



Education and Culture DG

## Lifelong Learning Programme

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# FASPER

## a project developing facilitative family mediation in Finland

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***“It was just an arrangement for the adults”***

*mother*

# Divorce as risk of neglecting children

- Dimensions of divorce (Parkinson 2011):
  - Economic
  - Legal
  - Ending adult relationship
  - Emotional
  - Co-parenting, i.e. maintaining relationship between parent – child

*“The parents decide what is best for their children, as long as they don’t quarrel.”*

(child welfare officer)

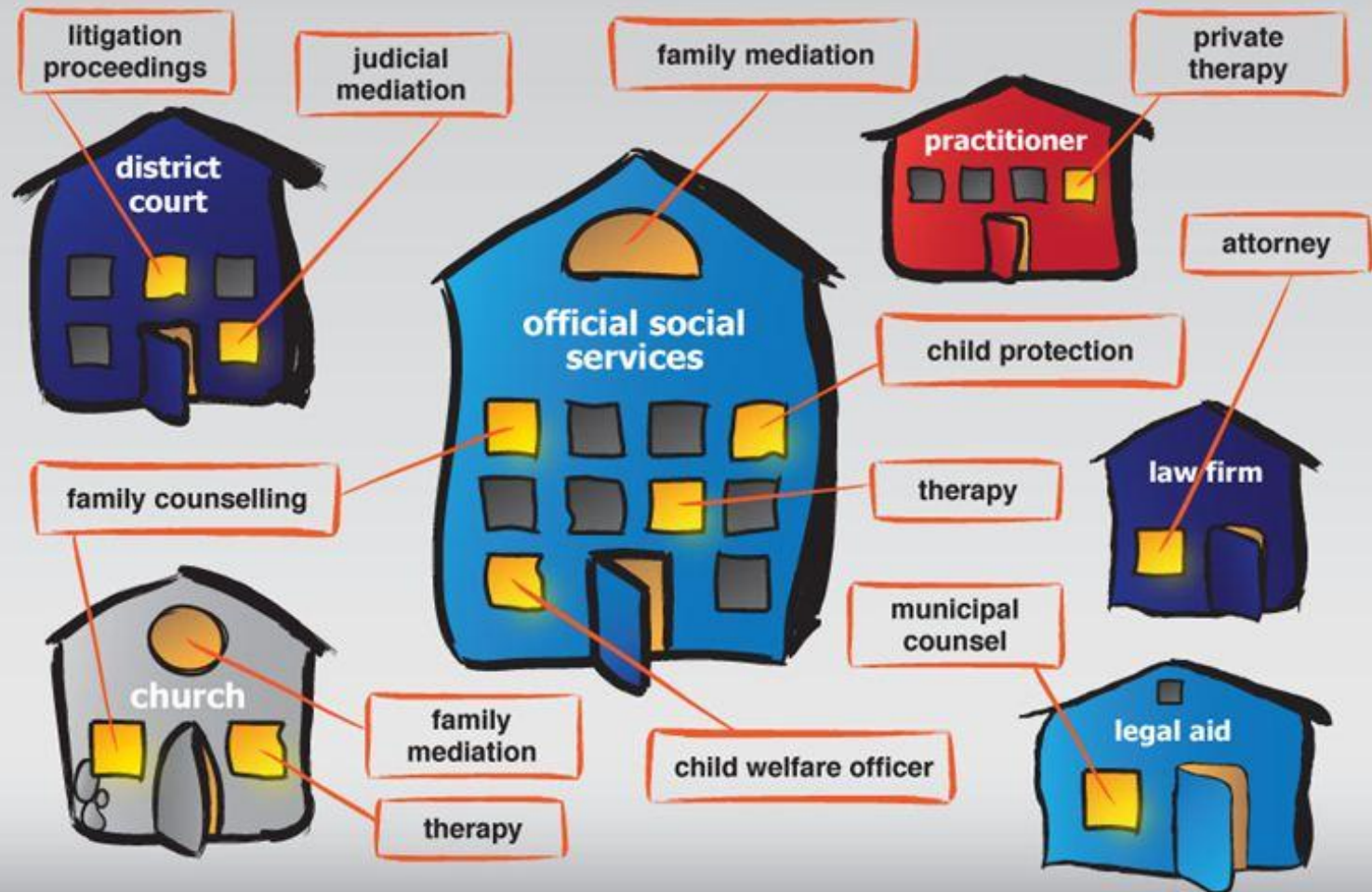
- In separation, parents can – according to their autonomy - make the necessary agreements concerning their child’s custody, living, and visiting rights by themselves and get them reinforced by the child welfare officer.

