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North East Lincolnshire Council

Conflict Resolution and Mediation Service

Updated by: FGC Manager

Date 2024

FAMILY GROUP

CONFERENCE SERVICE

Conflict Resolution and Mediation Policy

North East Lincolnshire

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Family Group Conference / Mediation Service

Conflict Resolution and Mediation Policy

**SCOPE OF THIS POLICY**

This policy sets out the role of the Family Group Conference Conflict Resolution and Mediation Service, its criteria and referral process.

**RELATED POLICIES**

Family Group Conference Policy and Standards 2024

Family Group Conference Lifelong Links Policy and Standards 2024

**RELEVANT GUIDANCE**

Training completed through National Family Mediation - https://www.nfm.org.uk/

**1. Introduction**

North East Lincolnshire Council’s Children’s Services are committed to encouraging harmonious relationships between family members before situations escalate or families find themselves in crisis. Where disputes or conflicts do arise, early and effective resolution supports a family’s wellbeing. We aim to empower families and to acknowledge and respect their strengths. This process leads to a meeting in which a child or young person and/or the wider family and friend’s network can come together within a supportive environment to resolve conflict and reach an agreement on how they can collectively ensure that the child/young person is safe, and his/her wellbeing is being promoted.

Staff have undertaken bespoke family mediation skills training delivered by the National Family Mediation Service. This aims to support the early, local resolution of family conflicts, breakdown of relationships and difficult relationship dynamics between family members who, if resolved, would be able to provide support as part of the extended wider network in safety planning for those children who are open to children’s services. It may also be used as a (voluntary) process to encourage reconciliation in relationships as a preventative step to families escalating to step-up levels of children’s services.

**2**. **What is Mediation?**

**2.1** Mediation is an effective tool in facilitating dispute resolution and positive outcomes in a variety of interpersonal conflict, between both individuals and families. Its focus is on strengthening future relationships rather than appointing blame.

**2.2** Mediation brings the individuals in dispute together with an impartial third party - the mediator – in order to find a solution which is acceptable to both parties. Individuals are encouraged to identify the issues and their own solutions and agreements.

**2.3** The mediator is an independent facilitator and does not express opinions or make judgements, case manage or involve themselves in any decision making with regards to case holding or direction of cases.

**2.4** Mediation is an informal and completely confidential process. Individuals may make their own written notes or agreements. Any notes made by the mediator will be destroyed following the meeting, and no notes will be kept on file.

* The process is voluntary for all parties.
* The process can be tailored to fit the situation and therefore encourages a positive outcome.
* Mediation is a mechanism to achieve early dispute resolution between individuals/ family members.
* The mediation process is facilitated by fully trained family group conference facilitators who have had additional training in mediation skills and conflict resolution.
* The mediator will have had no previous involvement in the identified issue and will be impartial.
* The mediation process does not apportion blame.
* All discussions and agreements remain confidential to the participants at all stages.
* The mediator may stop the process at any time if they feel that resolution cannot be achieved.
* The participants own the discussion and the outcome and are responsible for ensuring that any agreement is enacted.
* The mediator will have no further involvement with the issue or the parties when the mediation has ceased or is complete.

***“Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that is acceptable to everyone […] Mediators do not make judgements or determine outcomes – they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.” (ACAS, 2014)***

**3. Criteria - Who will be offered Mediation/ Conflict resolution?**

It is acknowledged that not all matters are suitable for mediation. If there was evidence of domestic abuse, ongoing therapy or counselling or any open investigations mediation would not be suitable. The final decision regarding suitability will be taken by the manager of the Family Group Conference/Mediation Service, and where appropriate, they will allocate the case.

The mediation service is available to, and this policy applies to, all families that are open to children’s services or youth justice who are involved in high level conflict that cannot be readily resolved by early intervention or prevention measures by FFP’s, Social Workers and Practitioners using basic conflict resolution techniques.

Priority will be given to those families who, due to significant family conflict, are unable to safety plan for their children through a family group conference. These families would benefit from additional support to facilitate conflict resolution in order to secure the stable placement of children/young people within the home, or to support family conflict with regards to contact arrangements that may escalate into children’s services if early support of mediation is not an option.

**4**. **Why use Mediation?**

**4.1** The key benefits of mediation/conflict resolution for families are:

* Enables both parties to explain what a conflict is like from their perspective.
* Generates mutually agreeable solutions and consequently there are no winners or losers.
* Reduces communication problems between families which may escalate to step up into higher thresholds of need and intervention by statutory services.
* Tries to resolve situations (where individuals have entrenched positions) without apportioning blame.
* Is ‘owned’ by individuals, rather than imposed by statutory or court procedures.
* Helps to identify and clarify the needs and interests of involved parties.
* Enables flexible outcomes as agreements are tailored to meet joint/participant needs.
* Creates less pressure for participants.
* Preventative measure to reduce family break down and children being removed into care.
* Is confidential to the parties, no record of the mediation process is taken or kept on individuals. A basic case note recording time and date of meeting and a copy of any agreement made will be recorded in line with FGC process and procedures.

