsmouth and brings a wealth of experience from his other Trustee roles in Portsmouth.

Our thanks go again to Portsmouth City Council (PCC) who continue to be a valued supporter of the work of PMS. In addition to our partnership with PCC Housing, we are now collaborating with many other PCC departments in the big vision to Portsmouth established as a restorative city.

The Trustees wish to express thanks to our service manager Steve Rolls and the dedicated team of talented staff and volunteers who make such a positive contribution to the community.

Should you be inspired to become part of our team as a volunteer or a trustee, we would be delighted to provide further information.

Dr Alex Boyland
Chair of the Board of Trustees
On behalf of the Board of Trustees



Implementing & Embedding a Restorative Culture

“Putting Public effort into helping people thrive is ultimately more fulfilling than having to spend money picking up the pieces of broken lives”

Some 6 years ago in the PMS Annual Report of 2015/16 as part of the managers update, I wrote, and I quote “we are looking to play a central role in seeing this great city Portsmouth become known as a Restorative City” We had adopted this aim as our vision statement, and it remains the same today. In truth this city-wide vision was so huge that it probably suffered from a lack of belief even among those of us who helped to pen it. Nonetheless this vision bordering on the impossible meant we would always be striving to seek the peace and prosperity of a restorative Portsmouth.

As we celebrated 25 years of Portsmouth Mediation Service with a conference at the Guildhall something very significant happened. After 7 years or so of working tirelessly across the various spheres of city life with our restorative mission something very important shifted and was captured in the keynote speech of John Swindell. It was titled. Restorative City – When the Unthinkable becomes actual what do we do next? Johns presentation pieced together the developments of the past few years and the potential of working more closely with organisations and communities to implement and embed a new positive restorative culture – we decided we would go deeper with a few organisations and journey with them until they achieved that restorative tipping point and so we have pressed on this year with a new Restorative Change Management approach that works with organisations and teams to bring about a transformation of the culture from the traditional punitive to the intentionally restorative.

The demand for this restorative change management consultancy and coaching is huge, especially among our local schools where we keep on hearing that since the restrictions of Covid and lockdown our children and their parents have suffered from isolation and are returning to so called normal life with a disconnectedness that is detrimental to the school community, we often hear how the children are unkind to each other, how the parents encourage them to extract their own retribution and how many teachers are reverting to previous punitive action to try and restore order. We are currently working with three primary schools in a much deeper way than before to bring about a culture change that spills out into the local community.

Even in successful restorative schools, situations can escalate, and problems occur, nonetheless there are no no-go areas for a restorative intervention, here is a text message we received earlier this year from a parent.

You prob won't remember me but I'm the mum of a boy you saw a few months ago for a Restorative meeting. Just wanted to let you know he is doing amazing since you met with him. We retracted the application for mental health support, he is back to his usual bubbly self and has more confidence than before with how he handles friendships. It was so empowering for him. To date he has had no further issues with the lad either. So thank you very much it was such a wonderful intervention and gave me my happy boy back.

Fractured and toxic relationships have a devastating effect on our mental health, this is increasingly being recognised by many Authorities and organisations. Indeed within Portsmouth a focus on Positive Relationships is central to the City Council's Health and Well Being Strategy. We are also excited to see that the PMS vision is in the heart of this relationship focus – here is an extract from the strategy.

Restorative skills need to be embedded across the board, in our services and our communities. The work of Portsmouth Mediation Service, including with tenants and landlords, in education settings and with the community, show the value of applying relational approaches upstream – supporting the strategy’s overall aim to enable people to thrive.

Despite being unsuccessful with some of our grant funding applications for the work to implement and embed a restorative culture we are determined to press on with this journey. We are currently working with a dozen or so different organisations. Building social and relational capital means operating at the base of the pyramid of escalation and quite frankly funders seem often to be absorbed and overtaken by the chaotic demand in the toxic top of this pyramid. Nonetheless we are sure that the way to flatten this pyramid is to help build strong healthy teams and communities. We totally align ourselves to this PCC Health & Well Being vision.

Evidence shows that communities with high levels of social connectedness have longer and happier lives and are less dependent on public services. - *“Putting Public effort into helping people thrive is ultimately more fulfilling than having to spend money picking up the pieces of broken lives”*

There is so much potential in this work of creating restorative communities and organisations, it remains at the core of what we do which in effect is to ultimately put our mediation service out of business! Maybe this is beyond belief? so in the meantime our amazing team continue to operate at every level within the pyramid of escalation, helping to retrieve situations that seem lost and assisting people to repair harm and restore right relationships. I have said so many times before and it’s still true we will never quite know all of the tragedy and heartache that our work and intervention prevent.

You can glimpse in the pages of this report the transformational work that our team are engaged in and the huge contribution they make to the cohesion of our local communities and the peace & prosperity of a Restorative Portsmouth.

