

FMC Working Group on Child-Inclusive Mediation

Introduction and background

Many young people experiencing parental separation/divorce and its major impact on their lives may feel angry and frustrated that adults seem to spend so much time talking about the need for children to be listened to (Article 12 of the UNCRC 1989), yet appear to do little about it in practice. The Mediation Task Force reported that although nearly 400 mediators were registered with the FMC in 2014 as qualified to offer direct consultation with children, very few children and young people had an actual opportunity to be heard during the mediation process. The evidence showed that hearing children's voices was a minority activity.

It was the need for action, rather than words, that led to a small group of family mediators and trainers being invited early in 2016 to discuss requirements and competencies for direct child consultation/child-Inclusive mediation (DCC/CIM). CIM trainers with FMA, NFM and Resolution were invited in a personal capacity, not as MO representatives, and the group included Dominic Raeside, co-chair of the Voice of the Child sub-group on competencies for DCC/CIM. It was suggested that, pending the FMC/FMSB setting new national standards 'we could usefully work together to encourage greater consistency among MOs, both in their training and practice'. A draft list of requirements and conditions for CIM (a 'Checklist') was circulated for discussion at the first meeting on 23 February 2016, held at Flip, and subsequently agreed. Also in February 2016, the FMC asked Dominic to draft an action plan on the recommendations of the Voice of the Child Group's Final Report. This led to Dominic asking Lisa Parkinson, convenor of the informal CIM working group, to co-ordinate a CIM trainers' group on CIM training and competencies for practice. CIM trainers from the College of Mediators, FMA, NFM and Resolution were invited to the 2nd meeting of the working group held on 5 July 2016. The meeting was preceded by online consultation and just prior to this meeting, Helen Anthony, FMC Chief Executive, asked Lisa whether the group would be willing to work formally with and for the FMC on competencies for child-inclusive mediation.

The group accepted the FMC's request and considered first of all whether CIM training should teach a single, standard model of CIM, as used in Australia, or cover a range of different ways of including children and young people in the mediation process. The remit of the Voice of the Child Group was very wide, including child consultation by non-mediators. The CIM group decided to focus on CIM processes in which parents taking part in mediation would be offered a range of options, including an opportunity for their child or children to meet either with the mediator or with a different mediator or with co-mediators. While there is a considerable amount of literature on the 'Australian model' developed by McIntosh and colleagues, in which a trained child counsellor or child therapist meets with the child alone and provides feedback to parents and the mediator in a subsequent mediation session, there has been little research on child-inclusive mediation undertaken by a mediator. Yet when parents are offered a choice of approaches, they are likely to opt for the mediator they already know and trust. Children also say they find it easier to talk to someone who is accepted by both their parents and who already knows their family situation. A child who feels nervous and anxious is then less worried about explaining their situation to a stranger. On the other hand, extending the mediator's role to include direct conversations with children and young people raises many issues, including safeguarding and child protection, the additional knowledge and competencies required by CIM mediators, approval of CIM training courses, assessment of CIM competencies and questions of neutrality and power imbalance.

Members of the CIM working group agreed that, while some flexibility is desirable, CIM training and practice should be based on fundamental principles and adhere to national requirements and standards. Different members of the group undertook to work on different aspects.

Members of the Family Justice Young People's Board were invited to comment on our draft papers and they provided positive feedback: *'I especially like the emphasis on parents or guardians not being able to ask*

children what was discussed or tell them to say anything because I think that's very important' (FJYPB member).

The product of our series of meetings generously hosted by FliP, which also involved a considerable amount of work by members of the group between meetings, is contained in the following four papers :-

Paper 1 CIM Principles and Requirements

Paper 2 Competencies for Child-inclusive Mediators and suggested methods of assessment

Paper 3 Requirements for Course Providers

Paper 4 Transitional and ongoing professional development requirements for mediators and PPCs in relation to child inclusive mediation.

One of our key recommendations (Papers 1 and 4) is that all non-CIM trained mediators should be required to take an FMC-recognised one day introductory course on CIM that covers explaining CIM to parents/carers, considering and exploring its suitability and potential benefits, providing information on available options and resources (FMC Standards Manual C1, C4 and C5) and actively encouraging parents/carers to make this opportunity available to their children.

Members of the CIM Working Group (attending in a personal capacity)

Lisa Parkinson, Convenor

Lesley Allport

Lorraine Bramwell

Juliette Dalrymple

Jenny Haslam

Angela Lake-Carroll

Jackie Norton

Margaret Pendlebury

Dominic Raeside

Ruth Smallacombe

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