*“The parents have just enough resources to take care of themselves.”* (family counsellor)

# The children cannot wait

- If parents are able to agree arrangements and co-operate in parenting, their children and children's adjustment to divorce is greatly eased
- Crisis may make the parents sensitive to the needs of the children – if they get some help to see the needs

# Divorce services available for a client\*



*\*Based on 90 qualitative interviews with professionals and clients.*

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# The Finnish Marriage Act 1987

- orders family mediation to be served for families in conflict:
  - voluntary for clients
  - municipalities obliged to arrange
- family mediators are helping
  - when there are conflicts in the families
  - when they are asked to help
- the mediator
  - strives to a joint understanding of best solutions for everybody
  - shall especially see to the best of the children in the family
  - shall help the parties to work out agreements.

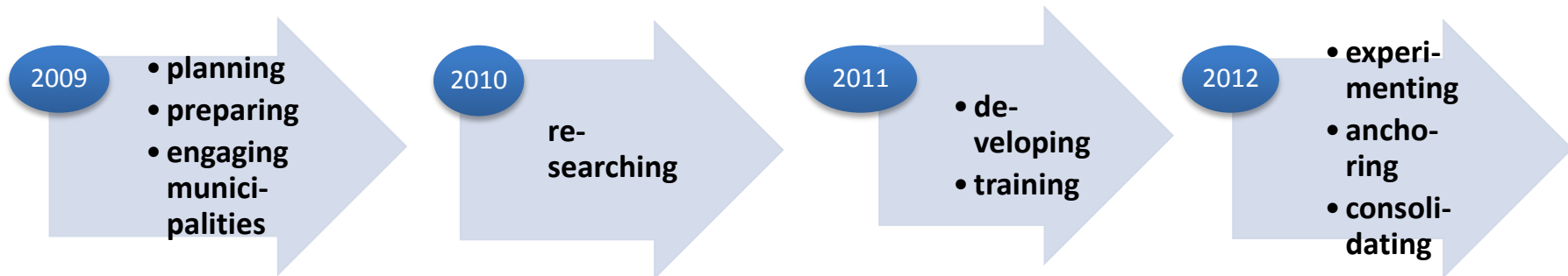


# The history of developing family mediation in Finland

- family mediation in the Marriage Act 1987:
  - to hinder couples from divorcing without careful consideration,
  - to ensure that parents agreed what was best for the children.
- Instructions from The National Board of Social Welfare
- The National Research and Development Centre for Welfare and Health (Stakes), divorce project 1992-1994
  - aimed to outline the Finnish divorce process
  - develop methods for family mediation
  - in seven municipalities with different developmental themes
- In 1990's there was enthusiasm -> the economic recession together with the municipalities' increased freedom to decide upon economics -> enthusiasm faded out. Some exceptions, eg. In Päijät-Häme municipal family counselling: a model for child inclusive family mediation.
- Some municipalities still offer family mediation as a service, but in practice, the **municipalities as a whole have neither uniform guidelines nor established practices in how to arrange the mediation services**, and very often, the family mediation is a dead letter.

# Family mediation project 2009-2012: Research idea and proceeding

- aims at a fresh start for the old legislation
- develops family mediation as a new tool in social work: an early intervention method available for divorcing parents to promote their partnership in parenting and in making everyday agreements concerning their child



- Theoretically and methodologically the project derives from *Developmental Work Research (DWR)*
  - a participatory research paradigm combining research and intervention
  - developed in 1980's by the Finnish scholar Engeström and his colleagues
  - cultural-historical activity theory (CHAT) is the theoretical constellation behind DWR

# More inspiration

- Laura Mott (1991) System development. The human dimension.
  - emphasis on the development of the understanding, motivation and competence of the system bearers
  - social competence and personal action competence less developed than technical competence -> dialogical and participative research and development methods

# Resources

- Funded by Finland's Slot Machine Association
  - established to raise funds through gaming operations to support Finnish health and welfare organizations.