So a huge thank you to everyone connected with our restorative mission, the incredible PMS family includes our professional team, volunteers, trustees, and partners. Thank you again for another amazing year!

If you are still reading this and would like to find out more about joining the Restorative journey in Portsmouth, please do get in touch with me.

Steve Rolls
Manager



The Portsmouth Assessment Service (PAS)

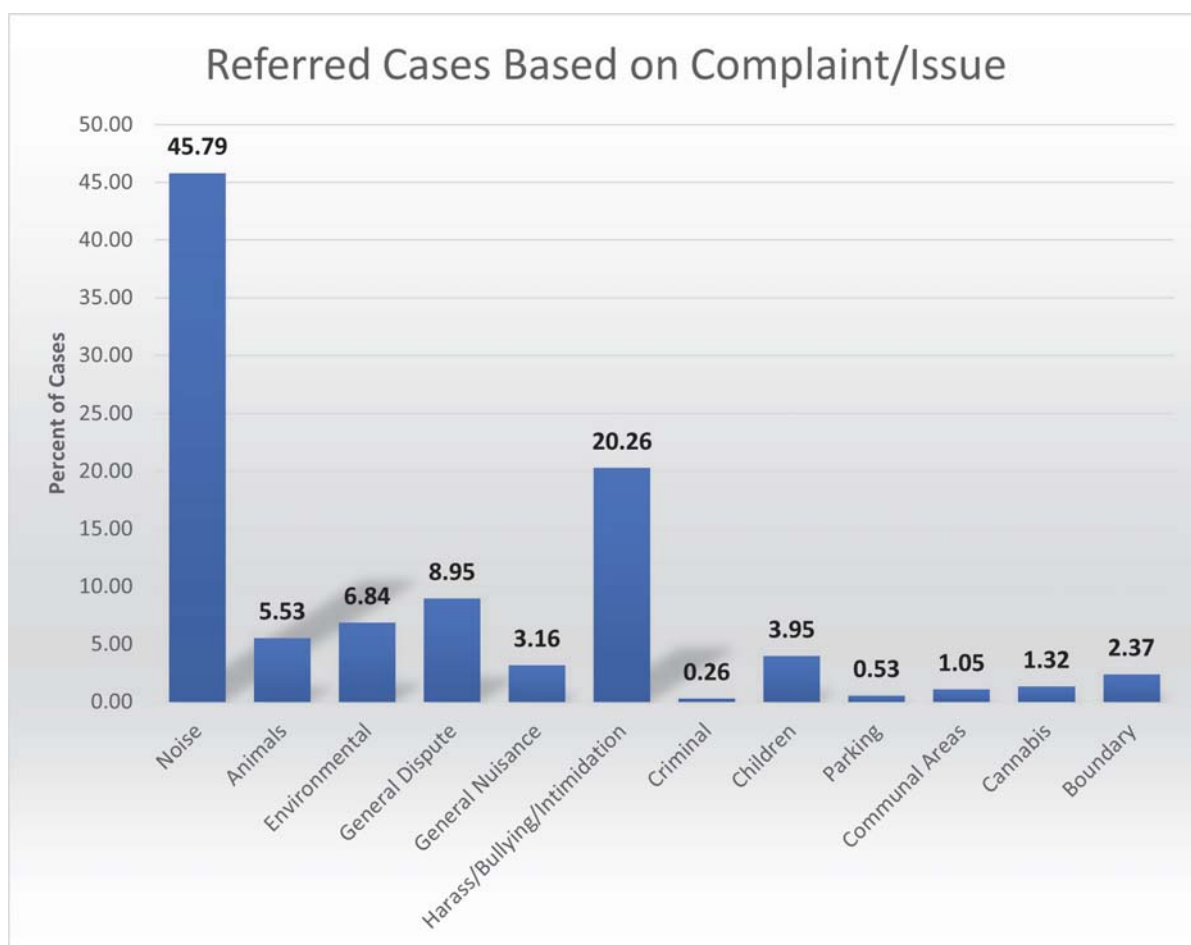
At the heart of our work is our partnership with Portsmouth City Council (PCC) Housing. The Assessment service is FREE and has been specifically designed for PCC tenants and leaseholders. It's in the first step in a customer driven Housing Service process for dealing with neighbourhood nuisance and anti-social behaviour

