

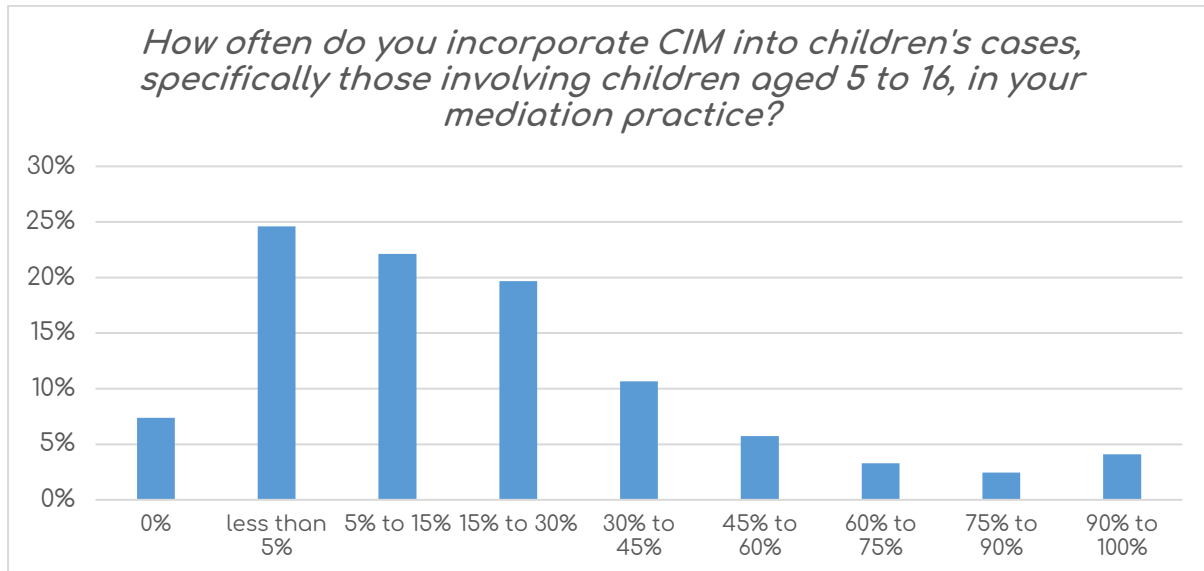
The Mediators Conference: The Child's Voice

What did we learn?

We learned that overall, not enough mediation takes place with the voice of the child being heard. We also learned that as a profession we can all do so much more to help enable and empower the voice of the child in what we do.

At the start of the day, the attendees were asked: How often do you incorporate CIM into children's cases, specifically those involving children aged 5 to 16, in your mediation practice?

With 122 responses, it was interesting to see that 7% never include CIM in their processes and over 54% of mediators saw less than 15% of children. There was also a notable number of mediators who do aim to see children in over 90% of their cases.



As a profession, we must ask ourselves if this is good enough?

During the day, a number of recurring themes emerged across the speakers and in the discussion-based session. Below, we have summarized many of these themes separately:

The way we communicate with young people needs to be improved.

The first speaker of the day, Lisa from the Family Justice Young People's Board, made us all realize that we must look not only at when we talk to young people but how we incorporate their needs into the ways we run our services and how we communicate with both parents and children. This communication is not just focused on the spoken word, but also in areas such as the drafting of letters,

website content, and how we use tools to support parents to adopt a CIM approach. Lisa set out some challenges for us all; she asked us to look at what we do, and how we do it from the eyes of the child. As a mediation provider, we will be reviewing each of these areas and amending our practice accordingly. For example, we will be looking to create a dedicated section of our website for young people; this will be written for them in a style that is accessible to them.

The FJYPB Challenge

Area	Challenge	What you are doing	What we will you be doing
Child friendly information and resources	Think about what resources are being shared with children and young people.		
	The information needs to explain what mediation is, how it works, whys my family needs it and what will happen.		
	What information do you have on your website?		
	Do you understand how children and young people would like us to communicate with them ?		
	Is the language used clear and understandable for children of all ages		
More involvement	How can you overcome the challenges of parental consent?		
	What needs to change to encourage more parents to give their consent?		
Feedback	Do you get feedback from the families that use your service, how often is it collated and what do you do with it?		
	How does the feedback shape your practice?		

