

fmni



family  
mediation  
NORTHERN IRELAND

# Annual Report 2010



*families  
separation* + mediation = *Better  
outcomes*

## Chairpersons Report 2010

This year, the Board of Trustees took the decision to hold the AGM much closer to the financial year end, so that reports and the Annual accounts have more synchronicity with the year to which they refer.

Within this time period, FMNI was successful in being awarded the Health and Social Care Board tender, to deliver free family mediation in four of the five Trust areas. While the funding from this tender is extremely welcome, of equal worth to the organisation is the acknowledgement by government of the value of the service.

The facilitative model of family mediation, as operated by FMNI, where the couple own the agreement, is much more likely to have longevity. Consequently, the children and young people who are at the core of the matter, are much more likely to benefit from constructive co-parenting and a reasonable atmosphere between their parents.

The organisation's Strategic plans for 2008-2011, focus primarily on the delivery of the core service. However, the other priorities such as finance, marketing, evaluation and governance are all crucial issues for the organisation so that it can operate to professional standards.

One of the major achievements has been the completion of FMNI's own Foundation Training Manual, whose production represents a great deal of hard work by the authors, Sheena Bell, Eimear Hayden and Janni Knox. This initiative means that FMNI has the capacity to deliver Foundation Training in-house, and is no longer reliant on outside agencies.

The staff team, made up of the Manager, Co-ordinator and Professional Practice Consultant have many demands made on them. During the year they have introduced improvements to many operational procedures. They have been tireless in their efforts to promote the service and to specifically communicate information to referrers about the cases, which are most appropriate for referral to FMNI. At a time when evidence is growing about the effectiveness of early intervention, it continues to be a priority for FMNI that referrers are clear that family mediation as practised by FMNI has better outcomes when couples access the service at an early stage.

The Mediators have continued to demonstrate the value they place on mediation through their increased commitment and their attendance at

supervision and group meetings to keep their skills afresh. Their contribution is all the more worthy considering that they usually work with couples who are in a highly charged emotional state and who can come to mediation distressed, angry or apprehensive.

The Board, throughout the year, has continued to be very generous with their time, taking on many additional responsibilities all of which have enhanced the quality of the organisation. I wish to extend my gratitude to the Board members to the staff and mediators and commend them for all the achievements this year

The year has been dominated by the award of the tender from Health and Social Care Board. As FMNI endorses the principle that there should be no financial barrier to those who need mediation, this funding is to provide free mediation sessions in four of the five Health and Social Care Trusts to pre-court parents. FMNI has welcomed this allocation of funding. Family Mediation is one of the initiatives supported by the Families Matter Strategy and it sends out a strong message from the DHSSPs that they support the process of mediation and recognise it as a service which can benefit children and young people.

Within the year the organisation has been active in trying to ensure clarity with potential referrers about making appropriate referrals. FMNI are in the process of developing a matrix for the legal profession, which will indicate the suitability for referral to family mediation or not. As appropriate referrals are critical to producing the best outcomes for children young people and their parents and save a considerable amount of court time, this will be an priority issue for FMNI in the coming year

The extensive publicity campaign, has contributed to awareness raising and it is felt that meetings with the legal profession have enabled FMNI to engage in dialogue about the exact nature of the service offered by the organisation and about the importance of making appropriate referrals.

Family mediation produces the best outcomes for children young people and their parents

when cases are at an early stage and have not reached an impasse. Couples who have become diametrically opposed to considering any compromise may be unsuitable for the facilitative model of mediation practised by FMNI.

It is generally recognised, that the earlier a couple access the service after separation, the more likely there will be a positive outcome.

Pip Jaffa OBE, Chair.

## Managers Report

I came in to the newly created post of Manager of FMNI a little over a year ago and it certainly has been an eventful year.

At that time the culmination of all the hard work by Development Worker, Maureen Murray and PPC Sheena Bell, in conjunction with the DHSS family policy unit, was coming to fruition in a very successful launch of the family mediation booklet & DVD at the Stormont Hotel with Sean Holland from DHSSPs as one of the guest speakers. Achieving this funding to raise awareness of the benefits of family mediation for separating parents and their children has further extended the profile of FMNI and the FMNI Board and Staff wish to acknowledge the ongoing support received from the DHSSPs. Another major success for the organisation was the award of the HSC Board Tender to deliver Free Mediation to pre-court parents in four Trust areas, this is a significant resource for the separating parents throughout NI and affirmation that the intervention model of mediation is accepted as that which is more likely to bring positive results. FMNI acknowledges the support of the HSC Board.