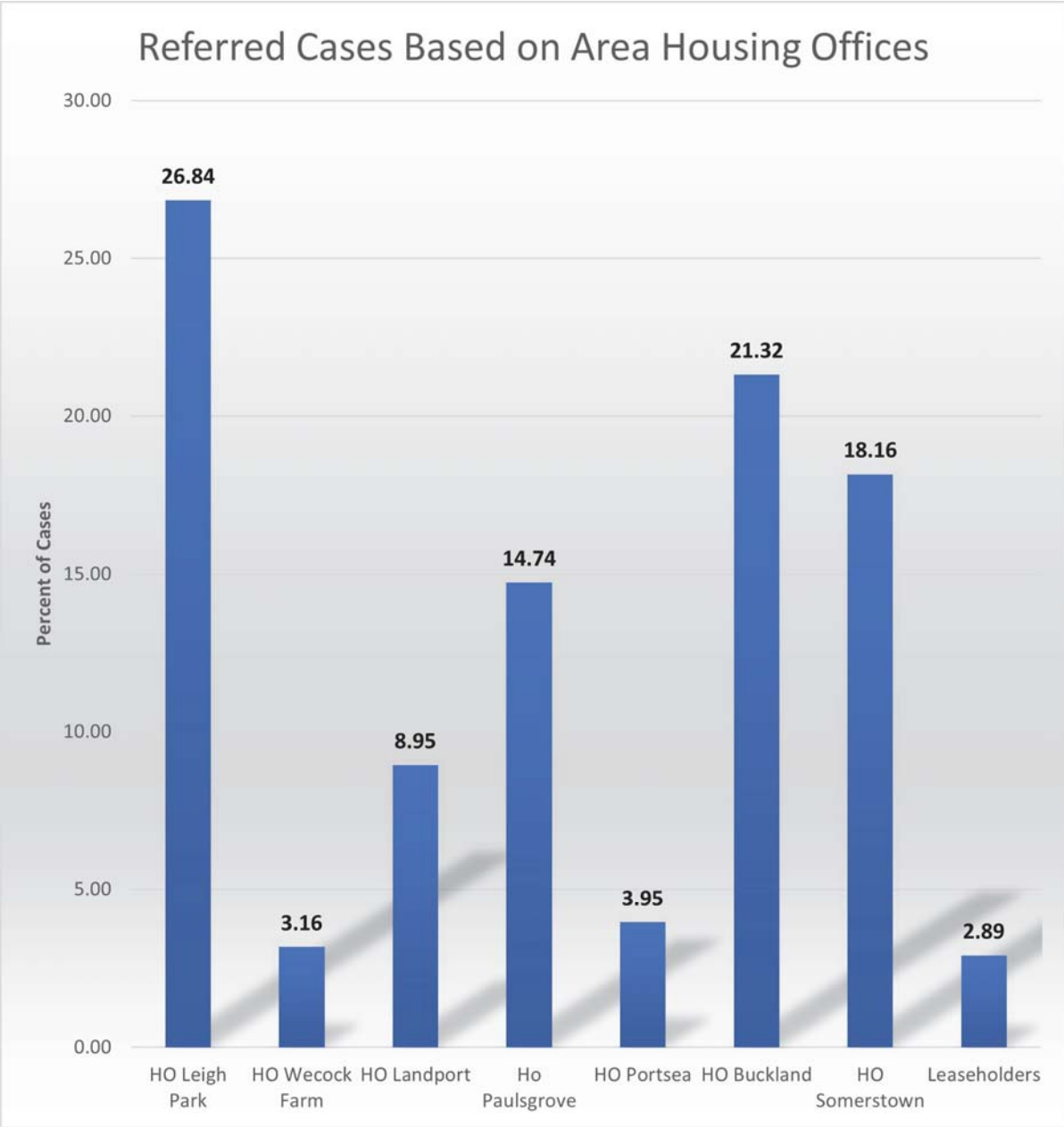
Supported by



Portsmouth
CITY COUNCIL

This last year we have again seen record level of referrals as communities struggled with the isolation and anxiety of the Covid pandemic and the resulting lockdowns and restrictions. The Assessment service received over 350 referrals for neighbourhood conflict and disputes. Below are some graphs that capture some of the story behind this total.





My Social Worker Placement with PMS

"The PMS family has been so supportive of my learning objectives, and everyone was happy to include me and carry me along every step of the way"



Portsmouth Mediation Service has been such a great experience for a first placement as a social work master's student. At first, I was curious to know why I was placed at a mediation service, especially with the misconception that only lawyers are mediators or involved in mediation, however as I struggled to link both services and their benefits to me as a future social worker, I did a bit of research, and I was a little convinced.

Peju receives her birthday cake during the PMS team meeting

Then my practice placement commenced with restorative justice and mediation training. I remember thinking to myself, as John Swindell presented, "how can a company's vision be to transform a whole community into a restorative city?", "how can people be so committed to building and equipping its community with restorative skills that potentially strengthen relationships?". It was at that moment that I got it! Shocking as it may sound, I could see it, right there in that training room, the impact was phenomenal, he had passed it on to us and we became newly birthed advocates of restorative justice. "Doing things in the restorative way as opposed to the retributive way" - this stuck! There was an instant mind shift, and I knew, without a shred of doubt, that all the training and my new skills would be of great value to me throughout my career.