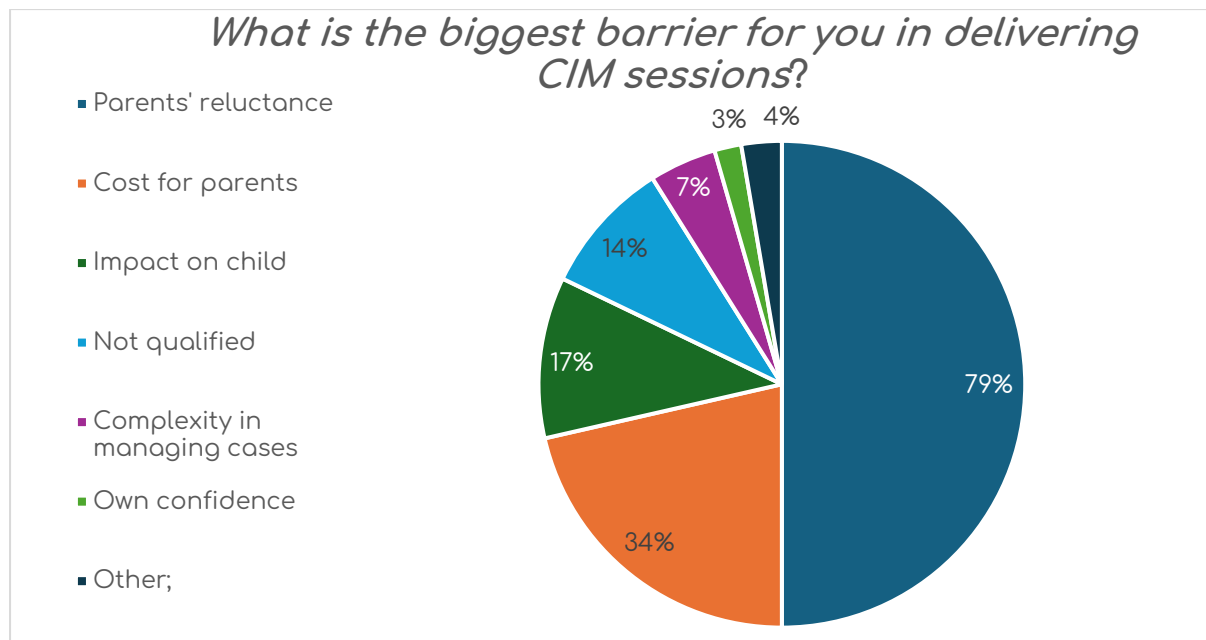
These challenges were further emphasized by Helen Adam through the results of the Child's Right To Matter report. The report identified that young people don't always know they have a right to have their voice heard or who to speak to about this. Further work in this area identified that children look towards their school for help, but teachers seldom know about mediation and how it works.

Who Champions the Child

Helen Adam highlighted the glaring gap in support, advocacy, and leadership regarding the voice of the child affected by separation. The Family Solutions Group's recent report into Every Child's Right to Matter emphasised that while lip service is given to the issue, no government department takes responsibility. Without this leadership and advocacy, government policy fails to take into account the voice of the child when setting political policy. This leaves us with a crucial question; what role should we as mediators take in leading this advocacy?

Barriers to CIM Uptake

One area of constant discussion throughout the day was the number of barriers mediators face when trying to support cases into CIM. The following graph highlights the mediators' perceived barriers:



From the 71 respondents, 41 felt there was only one barrier to CIM, while 21 felt there are two. Only 8 felt there were more than 2. This generated a total of 112 responses.

79% of respondents took the view that parental consent was the biggest barrier, with 34% viewing the cost of CIM as the biggest barrier. At the other end of the scale only 3% took the view it was personal confidence and 7% felt it was the complexity in managing cases.

It should be noted that 14% of attendees viewed that the biggest barrier for them was not being qualified to carry out CIM work, therefore the question must be asked, should CIM be part of the accreditation process for mediators?

Parental consent is the biggest barrier to the delivery of CIM.

This was an issue picked up in most of the talks. Claire Molyneux explored Article 12, UN Convention on the Rights of the Child, which clearly provides a child with

the right for their voice to be heard, and this provides a platform for which organizations must create policy. The requirement to provide parental consent derives from the CIM standards as set out by the Family Mediation Council. If this requirement for parental consent were to be removed, it would likely lead to the mediation process failing in totality for the family. Therefore, parents must continue to have this right!

