

## **PAPER 2: COMPETENCIES FOR CHILD INCLUSIVE MEDIATORS**

This paper sets out the competencies required of FMCA mediators who wish to train, qualify and practice in direct work with children as part of a dispute resolution process. Training Providers must ensure that their programmes allow delegates to be assessed against these competencies. They fall into two categories which are further divided into sub sections:

**CATEGORY A - Knowledge:** must know and understand

1. Theoretical knowledge
2. Legal knowledge
3. Understanding and Application of the Process

**CATEGORY B - Performance/Skills:** must be able to demonstrate/evidence.

4. Working with Parents
5. Meeting with Children and Young People

### **GUIDANCE FOR EVIDENCING COMPETENCIES**

Mediators training to work with children directly in mediation can be assessed through a variety of methods at the discretion of the training provider. Assessment can be through pre-course, on course and post course work. Assessment methods can include, but are not restricted to: written assignments, on course participative exercises, evaluative accounts and skills demonstration through role play. Some possible samples are outlined in the right-hand column of the tables below.

<b>A1 THEORETICAL KNOWLEDGE</b> <b>CIM Mediators must have knowledge of:</b>	<b>SUGGESTED ASSESSMENT METHODS</b>
1.a Relevant theoretical frameworks such as <ul style="list-style-type: none"> <li>- Family systems theory and working with sibling groups</li> <li>- Attachment theory</li> <li>- Child development theory (physical, cognitive, moral development)</li> <li>- Risks and resilience theory</li> </ul>	<ul style="list-style-type: none"> <li>• Pre-course assignments based on directed reading</li> </ul>
1.b Core Research into the effects of divorce and separation on children, the significance of their involvement in decision making and models of Child Inclusive Mediation Practice	<ul style="list-style-type: none"> <li>• Pre / post course written assignment</li> </ul>
1.c The potential effect of power imbalance between parents and children in Child Inclusive Mediation Practice	<ul style="list-style-type: none"> <li>• Participative exercises on course</li> </ul>
1.d The range of communication and behaviours that may result from culture, age, gender, ability, additional needs, racial or religious diversity and how to respond to these.	
<b>A2 LEGAL KNOWLEDGE</b> <b>CIM Mediators must have knowledge of:</b>	<b>SUGGESTED ASSESSMENT METHODS</b>
2.a Relevant law and legislation in private law children’s matters	<ul style="list-style-type: none"> <li>• Pre-course assignments based on directed reading</li> </ul>
2.b Relevant legislation in relation to <ul style="list-style-type: none"> <li>- the child and young person’s right to be heard (including Art. 12 UNCRC)</li> <li>- equality and inclusion</li> <li>- the rights of children and young people</li> </ul>	<ul style="list-style-type: none"> <li>• Post course written assignment which could cover                             <ul style="list-style-type: none"> <li>- responsibilities and limitations of the mediator role</li> <li>- safeguarding issues</li> </ul> </li> </ul>
2.c The legislation and statutory requirements relating to: safeguarding and ‘Working Together’; principles and practice in relation to Domestic Abuse/Violence	

<b>A3 UNDERSTANDING AND APPLICATION OF PROCESS</b> <b>CIM Mediators must have an understanding of:</b>	<b>SUGGESTED ASSESSMENT METHODS</b>
<p>3.a The Definition, Principles and Requirements of Child Inclusive Mediation as set out in Paper 1 accompanying this document</p>	<ul style="list-style-type: none"> <li>• Post course assignments that could cover                             <ul style="list-style-type: none"> <li>- Case write ups</li> <li>- Examination of differences between CIM mediator role and child consultant role and /or other professionals within the family justice system</li> </ul> </li> <li>• On course presentation (Final day after a practice period)</li> </ul>
<p>3.b The CIM process including a range of practice models</p>	
<p>3.c The location of mediation and CIM within Dispute Resolution and its relationship with other family justice agencies e.g. CAFCASS/guardian ad litem/children’s services/child psychotherapists and other agencies and professionals</p>	
<p>3.d The principles and practice of anti-discrimination and inclusion for working with children and young people and the relevant policies relating to this.</p>	
<p>3.e The procedures and documents required for the recording of issues related to children and young people’s views</p>	
<p>3.f The principle of confidentiality and its application in relation to younger and older children, the parents and the mediator</p>	

