

FACTSHEET No 20:

Child Inclusive Mediation



As mediators we recommend children of all ages are kept informed of decisions that affect them. We believe it is best for children if their parents can talk with them together about the plans they have to ensure that the children are able to maintain and develop the best possible relationship with both parents. Children need to be provided with an age appropriate explanation for parental separation which emphasises that they are not to blame, and that despite their separation each parent is committed to the children maintaining a relationship with both their parents.

The family court is obliged, when called upon to make decisions about children to take account of ' the ascertainable wishes and feelings of the child according to his age and understanding'. We believe that, similarly, most reasonable parents want to take account of the wishes and feelings of their children, according to their age and understanding, in considering the arrangements they plan for the children following their separation. Ascertaining the wishes and feelings of children may not be easy. Young children may not have the understanding needed to have a realistic approach to the practicalities of schedules of care. Parental separation may impact on children's emotions in ways that may affect their understanding. Children of all ages may articulate their wishes and feelings in ways that are not easy or straightforward to interpret. And, of course, children will tend to relate and express their feelings differently to each parent, particularly in circumstances in which they can sense that their parents see things differently.

As family mediators we are mindful that children, like adults, have rights in UK law now set out in the Human Rights Act. They also have a right as children to be consulted about decisions that affect them: a right that is set out in the United Nation Convention on the Rights of the Child (UNROC) to which the UK is a signatory. In these circumstances the Family Mediation Council has advised that all children aged 10 or over (with some exceptions), whose parents are entering family mediation, should be provided with the opportunity to participate.

As family mediators, Frances and Charles have training and experience in direct consultation with children in mediation. This would only be undertaken with the agreement of both parents, and, of course, the agreement of the child or children concerned.

Child consultation would, typically involve the child meeting separately with the mediators in a relaxed way. The children would normally be brought to meet the mediators by a trusted adult, identified and agreed by

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a better way to settle

both parents. Having discussed their wishes and feelings with the mediators the children would leave with the trusted adult.

The mediators would then meet with both parents and discuss with them the children's wishes and feelings, as articulated to the mediators by the children. The mediators will feedback to the parents only things that the children said they want to be fed back; children have a right to confidentiality and may not want the mediators to disclose some aspects of the way they feel to their parents.

As in many interventions involving children, mediator's commitment to confidentiality is tempered in any case in which evidence of harm or risk of harm to a child arises: in that case referral to the relevant authorities may be required.

Should you feel that the involvement of your children in the mediation process is likely to be appropriate we can, at Progressive Mediation, discuss how this can be dealt with in line with Family Mediation Council standards in respect of child inclusive mediation.

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