- Organized by Finnish Forum for Mediation – a NGO promoting mediation in different branches of society



## Finland 2009

Marriages	29 836
Divorces	13 527

The parents in 16 000 families with children moved apart during 2005.

**About 30 000 children experienced these separations** (app. 3 % of all children under 18 years).

### Professionals engaging in the development of mediation

Municipal services	child welfare officers, social workers from child protection services, psychologists and other personnel from child guidance and family counselling services
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Services from the church	family counsellors, welfare workers
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District court	judges
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Public legal aid offices	municipal counsels
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Law firms	private attorneys
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Two multi-organizational and multi-professional learning networks, crossing also the municipality boundaries.

# Several simultaneous challenges

- increase the participating professionals' knowledge and capabilities in family mediation by training
- not only train, but cultivate and enrich the family mediation itself, on the basis of local prerequisites and clients' needs
- produce a mediation service model, including methods for conflict diagnosis, referral arrangements and follow-up-methods and integrate them into the existing service structure

# Principles for family mediation

- ***voluntary*** participation
- an ***impartial third person*** is called to assist the participators to communicate better with one another and ***reach their own*** agreed and informed ***decisions***
- ***confidentiality***
- ***focus on present and the future***, not the past

# Ecosystemic family mediation (1)

(Parkinson 2011)

- Main principles
  - Divorce ends marriage/cohabitation, but not parenthood.
  - Parental responsibility continues whether parents are living together or apart, married or separated.
  - Parent-child relationships need to be supported and sustained as far as possible.
  - The needs and concerns of family members are interrelated.
  - Children need to understand the changes in their lives that affect them: they need appropriate explanations and reassurance.
  - Children should be listened to when they need to be heard.
  - Adults should not underestimate children's abilities: children's abilities are different from those of adults, rather than inferior.



# Ecosystemic family mediation (2)

(Parkinson 2011)

- Offers:
  - opportunities to parents to discuss and plan together, before major changes are made, planning for continuity in some areas (parenting of children) and change in other areas (divorce)
  - help to “families in transition”, working out short-term or interim arrangements, managing crisis
  - post-divorce mediation, to review arrangements and assist with further negotiations and adjustments

# Activity system model

- Developed by Engeström (1987) on the basis of Russian psychologically oriented studies of Vygotsky, Leontjev and Luria.
- Activity systems are presented as triangles. A change in one angle will make changes also in the other angles.
- Activity systems are seen as constantly evolving through their developmental *contradictions*, which sets the activity systems in an ongoing need for *expansive transformations and learning*. Expansive transformation requires that the object of the work is re-conceptualized in a significantly different and qualitatively new way.
- It is necessarily a *collective accomplishment* in which individual attempts to question established practices escalate into collaborative envisioning and change effort.

# TOOLS

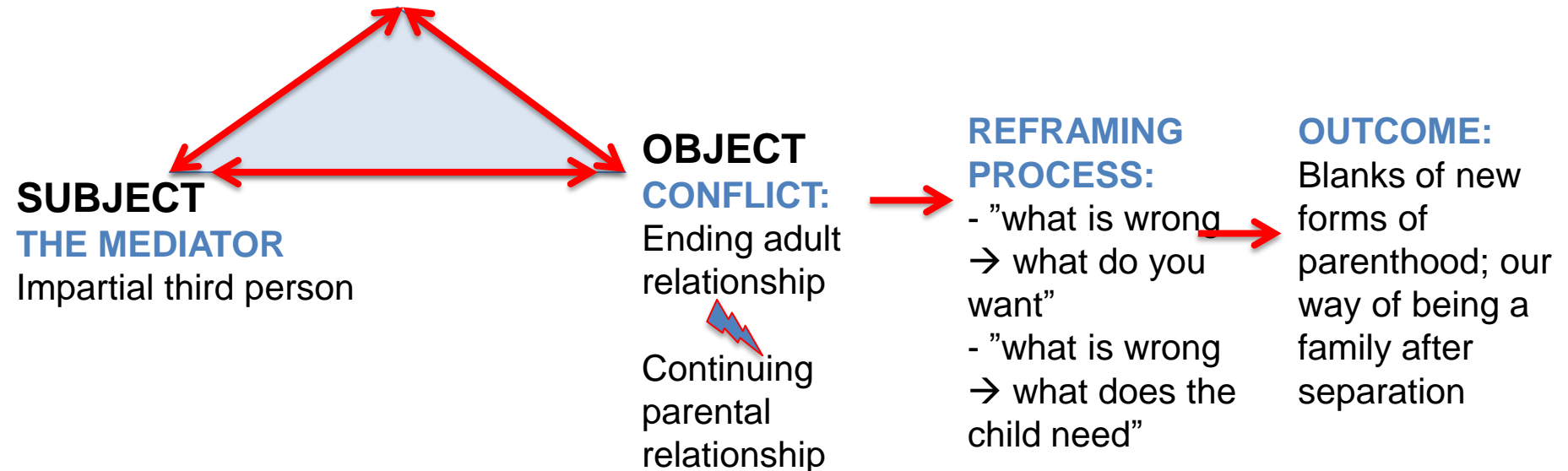
## THE EQUIPMENT OF THE SERVICE SYSTEM:

- characteristics of mediation: what defines mediation
- tools for evaluating suitability for mediation
- tools for referral to mediation
- tools for evaluation

## THE MEDIATORS EQUIPMENT:

- different types of questions and techniques for asking questions
- ecograms
- techniques for reframing
- other techniques (e.g. managing power imbalances, impasse strategies)
- structurings, techniques for using the flipchart
- materials given to the clients

# THE MEDIATOR'S WORK



# THE SERVICE SYSTEM OF MEDIATION

## TOOLS

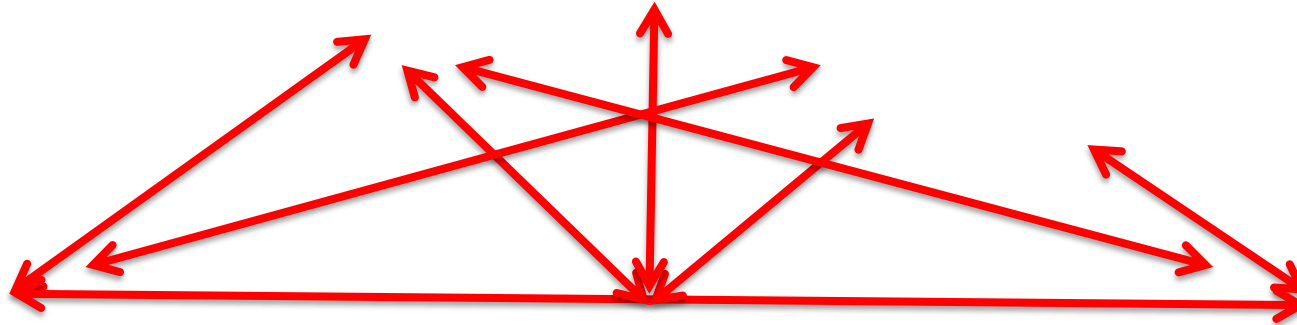
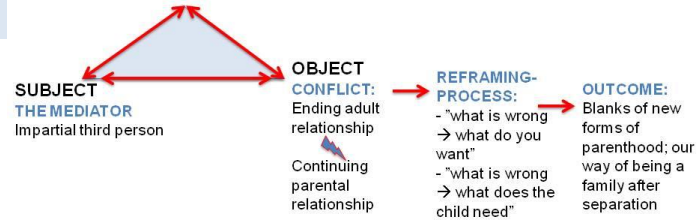
### THE EQUIPMENT OF THE SERVICE STRUCTURE:

- characteristics of mediation: what defines mediation
- tools for evaluating suitability for mediation
- tools for referral to mediation
- tools for evaluation

### THE MEDIATORS EQUIPMENT:

- different types of questions and techniques for asking questions
- ecograms
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- other techniques (e.g. managing power imbalances, impasse strategies)
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- materials given to the clients

## THE MEDIATOR'S WORK



## RULES

- Marriage Act 1987
- social welfare law
- subject to licence, secrecy
- instructions from Social Welfare Board
- the guide to social welfare offices
- what new rules do we need?*

## COMMUNITY

- child welfare officers, family counsellors, social workers, psychologists, family workers, family instructors, psychotherapists, special social instructors, judges, attorneys
- *which ones should be mediators?*

## DIVISION OF LABOUR

- using the service is occasional
- the referral of clients is unclear
- judges and attorneys belong to a different system
- *what kind of co-operation and division of labour is needed?*

# Thank you for your attention

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