The PMS family has been so supportive of my learning objectives, and everyone was happy to include me and carry me along every step of the way. And while every single person on the team has been extremely helpful Sue especially has been such an amazing co-worker and there was never a dull moment with Steve. I always looked forward to the monthly face-face meetings and catching up with the team. Some say charity begins at home and this team does exemplify everything charity stands for. Peter was right when he said, "there's just something magical about meeting in person!" Well, maybe not in those exact words but something along that line.

I cannot quantify the numerous experiences and opportunities I have had thus far and there have been far too many highlights for me to list and I always seemed to find innovative ways to make a positive impact anywhere I find myself. My background in public relations and advertising

certainly gives me an edge in the social media field and when the opportunity presented itself to help PMS achieve its vision with the integration of social media tools. I was happy to pitch in.

“Creativity is just connecting things. When you ask creative people how they did something, they feel a little guilty because they didn’t do it, they just saw something. It seemed obvious to them after a while.” Steve Jobs

Succeeding in ensuring that PMS's vision becomes a reality is now an objective I would be proud of being part of fulfilling and by implementing the use of social media platforms, I sincerely believe we can reach our target audience within the online space and create a better engagement and connection especially with the younger generation. The goal is also to create antisocial behavioural campaigns amongst many others to bring about positive changes in the community.

I have had an extremely rewarding experience; made great connections and I am truly thankful for the opportunities that PMS has given me thus far.

Adepeju UKACHI

Peju is a social worker student from the University of Portsmouth who has been on a 70-day placement with The Portsmouth Mediation Service. She is pictured third left at the first PMS Face to Face Team meeting after the lifting of Covid restrictions



When the unthinkable becomes Imaginable?

"Our vision of a Restorative City is to equip every person with restorative skills and values, so we create a cultural revolution where "Dialogue is the Default" whenever there is conflict."

For my contribution to the annual report, I have been asked to share something that I presented at our conference this year the title of which was "Restorative City? When the unthinkable becomes imaginable, what do we do next?"



In my lifetime I've seen many things become normal that were once unthinkable, and the process from the unthinkable to normal follows a similar pattern.

Unthinkable... Imaginable... Possible... Actual... Normal.

For instance, I am witnessing that process with self-driving electric cars; in my early years it would have been unthinkable to have such things, but then it became; imaginable (mainly in science fiction, books, or films) that in turn sparked the imagination of some visionary car manufacturers who proved that it could become possible (in theory). It has since become actual (in test facilities), and, if not in my lifetime, certainly in the lifetime of some of you, it will become normal.

In each of those stages it requires visionaries with different skill sets and resources, who will invest themselves in moving the process forwards, overcoming the relevant obstacles that each new stage uncovers.

It also requires a mindset at each stage of the process, to be generous and to hand over what has been learned and developed to others. If you desire to see the unthinkable to become normal you have to have the attitude that says, "I don't mind who gets the credit".

Not so long-ago Steve and I were the only people talking about Portsmouth becoming a "Restorative City", an impossible task for 2 people. Most Restorative Justice practitioners dismissed and criticised the idea, and even some of our partners in PCC cringed when we said "Restorative City" because it was not part of the Political vision at that time.

Now I am happy to say that through partnership and shared vision, we have moved from the unthinkable, it is now imaginable and possible for more and more people, and for many it has become actual in various spheres of city life. So, we are on well on the way, but still have a lot to do before it is Normal throughout the city.

Interestingly I was at the Restorative Justice Council's, conference this year to speak about our Restorative City journey. Previously they would have dismissed the concept of restorative cities, in the way that we perceive restorative cities, but now it became the main focus of the 2-day conference.

Our vision of a Restorative City is to equip every person with restorative skills and values, so we create a cultural revolution where "Dialogue is the Default" whenever there is conflict.

We will never become a fully Restorative City because the population will be constantly changing, but we can reach a position where "Social Compliance" becomes the prime mover from generation to generation.

John Swindell
PMS Restorative Consultant & Trainer



Celebrating 25 Years of Portsmouth Mediation Service

We celebrated 25 years of PMS with a Restorative Conference at The Portsmouth Guildhall on Tuesday November the 30th. The event was a great success and brought together many of our friends and partners from local charities and volunteer groups as well as restorative champions and ambassadors from across the local community.



We were delighted to have Clare Ansell (above right) the CEO of Motiv8 as one of the keynote speakers. Speaking after the event, Clare said. "There are some things that really top up my fairy dust and being in the room with these wonderful people is one of them. Thank you so much



Portsmouth Mediation Service for inviting Motiv8 South along to celebrate your 25-year anniversary and to hear about your vision for a Restorative Portsmouth and beyond. I felt very privileged to have been able to share mine and Motiv8 South's restorative journey thanks to an alliance and friendship formed many years ago"

Left: Clare with Sandra & Becki



Steve Rolls welcomes our guests to the Conference element of the Celebrations.