<b>B4 PERFORMANCE SKILLS: WORKING WITH PARENTS /CARERS</b> <b>CIM Mediators must be able to demonstrate an ability to:</b>	<b>SUGGESTED ASSESSMENT METHODS</b>
4.a Explain the process of CIM to parents, identify indicators and contra-indicators, and consider the appropriateness of CIM	<ul style="list-style-type: none"> <li>• Assessed role play on course to cover:                             <ul style="list-style-type: none"> <li>- information giving about the process including the principles of voluntariness and confidentiality</li> <li>- preparing parents for the process (especially openness to hearing 'bad news')</li> <li>- agreeing the best ways to approach the child / young person</li> <li>- agreeing the best approach to working with siblings</li> </ul> </li> </ul>
4.b Identify an appropriate model, and plan and agree a structure with parents, taking into account the child or young person's needs.	
4.c Obtain the informed consent of parents in accordance with the principles set out in Paper 1	
4.d Work in partnership with a co-mediator or other professionals as appropriate	
4.e Following a meeting with a child or young person, refocus parents on co-operative decision-making, considering any feedback from their children	
4.f Consider with parents, and if necessary provide further feedback and support to children and young people regarding parental responses or decisions made.	

<b>B5 PERFORMANCE SKILLS: MEETING WITH CHILDREN / YOUNG PEOPLE</b> <b>CIM Mediators must be able to demonstrate an ability to:</b>	<b>SUGGESTED ASSESSMENT METHODS</b>
5.a Identify and plan for the most appropriate approach to work directly with the child, young person and sibling groups	<ul style="list-style-type: none"> <li>• Assessed role plays on course to cover:                             <ul style="list-style-type: none"> <li>- Meeting with a child or young person</li> <li>- Explaining confidentiality + exceptions</li> <li>- Actively listening to their views</li> <li>- Respond to concerns with appropriate information</li> <li>- Signpost to support available</li> <li>- Agreeing with them any feedback they may wish to give their parents, how best to frame this and how best / who to deliver it</li> <li>- Considering with them the best way to raise any concerns they may have with their parents</li> <li>- Delivering feedback to parents</li> </ul> </li> <li>• On course design of leaflets / invites for various age groups</li> <li>• Post course write up of cases conducted</li> <li>• Post course compilation of local and national resources</li> </ul>
5.b Engage empathically with the child or young person, create a safe, friendly environment and utilise the most appropriate means to create an age appropriate relationship, including the use of books, toys and other resources	
5.c Explain the CIM process to children sensitively and appropriately including: <ul style="list-style-type: none"> <li>- providing age appropriate explanations of principles of confidentiality, privacy and any exceptions</li> <li>- explaining the options for giving feedback to their parents</li> <li>- negotiating and agreeing what will be part of the feedback process</li> <li>- obtaining the informed consent of the child / young person</li> </ul>	
5.d Communicate with a child or young person, actively listen to their views, respond appropriately and have an awareness of the potential impact on the child	
5.e Work with diverse needs to take account of any factors concerning cultural background, age, gender, ability, racial or religious considerations	
5.f Provide age appropriate information to children and young people: <ul style="list-style-type: none"> <li>- in relation to the effects of family separation, transition and change</li> <li>- sources of help and support</li> <li>- signposting to other resources</li> </ul>	

5.g Support children and young people to consider what they want their parents to hear and understand, and think about possible outcomes	
5.h Explore with children and young people any concerns about feedback to their parents and assist them to consider the ways in which a difficult message can be communicated while ensuring that they are aware of their right to confidentiality (except in relation to harm)	
5.i Support the child or young person to decide the feedback they want to give and undertake to ensure that this is given without interpretation	
5.j Support the child or young person to communicate with their parents in person where appropriate	