A lot of discussion was had about why parents might use their power to say no. Helen Adam explained that in her practice parents are given clear guidance that CIM is the expected 'norm' for all cases. The use of positive messaging, clarity, and an opt-out process rather than an opt-in, is likely to lead to far greater uptake by parents. Sarah Parsons told us that all children in court requiring a Section 7 report would be spoken to by a family court adviser from CAFCASS. This knowledge is very helpful for mediators to use when speaking to parents.

There was a lot of discussion around the tools and resources that are available to help parents not only to better understand CIM but to engage positively in it. A large number of resources were discussed and there was an agreed need to have better access to these for mediators.

How we fund CIM sessions, especially for those on the lowest income levels.

Funding of CIM was identified as a barrier for many. Mediation which includes CIM takes longer to mediate and as such adds a financial burden on the parents or on the legal aid provider if the client is publicly funded. The cost of CIM was one issue not covered in the day but does deserve some proper analysis.

CIM Impact on Children

While this was cited in 17% of cases as the barrier to CIM for mediators it was further discussed in detail by Dr. Freda Gardner and Sarah Parsons. In both their presentations, the view of the speakers was that in many cases the risks of *not* doing CIM for the child outweigh the potential risks involved in carrying it out.

For example, Sarah identified that for cases where the family has issues of domestic abuse or there are high levels of conflict between the parents then it was viewed by CAFCASS as more important to undertake child meetings. This gives the professional the chance to ensure that the child feels safe and secure in their home and family.

Dr. Gardner explored the issue from the child's point of view and it was clear that some practices we take for granted need to be reviewed. For example, while agreeing between parents issues such as having the child's possessions in each parent's home it is important to focus on the fact that these possessions belong to the child and not the parents. Dr. Gardner went on to explore how these items help to 'form the person' and that having to have separate items in each home can lead to the child having multiple personas as they move between parents.

Carley Norris started one of the afternoon sessions by asking the question: *"do we manage risk or suppress opportunity?"*

Putting This into Practice:

The afternoon was dedicated to putting the lessons from the morning into practice. Expert speakers started various topics of discussion within the groups of attendees. The speakers explained how they tend to approach CIM and then opened up the topic to the groups, encouraging questions, observations, and the sharing of experiences from practice. Due to the nature of the sessions, no formal analysis has been made of these sessions. Please take the time to watch the recordings to follow the discussions, think about how you carry out CIM and consider accepting some of the above challenges to analyse and improve your own practice.

Lesley Allport Sums Up:

Lesley was asked to summarise the day and its relationship to the CIM standards and the ongoing work being done in this area by the FMC Standards Board. This is her summation in full:

"I'll just add to what everyone's been saying about how valuable it is to hear from lots of different perspectives this morning and then from a practitioner perspective this afternoon.

The Standards Board I think, it's fair to say, know there are issues that need to be addressed around child inclusive mediation. I think the whole aspects of positioning and child inclusive mediation within the family justice system needs consideration. Sarah Parsons talking about building relationships between CAFCAS and courts, and mediators. That's absolutely got to be a conversation that we get engaged in and really start to focus on.

But I think, wider than that Helen Adams, her comments really struck me in terms of the need for us to be able to offer what we do, not just within the family justice system, but in terms of creating a space for conversations for separating families. And, and it strikes me that that much broader application of mediation brings about some really interesting questions, like the issue of consent, and whether there is an arena that we could operate whereby children young people can approach mediation, in a sense, it turns everything upside down. Parents are applying group as it stands at the moment. But there was a really clear message from the FJYPB, saying, Why do we have to rely on our parents' consent if we actually want to talk to a mediator? That's a really challenging question for us, but I think it's one that we really need to try and think about.

So perhaps that sits more comfortably with Helens idea of really trying to create a space for conversations for separating families out with the justice system. I thought that what a brilliant place to start with a presentation from the FYJB board and just some uncomplicated messages for us to take away from that about how we can improve the experience and things like how we introduce ourselves. I hadn't thought of putting a photo on my invitation letter. I'll try and dig out one that's not too scary. But But I think that's a great idea.