The directors of Agile, a Business Consultancy Team from The University of Portsmouth who presented their ideas for implementing a restorative culture within the University.



Sue Austin one of our professional mediators and Restorative facilitators gives a moving account of a successful restorative meeting that she facilitated between two primary school boys. She later received a text from one of the boys' mums who said "thank you very much it was such a wonderful intervention and gave me my happy boy back"



Pictured here is Malcolm, Alan (middle) and Alwin from the Portsmouth & District Property Landlords Association (PDPLA) PMS are very thankful for their continued friendship and support

We were delighted to have The Lord Mayor & Lady Mayoress of Portsmouth to help us celebrate – they are pictured cutting the huge PMS cake just prior to the bubbly cork popping and toasts.



With a Special City Wide Event

CELEBRATING 25 Years of Portsmouth Mediation Service

What's New for 2022

**Tuesday Afternoon
30th November 2021** **Admission FREE**

Venue	Lord Mayor's Banqueting Hall, Portsmouth Guildhall
1.30pm	Registration, Lunch & Networking
2.45pm	Restorative Conference with Special Guests
5.00pm	25th Celebration Buffet & Bubbly with The Lord Mayor of Portsmouth

Please reserve your place at
<https://www.eventbrite.co.uk/e/restorative-portsmouth-whats-new-for-2022-tickets-193624144027>

LIMITED TICKETS AVAILABLE

Beginning the Journey of Building Back Restoratively

PMS restorative

RESTORATIVE JUSTICE: THE PEACE AND PROSPERITY OF A RESTORATIVE JOURNEY



A huge privilege for us to have Ray & Vi Donovan as our special guests for the day



Restorative Change Management

When I moved from the United States to England in 2020, I was already well into my doctorate program, and I had to find an organisation to work with to facilitate the completion of my final project. Through a series of conversations and connections I contacted Mr. Steve Rolls who listened to my proposal and welcomed me to work with the PMS team.



I was immediately enthusiastic about PMS' work and the decision to join their team has been rewarding. Steve and I worked together, along with Mr. John Swindell, to find the optimal alignment of my research interests with what would best serve the work of PMS and the Portsmouth community.

Dr Joshua Branthoover at an initial fact-finding meeting with John Swindell

We settled on studying a primary school that had previously received Restorative Practices training through PMS. The study was focused on the knowledge, motivation, and organisational factors that influenced the participants' use of Restorative Practices. The goal was to evaluate strengths and needs associated with the organisation's goals for staff to use Restorative Practices and establish a restorative culture. After data was collected, education and change management elements were used to identify recommendations to help the initial organisation, and other organisations with similar goals, to overcome barriers to establishing a restorative culture.

One of the critical lessons learned is that only providing an initial training on the use of Restorative Practices limits the opportunity to reach the goal of establishing a restorative culture in the absence of additional elements to support the change. Some of the additional elements identified to aid the transition include working with members of the organisation to identify specific challenges and goals for undertaking the change, developing a plan to communicate the

change to vital stakeholders needed for the change to be successful, and providing guidance on modifying internal policies and procedures to align with the restorative framework.

A significant lesson learned is that the skills and confidence to use Restorative Practices may not develop for everyone at the same rate and these skills need to be coached and cultivated. After providing the initial training this can be accomplished through the use of professional learning groups with ongoing periodic training and support for learners to practise Restorative Practice skills through role playing and to learn with and from others in a constructive environment.

These lessons learned and recommendations have been developed into a new initiative for PMS called Restorative Change Management that can be tailored to organisations of any size or type. PMS staff are currently working with an initial primary school and look forward to working with other organisations to help establish a restorative culture through training, guidance, and using change management principles designed to support the change.

This is an exciting journey that PMS is proud to be part of and helps to increase the opportunity for organisations to reach their restorative culture goals.

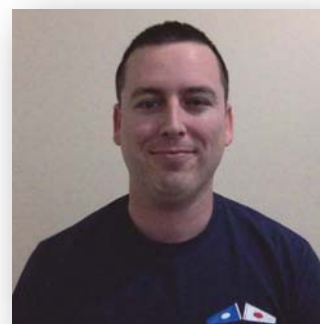
Dr. Joshua Branthoover

About:

Detachment Supervisor - United States Coast Guard/United Kingdom Royal Navy Exchange Program.

Lifelong learner focused on self-awareness, leading with diverse teams, inclusiveness, cultural change, restorative practices, and developing data-driven solutions. 18 years of active-duty service with experience in project planning and management, operational planning, organizational leadership, logistics management, military operations, and command.