In NI there is a distinct lack of research data on the effects of parental separation on children and a lack of information available on the numbers of separated parents (divorce figures for 2008 of 5546 do not include unmarried parents who separate). We are aware, however, from anecdotal evidence and other research in Britain and beyond of the untold damage to many children caught up in entrenched, hostile separations. From childhood and into adulthood, low self-esteem, poor mental health and educational under achievement are just some of the issues that impact negatively on young lives and ultimately to society as a whole. Our service has witnessed a year on year increase in enquiries, intakes and joint mediation sessions, confirmation that continuing promotion of the service is raising the profile of

FMNI and the public are more aware that there are options to be explored when a relationship breaks down.

FMNI accepts that mediation it is not a panacea for all separations and that some family breakdowns, for a multitude of reasons, require a mix of interventions and solutions, i.e., some domestic violence and abuse cases. However, our priority for the coming year continues to be one of increasing awareness and access to free mediation before parents/couples become entrenched. During the year the Board and Staff contributed to the organisations strategic plan and included in the aims and objectives is the development of the service through the appropriate use of research, lobbying and an effective marketing plan. We have actively engaged in dialogue with the legal profession, LSC and service providers in the private and voluntary sectors and will continue to contribute to ongoing debate to effect change.

I would like to thank our Chair, Pip Jaffa OBE and Sheena Bell PPC, for their unfailing support, advice and counsel. Appreciation also to Leona Macklin FMNI Co-ordinator since November 2009 and FMNI Board who offered support and assistance throughout the year in many ways.

Joan Davis, FMNI Manager.



## Professional Practice Consultant Report

“A task without a vision is a chore. A vision without a task is but a dream. But only a vision together with a task can result in the fulfilment of a dream.”

Family Mediation NI's vision remains untarnished of establishing the mediation option to couples experiencing the trauma of the practical consequences of their relationship breakdown. Mediation is not new, it is a common sense option and it is a vision which receives much positive support in N.Ireland. However the task of establishing the effective couple mediation option in N.Ireland continues. The task of the Professional Practice Consultant (PPC) was defined by the UK College of Family Mediators in 2003 as threefold

- To give support and professional guidance to the qualified mediator and to supervise and teach the aspirant mediator
  - To oversee the maintenance of standards, ensuring that mediators undertake the required amount of professional practice, continuous professional development and consultancy for their continuing registration as family mediators
  - To assess the quality of family mediation practice – both for mediators submitting a portfolio for assessment by an accreditation panel, and for accredited mediators ensuring that practice does not fall below an acceptable standard
- However at our stage in fulfilling the dream in N.Ireland, a fourth developmental task of the PPC might be described as
- To communicate, explain and discuss with other concerned professionals policy, practice or protocol specifically required to address our needs in N.Ireland

- Family Mediation NI has a team of Family Mediators who have all completed an approved Foundation Training Programme plus 10 hours supervised practice. 4 mediators have also achieved accredited status. The team has been enhanced by the inclusion of 5 mediators from the last Foundation Training Programme which was completed in January 2009.

The team consists of Harry Barry, Aedin Bradley, Christine Carlin, Ken Cathcart, Davina Clements, Alexis Coffey, Malachy Hagan, Eimear Hayden, Janni Knox, Mary McAnulty, Shirley McPhillimy, Siobhan Molloy, John Mullin, Patricia O’Kane, Roisin O’Neill and Attracta Reid. I occasionally see clients as necessary and we use the services on an occasional basis of Margaret Fawcett (Family Therapist) and Mike Tite (registered PPC).