And I think like closure, and I've often felt that what we're doing with child inclusive mediation is opening a door. But that we don't really give enough attention to

how we bring closure to that experience and how parents, children and young people are involved in that.

So I think those things mean, we could really go back to the standards that were drawn up about six years ago now. Look at them with some fresh insight. Certainly it's a changed world since 2017. We are operating in a very different environment now.

So there's a need just from that perspective, some of us are mostly working online. And then that's how we do that effectively with children and young people, but also, just in the process of challenges in mediation that we're using. We're getting ideas about how we could do that more effectively. And Sarah Parsons from CAFCAS was also giving us I think some really good thinking points about processes that we could use, tools that we could use and all the research that is coming out on this. There's some really useful information out there.

And I think maybe the last thing that I wanted to pick up on was about practitioner competence. And that's one of the barriers that's identified in the Exeter research, and a lot of our discussions this afternoon, kind of point to why. As practitioners we might not be confident or things that we might worry about whether you're engaging in this work, but at the same time, there's been so much enthusiasm for meeting with children. I think what it means is that we need to look at training. Again, I don't mean just the full foundation training. But building the training that we've built into foundation training, which doesn't necessarily mean that people would be coming out and meeting with children straightaway, but I think that we can build much more into our foundation training and this whole area, and just giving people confidence to talk about.

Dr Freda Gardener talks about how we don't have to be a clinical psychologist or, or highly trained in order to be able to have these conversations with people, with children, young people. And I think that we should all bear that in mind that these are conversations. They're not high-level interventions, and we have the skills to have those conversations. I thought that what she was saying holds a lot of encouragement for us as mediators.

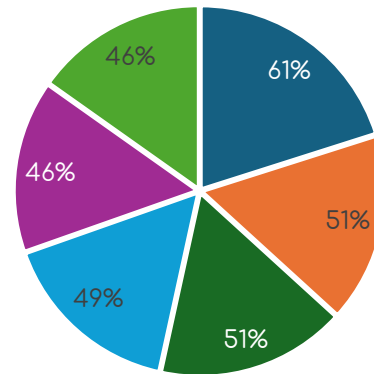
So, I think there's a lot for us to take away from today. To take back to the Standards Board and to really be able to think about engaging in bigger conversations about some of the issues that are today."

What will we do?

Following the conclusion of the conference, a pivotal moment arose as mediators participated in a poll to gauge their intended actions. This poll served as a crucial indicator of the collective commitment and proactive stance of the mediation community towards advancing child-inclusive mediation practices.

How do you plan to enhance or modify your approach in your practice?

- Revising the method of inviting children to participate in CIM sessions.
- Increase confidence in communication with parents.
- Enhancing the way you deliver feedback to children.
- Gather feedback from the child.
- Effectively communicating the value of CIM to partners and stakeholders.
- Introducing CIM to a younger demographic, tailoring the approach to better suit their developmental stage and needs.



All 67 mediators confirmed they will take action. The favoured approach will be with regard to how children will be invited to take part in CIM. For example, they will be looking to make the invites more child-focused and incorporate photos of the mediator to help reduce the stress for the child. 51% will look at increasing how confident they are when talking to parents about CIM.

One element of the Lundy model for child consultation that is not incorporated into CIM is feeding back to children how their information has been used. It is pleasing to see that over half of attendees (51%) will explore how they incorporate a feedback loop to the child. In addition, 49% of mediators vowed to incorporate the voice of the child in feedback. If those mediators are able to put these changes into practice we should really start to see children becoming an integrated part of the mediation process.

46% of mediators stated that they plan to offer CIM to younger children. The current FMC standards differentiate between a child over 10 and under 10. While they don't stop a child under 10 from taking part, the messaging is not as supportive as it could be, and as such, mediators have defaulted to seeing only children over 10 in many practices. The move for mediators to start to incorporate CIM for children younger than 10 is a step in the right direction. Increased support and training may be needed for mediators in how to manage sessions with these younger children.

These steps are all positive for children and separating parents. We as practice managers and mediators now have the task of ensuring that these actions actually happen.

Over to You

So, we end this report by reminding everyone of the need to look at ways in which each of us can amplify the voice of the child in what we do. 67 of the Mediators who attended made a solemn commitment to enhance and change how they deliver CIM following the conference; making the commitment is easy, but now each of us must work out how to deliver it.