

## Child Inclusive Mediation

As mediators we help parents consider the arrangements for their children, and as part of that we have to consider with them whether the children should have play an active role in the process – this is part of the mediators Code of Conduct. Their wishes and feelings are important, and they have the right to be consulted about decisions that could have a significant impact upon them.

In a 2006 judgment Baroness Hale said:

*“There is a growing understanding of the importance of listening to the children involved in children’s cases. It is the child, more than anyone else, who will have to live with what the court decides. Those who do listen to children understand that they often have a point of view which is quite distinct from that of the person looking after them. They are quite capable of being moral actors in their own right. Just as the adults may have to do what the court decides whether they like it or not, so may the child. But that is no more a reason for failing to hear what the child has to say than it is for refusing to hear the parents’ views.”*

### So how can we help?

We believe it is best for children if their parents can have the best possible relationship, so that they can discuss what is best for the family as a whole. A child inclusive mediation can help the whole family understand the changes that might happen, in an age appropriate way which reassures them that they are not to blame.

It’s also important for children to understand that they are not being asked to decide or choose. Ascertaining the hopes, expectations and feelings of children is not always easy. Young children may not have the capacity needed to understand how and why schedules of care have been organised. Children of all ages may have complicated and confusing emotions surrounding a separation, that might manifest differently to each parent. They are not used to explaining these feelings and help in interpreting it is often needed.

Our mediators have undergone specialist training and have many years’ experience in direct consultation with children. Such meetings are only be undertaken with the agreement of both parents, and, of course, the agreement of the child or children concerned. They typically involve the

child meeting separately with the mediators in an informal way, and the specialist mediators use a number of techniques to draw out complex information.

Following the child inclusive session, 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 only feedback to parents' things that the children consent to; 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, our mediator's commitment to confidentiality is limited 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.