- Group and individual supervision is provided in Derry, Enniskillen and Belfast, each group meeting 3 times per year and each mediator having individual supervision to at least the minimum number of hours required annually by the College of Mediators. Emergency supervision is provided by phone or in person as required. 2 approved continuous professional development training days were provided during the year – one on power balancing in mediation was offered to other interested professionals and was attended by mediators from the Republic of Ireland, by solicitors and by Children Court officers.
- We now have mediators trained in the last 3 years preparing their portfolios for submission. Each requires at least 3 individual supervision sessions plus the PPC's detailed assessment and recommendation to accompany their submissions. This has resulted in availing of the services of another registered PPC from England, Mike Tite. We are very conscious of the needs to provide evidence based practice. We offer clients review

appointments and send client satisfaction questionnaires. We note the outcomes of mediation and use standardised formats for e.g., court referrals to family mediation. These measures of quality and standard of our service are applied to all types of family mediation. We have a small but growing minority of cases in which the relationship breakdown is not that of a couple but between other family members. Most of these to date have been appropriate referrals and successfully mediated. These cases are all privately funded. All have in common the need for relationship breakdown to be managed in such a way that family breakdown is prevented. I believe that the family is the primary peace making unit in society. Relationships may break down within and between families but the family, sometimes with help, has the capacity to adjust, identify, protect and nurture its most vulnerable members.

We have had an independent positive evaluation of the Foundation Training provision funded in 2008 and 2009 by the DHSSPS. FMNI is now submitting a proposed Foundation Training programme for approval by the College of Mediators and Mediators Institute Ireland so that we may become one of only 6 approved providers within the UK and the only one which would also meet the requirements of Family Mediation Training in the Republic of Ireland.

- We have engaged in many more discussions than previously with key stakeholders in N.Ireland. These have included
- The judiciary individually and in groups, in an effort to reduce the numbers applying and time taken to process separation divorce issues through the court system. Protocols and procedures specific to court referred work have been agreed.

- Other members of the legal profession to listen to their concerns and raise awareness of the mediation option.
- The Legal Services Commission which has brought forward a proposed funding code for N.Ireland
- The Family Policy Unit, the DHSSPS and Health & Social Care Board regarding the availability of a free mediation service in N.Ireland to those couples with children who are pre initiation of a court hearing
- Other service providers..

FMNI is very rich in terms of all the personnel involved, their capacity and good will. It has achieved a great deal and will continue to keep both its vision and its tasks alive and absolutely pertinent as it moves forward through the challenging times ahead.

Sheena Bell,  
Professional Practice Consultant.

Janni Knox, Mediator & Trainer, Leona Macklin  
Co-ordinator, Sheena Bell, PPC.



## Family Mediation the process

95% of case work is self referred, with a minority of cases being referred from Social services and the courts. Participation in mediation is voluntary and the model offered by FMNI is a facilitative one. This is sanctioned and accredited by the lead national bodies of the UK Council of Family Mediators. Mediators are trained impartial facilitators. Enquiry is made by telephone or e-mail and an individual pre-mediation appointment is offered to both parties, followed by 3-6 joint appointments. In addition, direct consultation with children and young people may be offered and the couple will be assisted to work towards an agreement known as a memorandum of understanding (MOU). A review appointment is offered three months after the last appointment with a client evaluation questionnaire. FMNI is flexible in its approach to appointment times and location and can offer 'shuttle' mediation if appropriate. The majority of cases are child focussed but increasingly all issues mediation is requested, which addresses finance and property settlement. Confidentiality is paramount and MOU's or Outcome Statements are only distributed to client solicitors with both parties consent.

## Case Study

John and Jane met through work and have lived together for six years with one child aged 4 years old. The relationship is over and both agree that they want to separate but focus on the best way forward for their child. Due to financial constraints at this time they remain living in the same house and are sharing household expenses including the mortgage. Relate NI recommended they make contact with FMNI as it became apparent reconciliation was not an option. Both attended individual pre-mediation appointments at a neutral venue in the Western Trust area and availed of three joint mediation sessions all funded by the HSC Board funding. Agreement was reached on joint care of their child with flexibility built in to accommodate shift work patterns. Included in the agreement was access to extended family members, holidays, presents and how/when to introduce new long term partners. In addition, maintenance arrangements, interim finance arrangements, including the family home and the financial implications of other accommodation for John were discussed and negotiated. Jane had consulted a solicitor but no court action was pending and both prepared an open statement of financial information and where advised to seek independent financial advice in relation to John's Pension and the family home.

Both will be offered a review appointment giving them the opportunity to reflect on the positive outcomes of their joint agreement and raise issues that have arisen that require further discussion and negotiation.