An exception to strict confidentiality will only be made where safeguarding concerns have been raised, or the possibility of an illegal act is considered possible or has occurred. In this event, the mediation process will be terminated, and the FGC/ Mediation Manager will be advised, and the case escalated as per NELC safeguarding procedures or the relevant referring social worker advised.

The Mediation scheme is based upon the five-stage process detailed below and normally requires the participants to attend two meetings, these normally happen within a short period of time, ideally within a couple of days of each other. Separate meetings are held between the individual parties and the mediator, and should the matter be considered suitable for mediation and both parties agree to progress, then a second joint meeting will be held between the mediator and the two individual parties.

**5. The Referral Process**

* Referral form completed with paticipant’s consent (in addition, further written consent with regards to data collection and confidential information will be confirmed by the service with the participants).
* Referral sent to dedicated FGC/Mediation Team inbox for consideration. FGCReferrals@nelincs.gov.uk
* Referral assessed against our access criteria and, if accepted, the family is matched with a Mediator.
* Co-ordinator/Mediator engages directly with referrer for a case discussion before contacting family members identified as requiring mediation, coordinator prepares them for mediation session *(see stages of mediation process).*

**6. Stages of Mediation**

**6.1** First contact with individuals - The mediator meets individually with the parties involved, to explain the process, hear their side of the story, and to assess their expectations. Providing the mediator feels that mediation is appropriate, then it moves to the next stage.

**6.2** Hearing the issues - The mediator meets jointly with all participants and invites them to put their side of the story during a period of uninterrupted time. The mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.

**6.3** Exploring the Issues – In a joint meeting, the mediator encourages communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this stage of the mediation is to shift the focus from the past to the future, and the identification of constructive solutions.

**6.4** Building and writing an agreement - The mediator encourages and supports joint problem solving by the parties and ensures that solutions and agreements are workable. This normally includes changes/actions/omissions by both parties. The parties may choose to have a written agreement and in such cases the agreement is recorded by the mediator, who will check their understanding with the participants, to ensure that they are fully signed-up to making any necessary changes. Alternatively, the parties may agree next steps verbally.

**6.5** Closing the mediation - When an agreement has been reached, the mediator will summarise and bring the mediation to a close. A copy of the agreed statement will be provided to each party, (and the professional involved if agreed) and their responsibilities for its implementation detailed and explained. Exceptionally, plans may be made for a further meeting between the parties and the mediator, although usually this is not necessary.

**6.6** Parties participating in mediation/conflict resolution can withdraw their consent at any point in the process without prejudice, the process is strictly voluntary and is not mandated.

***If appropriate the family will be offered a family group conference to develop a wider network safety plan to address the safeguarding concerns being presented by the referring social worker. The voice of the child will be which ensures that the child remains the focus and at the centre of everything we do.***

**7**. **Family Mediation Standards**

Standard One

The Mediation Service will provide a high-quality service which reflects national and international guidance and good practice.

* The Mediation Service will be delivered by an independent facilitator/mediator who will have no other professional role with the family and who is not involved in any professional decision-making for the child/young person or family.
* The Mediation Service will ensure that the independent mediator will be trained in the FGC model and additional mediation/conflict resolution skills necessary to undertake the role.
* The FGC/Mediation Service manager will provide supervision to the co-ordinator/mediator.
* FGC/Mediation manager will oversee and ensure a responsive and accountable delivery of the service.

Standard Two

The voice of the child/young person will be central to Mediation process and must be sought and heard at all stages of the process.

Standard Three

Everyone participating in Mediation will be prepared and supported throughout the process.

Standard Four

Families have a right to resolve conflict in a safe and supportive environment to find ways to move forward to ensure the safety of their children.

Standard Five

Families have the right to be involved in the development of Mediation Services and will be asked for feedback after their mediation is complete.

Ethical Standards

Working with our families, we may encounter differing parenting practices, culture, values, and beliefs which will be respected throughout mediation/ conflict resolution. We will ensure that we are inclusive in determining an appropriate professional conduct when working with our families in mediation to resolve conflict, remaining impartial with no input on decision making within our standards of practice. This will underpin the rights of the children (in line with the United Nations Conventions, ‘the right of the child’ 1989) placing the focus of the child at the centre of everything we do.

In the event that an agreement is not reached, the referrer will be notified, and this will close to the service.

**Referral process flow chart see below in Appendix 1.**

Appendix 1

**Family Mediation Flow Chart**

Referral FGCReferrals@nelincs.gov.uk

No consent refer back to referrer for more work. Close to FM.

Does not fit FM criteria.

Contact referrer to discuss options and gather more information.

No consent refer back to referrer for more work. Close to FM.

Agreement not reached, advise referrer. Close to FM

Mediator arranges the Joint Mediation Session and sends out invites and organises any practical support needed.

Discussion with referrer- is a referral to FGC required as a follow-on option for family safety planning.

Hold follow up mediation session, send out feedback forms.

Schedule follow up mediation session with both parties.

Mediator arranges individual mediation sessions with identified parties.

Meet with the family Members individually to discuss FM Referral, gain consent to proceed.

Fits FM Criteria, meet with referrer to discuss the Referral - gain consent to share information with the family