My doctoral dissertation is titled Influences on the Use of Restorative Practices in a United Kingdom Junior School: An Evaluation Study.



Family Mediation – from Strength to Strength

“We aim to provide a professional and caring service for our clients. This starts with a family mediator taking initial calls and providing guidance on appropriate next steps. We then support clients through the legal aid assessment process”

We made a big shift in the family mediation service in May 2021 when we started to take on children’s arrangements and finance and property work. This was in addition to the communication support to families already being offered by PMS. The change was triggered by Hilary who completed her family mediation training and starting work towards accreditation and Chloe Evans joining the service as an accredited family mediator.

Together we set up a full family mediation service, creating the policies, templates and processes needed to comply with requirements of our regulatory body the Family Mediation Council

We started to promote the service via our website and by spreading the word through meetings with partners such as Citizen’s Advice.

At this point we were able to take on private cases. Where cases looked likely for legal aid, we would pass them to National Family Mediation (NFM.) Legal Aid is still relatively generous for mediation (a means tests only.) Currently anyone on an income-based benefit is likely to get legal aid which covers all costs.

In 2021 the Ministry of Justice also announced its Mediation Voucher scheme for joint meetings involving arrangements for children, - this was aimed at reducing the number of families in court. The scheme provides £500 per family towards joint meetings. We registered for the scheme and are regularly making applications on behalf of our clients. The scheme has been extended a number of times and looks likely to continue through 2022.

Between April 2021 and March 2022, we had 174 enquiries and were able to help 91 families with mediation. Of these we handled 32 cases within PMS and referred 59 cases to NFM.

In May 2022 we made a change that has positively impacted the PMS case numbers. We set up a Legal Aid Share agreement with NFM which means we can handle legal aid cases ourselves under their contract. In May we had 19 enquiries and were able to help 15 families with mediation within PMS – this equates to almost half of the cases we had in the whole of the last financial year. The legal aid work creates more admin for us, but we are working to make this as efficient as we can. In May we also became an affiliate service of NFM which means that all enquiries from postcodes PO1 to PO6 are passed directly to us. As an affiliate service we benefit from some of the advantages NFM has a national organisation including access to resources and contracts.

We aim to provide a professional and caring service for our clients. This starts with a family mediator taking initial calls and providing guidance on appropriate next steps. We then support clients through the legal aid assessment process. Once clients are in mediation, we aim to provide a professional, friendly, supportive, and restorative approach. Chloe is also trained in child inclusive mediation - this stems from the United Nations’ convention on the rights of the child to have their voice heard. In the mediation process, we offer children a separate meeting which gives them the opportunity to have a voice regarding issues that affect them. This might include

future contact and living arrangements and can help parents make informed decisions about their children's futures.

The number and range of cases over the last year or so enabled Hilary to build the portfolio she needed to apply for full accreditation as a family mediator – and she achieved this in June 2022. During this time Chloe also trained and became accredited as a Professional Practice Consultant allowing her to supervise mediators and trainees.

Looking forwards – we now have a regular caseload of legal aid and private cases, two accredited family mediators, one of whom is a PPC. We are also contributing income to PMS. Our hopes for the next year are to continue helping local families with mediation, reach out to more solicitors, local partners, and organisations to promote our service and potentially start to delivery Continuous Professional Development in areas where we see gaps.

PORTSMOUTH FAMILY MEDIATION SERVICE



Chloe & Hilary
Family Mediators

www.portsmouthmediationservice.org.uk

National Family Mediation

PMS

Telephone 07506 249017

Treasurer's Report

An independent inspection has been carried out by Morris Crocker Chartered Accountants. Please find enclosed separate annual accounts and report.

There are no Trustee interests, and none benefit financially from the service.

The Board of Trustees has continued to retain oversight of financial matters at their monthly meetings, to ensure that the day to day running and longer-term projection of financial resources remain in a sound position.

As Treasurer, I have identified regular monthly outgoings and income in order to have as accurate a picture as possible for the forthcoming year. This has been maintained over the 2021-2022 year, with the service finishing the year in a sound financial position. A similar draft cash flow projection has been prepared and is being used for the forthcoming year.

Our financial position has benefitted from the continuing delivery of Restorative Practice and Mediation training, which is a welcomed source of income generation. Additionally, it has provided support to other localities in their quest to enhance Restorative practice. It is felt by the Board that there is opportunity to develop this further and thereby assist the overall financial picture.

In the financial year reported, PMS has entered year two of their five-year contract to provide assessment services to Portsmouth City Council. This contract continues to be an important source of income for PMS and enables the service to continue to progress its vision and mission statements. This five-year contract, together with the option of a two-year extension is the bed-rock of the service's financial foundation.