## Development

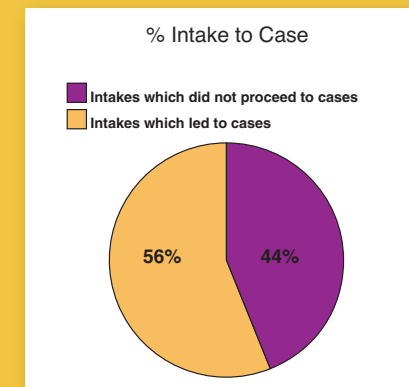
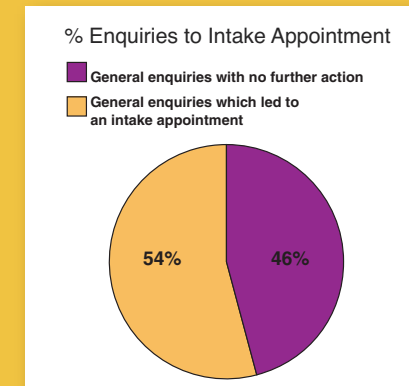
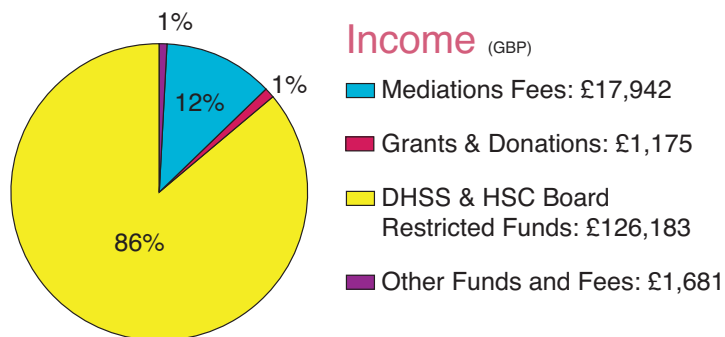
Family Mediation NI has worked tirelessly throughout the year to promote early intervention as the first option to those separating and we have been heartened by the support of government departments and the legal profession. Most agree that the earlier parents have access to information and options to support them to manage the separation with the focus on their children, the better the likely outcomes for the family and society. It is unacceptable that in the modern world, after three years of separation ,50% of non-resident parents lose contact with their children and approximately 30% lose contact with extended family members in the UK.

Family Mediation supports the call for the development of integrated services, more joined up working between the legal profession and mediation services and more education with an emphasis on parity of treatment of both parents. With this in mind, we continue the work of delivering information seminars and CPD training days to professionals and interested groups.

It is an unfortunate fact that N Ireland continues to lag behind other jurisdictions such as ROI, Britain, New Zealand, Australia, and USA in the provision and ease of access and knowledge of mediation. However, we at FMNI continue to work to promote family mediation and are delighted, thanks to the HSC Board funding, to deliver free family mediation in the Western, Northern, Southern Eastern and Belfast Trust areas. This approach is without doubt the future, if we are to stem the flow of children losing contact with a parent and long protracted legal battles. Developing understanding and access to direct consultation with children is an area of professional interest to FMNI, providing a voice for the child during the family mediation process is generally accepted as an additional positive aspect of mediation. We are delighted that Margaret Fawcett has chosen Direct Consultation with Children as a research project and we are currently contributing statistics to assist Margaret towards completion of this project in September.

## Note:

Enquiries in relation to 'What is Mediation?' and/or 'Can it help me or my client?' continue to increase in conjunction with those enquirers who have done their research and feel ready to make an appointment for initial pre-mediation. Many enquiries made this year may not become actual cases until next year as one party may not feel ready for the process, similarly, one or both may attend Intake appointments and then delay the mediation process for several months.

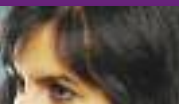




## FNMI Board Members April 2009 to March 2010

Chairperson: Pip Jaffa OBE  
Treasurer: Dermot Gallagher  
Company Secretary: Sheena Bell

Members: Aedin Bradley  
Eimear Hayden  
Liam Mackle  
Colin McKay  
Fiona O'Donnell  
Muriel Orr  
Caroline Skehill  
Vi Whitehead



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