From a financial perspective, the service has continued to strive for additional funding, however, this has not been overly successful in the area of bid writing. Although recently a significant contract has been secured locally, that does not fall within the financial year reported. The Trustees recognise that additional support, guidance, expertise in this area would be of significant benefit in both developing a stronger financial position as well as contributing towards its vision statement.

Xero accounting software is now embedded as the tool for managing all financial matters, used by both staff and trustees.

The manner in which staff have embraced working from home has been of significant benefit in managing finances and ensuring that we have been able to make efficiency savings. Our thanks go to Steve Rolls and all the Team for their continuing professionalism in achieving this.

Phil Winchester
Trustee & Treasurer



Private Rental Sector Mediation Pilot for Portsmouth

Portsmouth Mediation Service (PMS) has over the past year collaborated with Portsmouth City Council and other stakeholders, on a pilot project to pioneer a new Restorative Service for Landlords and Tenants that get caught up with disputes and disagreements. Below we reproduce the main part of the report made to Council on the 22nd of March 2022

1. Purpose of report

1.1. The purpose of the report is to present an update on the Private Rental Sector mediation service pilot and to seek approval for an extension of the pilot until 31 March 2023.

1.2. The report provides the number of referrals to the pilot to date. The report also sets out the cost of the scheme to date.

2. Recommendations

2.1. That the Cabinet Member for Housing and Preventing Homelessness notes the referral information and approves an extension of the mediation pilot until 31 March 2023.

2.2. That the extension of the pilot is funded from the Homeless Prevention Grant in the sum of £10,000 for 2022/23.

2.3. That councillors are given the information they need to promote the pilot service to their constituents.

2.4. That officers arrange for the extension to the pilot to be publicised via social and other media channels and local representative groups including the Portsmouth & District Private Landlords Association (PDPLA).

3. Background

3.1. Mediation is an established process where an independent and neutral person helps people in dispute to work together find an agreement that works for both. In the context of the private rental sector the process aims to assist tenants and landlords to come to a shared understanding of their differences so that they can resolve issues. It can sometimes be difficult to sort out problems with private tenancies and using legal processes to solve these problems can be a long and expensive process and can result in unnecessary evictions and homelessness. It may be more appropriate to look at another way of solving problems in these cases such as mediation.

3.2. The Private Rental Sector (PRS) Strategy for Portsmouth 2021-2026 (Part 1) includes an action to create a mediation service between landlords/agents & tenants in the city. Action 2: Create a mediation service between landlords and tenants to help improve security of tenure. This may include a 'private sector housing court'. (76% of private renters compared to 65% of landlords who took part in the PRS strategy consultation survey (2020) gave a 72% rating of high or very high priority in support of this action).

3.3. The PRS strategy was approved by the Cabinet Member for Housing and Preventing Homelessness on 25 January 2021.

3.4. In May 2021, having taken views from the PDPLA, and the Portsmouth Mediation Service (PMS), officers proposed a pilot mediation scheme, using one-off funding

provided by the Department for Levelling Up, Housing & Communities (DLUHC)'s Rough Sleeping Initiative funding for 2021/22. The aim was to measure the effectiveness and impact of a landlord and tenant self-referral mediation scheme, and to prevent homelessness and rough sleeping by reducing the number of evictions from the private rental sector.

3.5. It was further recommended that the PMS was used as the body to deliver the pilot as they are an established agency in the city and have already worked with the city council's Local Authority Housing service to deliver mediated solutions for council tenant disputes.

3.6. The pilot began in July 2021 and during July and August 2021 officers met regularly with the PMS to assess the progress of the scheme. As a result of these discussions it became clear that more time was needed to test the effectiveness of the pilot as initial referrals were low. An extension was approved until 31 December 2021 or until funding ended. The funding is such that the pilot can continue until the end of the March 2022.

4. Referrals to the scheme

4.1. Since the start of the pilot the PMS has dealt with 27 cases. These have been a mixture of city council, landlord, stakeholder (Portsmouth Hive/Citizens Advice Bureau) and direct tenant referrals. There were a further two cases when contact was made but the tenant did not wish to take up the offer of mediation.

4.2. In the early stages of the pilot typical referrals were at an advanced stage of dispute and, in some cases, a Section 21 eviction notice had already been served. However, as the pilot scheme has become more established referrals have been received at a much earlier stage of disputes. This has provided the mediators with greater opportunities to engage with both parties.

4.3. Most referrals have been about a breakdown of communication between landlord and tenant and the team were able to bring the parties together in the majority of these cases. In other cases, shuttle mediation has been used with the mediator acting as a conduit between the parties. This is particularly useful when there is a high level of emotion or stress.

4.4. Of the 27 referrals, 21 have been completed and 6 are ongoing. Of those 21 completed cases, the outcomes are as follows:

4.4.1. 15 have resulted in a positive outcome for the parties involved. These breakdown as follows.

4.4.1.1. In 3 of these cases the intervention prevented the tenant from becoming homeless through eviction.

4.4.1.2. 4 cases where the tenant has moved to a new home without eviction proceedings

4.4.1.3. 1 case where behaviour in the home had been addressed.

4.4.1.4. The remaining 7 cases resulted in improved understanding and communication between landlords/agents and tenants.

4.4.2. Of the six completed that did not result in a positive outcome, this is because either the parties did not wish to proceed, or an amicable resolution was not possible. In one of these cases, the landlord proceeded with obtaining possession.

4.5. The six ongoing cases are progressing, but outcomes for these cases are not available at this point.

4.6. The cost of the pilot to date is £3,520. This equates to an indicative cost of £130 per case.

4.7. Although the pilot appears to have been successful, the scheme has not received enough use, or been given enough time, to fully identify the demand and outcomes

from its work. Therefore, there is a desire for the pilot to continue into FY 2022/23.

4.8. To fund the continuation of the pilot, it is proposed that up to £10,000 of funding from the Homelessness Prevention Grant is allocated. At current costs this would fund approximately 75 cases. As the costs will be demand led it is difficult to predict the full amount to be spent, or if further funding is needed. Officers will monitor this service and consider allocating further grant if the service proves to be successful, pending a formal decision on the continued nature of the scheme.

4.9. If as result of a successful pilot it is identified that further financial resources are required a report will be brought back for decision that sets out the initiative, the costs associated with it and a funding source.

5. Approach

5.1. The PMS offers mediation through the use of restorative practice and as the pilot has developed a clear pathway has been emerging with a 'twin track' approach.

5.1.1. Track one: Building the capacity in the PRS to use restorative practice to tackle disputes early. This has been facilitated by a series of training sessions initially provided to landlords/agents but are also being offered to tenants and stakeholders.

5.1.2. There are two potential outcomes to track one. Firstly, to enable tenants & landlords to avoid even having to use mediation in the first place. And secondly to enable both parties to be able to make a good referral. Future potential developments could also include inserting a 'restorative paragraph' in tenancy agreements.

5.1.3. Track two: Dealing with direct referrals from agencies, landlords and tenants as set out in section 4 of this report.

6. Reasons for recommendations

6.1. That officers can examine financial models for the service. This to include seeking to identify a self-funding or cost neutral solution.

6.2. That officers investigate the potential of this work being integrated into an accreditation scheme for landlords and agents in the city. Including having discussions with the PDPLA and others.

6.3. That officers can obtain accurate data on the success or otherwise of the pilot scheme. It has become apparent that the pilot has not been running for long enough for this to be possible so far. Experience has shown that in some cases it can take up to three months to get the parties to talk to each other.

6.4. Data and measures that officers would seek to obtain include:

6.4.1. The number of evictions prevented

6.4.2. The number of tenants that accepted or declined the service

6.4.3. The number of evictions that occurred even after this intervention (and whether eviction was ever considered by the landlord, or if it was never a likely outcome)

6.4.4. How many cases of disrepair were resolved between landlord & tenant without escalation to the city council's Private Sector Housing team

6.4.5. The growth in referrals over the period of the pilot

6.4.6. Participation by landlords

6.4.7. Financial analysis per case

6.4.8. The appetite for the service considering eviction cases emerging post pandemic

6.4.9. The breakdown of cases to assess impact

7. Integrated impact assessment

7.1. An Integrated Impact Assessment can be found at Appendix 1.

8. Legal implications

8.1. Mediation is a mainstream arm of legal practice often being a mandatory requirement prior to being able to institute proceedings before a Court of Tribunal. Mediation is something that a judge will always expect to have been considered and initiated whether by way of voluntary scheme or direction. The fact that PCC has a process in place has the adjunctive benefit of lessening the impact of eviction upon PCC in the sense of avoiding a potential homelessness housing requirement and additionally means that landlords and tenants have an alternative avenue to consider without recourse to proceedings with the problems of cost and uncertainty that come with any Court or Tribunal case. A mediated settlement is very much less likely to fail as opposed to a Court or Tribunal imposed solution.

9. Director of Finance's comments

9.1 The recommendation within this report extends the mediation pilot until 31 March 2023, the cost of this will be met by allocating up to £10,000 of available funding from the Homelessness Prevention Grant.

9.2 The service is demand led and this budget would fund approximately 75 cases. Additional funding would need to be identified, if the service proves to be successful and the original allocation is not sufficient.

9.3 As a result of a successful pilot, a report will be brought back that sets out the costs associated with running the service, a funding source will be identified.



Steve & Sue pictured here promoting the pilot at a Portsmouth & District Property Landlords Association (PDPLA) Event. The PDPLA have been very supportive of this new initiative.

Portsmouth Mediation Service

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