



An Evaluation of 'Mediation in Mind'



Final Report – June 2020

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The report is available to download from: [An Evaluation of 'Mediation in Mind' - Final Report](#)

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Executive Summary

The initiative

'Mediation in Mind' was led by Hall Smith Whittingham Solicitors, a Cheshire-based legal and mediation practice, with funding from the Department for Work and Pension (DWP)'s 'Reducing Parental Conflict Challenge Fund'. It was conducted over 12 months to 31 March 2020. It sought to ascertain whether providing 100 disadvantaged separated parents with triage and signposting, legal information, counselling, communication sessions and a meeting for their child(ren) with the mediator (where appropriate) as part of the mediation process increased emotional readiness to mediate; improved inter-parental communication and increased engagement in mediation. It further aimed to provide an evidence base on whether providing training to service providers working with disadvantaged parents increased the service providers' understanding of mediation and the impact of separation on parents as well as their willingness to refer parents to mediation, thereby increasing the uptake of mediation.

The evaluation

The objective of the independent evaluation was to explore the effectiveness of the initiative in improving inter-parental communication, increasing engagement in mediation, and reducing recourse to court in a sample of disadvantaged parents. A mixed-methods approach was used. The evaluation was implemented through three rounds of quantitative survey data collection and analysis, and qualitative semi-structured interviews with three support service providers, 20 parents and five children.

Challenges

Mediation in Mind was an innovative trial working with disadvantaged, hard-to-reach parents. Establishing and running a project of this kind in the time scales available was always going to be a challenge. Whilst the key personnel (the mediator and the counsellor) remained in post throughout there were several changes of admin staff and those providing the legal information meeting. Recruiting and retaining disadvantaged parents to the initiative proved problematic throughout. Only 55 of the target of 100 parents were recruited, 55% in the final quarter. Only 46 parents progressed beyond the initial legal information meeting. Thirty-three parents engaged in mediation prior to 31 March 2020 (15 couples and three individuals), not the anticipated 60 parents (30 couples). A further six parents (two couples and two individuals), recruited before 31 March 2020, commencing mediation after that date. Only 39 of the parents who were willing to share their data completed more than the first survey. Since the evaluation measured change (in readiness to mediate etc.) the quantitative data is limited to the surveys completed by these 39 individuals. Unfortunately, the COVID-19 crisis led to the group programme ending early. Implementing contact and financial agreements reached in mediation proved difficult for some because of COVID-19 causing significant frustration for those affected, which was reflected in the interview data. Despite these difficulties, the interventions, legal and therapeutic, met a real need for many parents, increasing emotional readiness and practical preparedness to mediate enabling the majority to reach agreement in mediation and thereby avoid court proceedings.

Key findings and conclusions

1. Overall, the Mediation in Mind initiative was successfully launched, and, within a tight timescale, and despite difficulties in recruiting the full cohort intended, made good progress towards meeting the intended outcomes. There was evidence of increased emotional readiness to mediate enabling the majority of disadvantaged parents who engaged in mediation to reach agreement thereby avoiding court proceedings.
2. The evidence suggests that providing disadvantaged separated parents with triage and signposting, legal information, and counselling increased engagement in mediation. The conversion rate from Mediation Information and Assessment Meeting (MIAM) to mediation starts for legally aided clients in 2018-19 was approximately 62%.¹ The conversion rate in the initiative was 72% including parents who commenced mediation after 31 March 2020.
3. The evidence suggests that a package of legal information and/or counselling for disadvantaged parents aids the practical preparedness of parents to mediate and the likelihood of settling in mediation. Sixty-eight percent of parents in the initiative who had attended a legal information meeting and/or engaged in counselling before mediation reached full or partial agreements in mediations concluded by 31 March 2020 compared to the national average of 62%.²
4. Anything more than a temporary agreement in mediation proved elusive, even after legal information and counselling, in cases involving drug or alcohol addiction, mental health issues or where there were issues of domestic violence or coercive control. This suggests that a more intensive, bespoke multi-agency intervention may be needed to make a lasting difference in the lives of those with more complex needs.
5. The initiative was successful in reducing recourse to court proceedings. Recent estimates put the number of separating parents who make an application to court at around one third.³ Only one couple (6% of parents whose mediations concluded by 31 March 2020) is known to have made an application to court following the breakdown of mediation in the initiative.
6. A meeting with the mediator and/or counselling helped young people to process their emotions and cope better following parental separation.
7. Training on the mediation process for professionals working with disadvantaged families, particularly teachers as hitherto overlooked gatekeepers to such families, significantly increased awareness of and confidence in the process and willingness to refer parents to mediation.

¹ In 2018-19 mediation assessments were 10,508 and mediation starts were 6535 - see [Legal aid statistics England and Wales, tables October to December 2019](#), Tables 7.1 and 7.2 (last accessed 09.06.20)

² [Legal aid statistics England and Wales, tables October to December 2019](#), Table 7.2 (last accessed 09.06.20)

³ Williams, T. (2019). *'What could a public health approach to family justice look like?'* Nuffield Family Justice Observatory for England & Wales

Recommendations

1. The findings that provision of legal information and/or counselling to separated, disadvantaged parents increases the likelihood of the parents reaching an agreement in mediation suggest that trialling these interventions with a cohort of parents without the specified disadvantages that were a condition of engagement in the initiative, has potential to yield promising results. Funding for such a trial, backed by a fully funded marketing campaign is recommended.
2. Since mediation proved highly likely to break down where significant drug or alcohol issues; domestic violence or coercive control and/or mental health issues are features of the case, rigorous, consistent protocols for ongoing screening into and out of mediation are required. Where these issues are a feature of the case, but adequate measures are put in place so that it is assessed that mediation can take place safely, then a more targeted, bespoke and intensive intervention than legal information and counselling should be offered. Vulnerable individuals such as these are likely to need support to engage in the services needed to address the issues, signposting alone is unlikely to be sufficient. Where mediation is deemed to be inappropriate there needs to be clear and joined up paths to appropriate support for such parents.
3. A young person capable of forming his or her own views has the right to express those views freely in all matters affecting them, and for the views of the child to be given due weight in accordance with the child's age and maturity. This includes in decisions made in the mediation process⁴ yet the number of children consulted in mediation, in the initiative and more generally, is low. The evidence from the initiative is that meeting with the mediator empowers the young person. Consideration should be given to providing a more robust funding structure for legally aided child-inclusive mediations. The evidence that counselling is a powerful tool in helping young people to cope better with the breakdown of their parents' relationship warrants a larger scale trial of a model of counselling for young people alongside child-inclusive mediation.
4. Often, schools may be the first to learn of a family separation yet awareness of the availability of mediation amongst teaching professionals was low. Therefore, consideration should be made to having the training more widely available to teachers in person or online. In time this could be included in core teacher training programmes. Other non-legal professionals who encounter separating parents, such as GPs, health visitors and youth workers, would also benefit from such training. Particularly when responding to the needs of patients/clients who are the victims of domestic abuse, GPs and other health professionals need clear referral pathways to specialist advocacy and support.

⁴ Committee on the Rights of the Child (2009) General Comment No. 12 *The right of the child to be heard*, CRC/C/GC/12, United Nations Convention on the Rights of the Child, para. 32

1. Introduction

1.1 Background

Hall Smith Whittingham ('the initiative providers') is a Cheshire-based legal and mediation practice. It was awarded a grant from the Department for Work and Pension (DWP)'s 'Reducing Parental Conflict Challenge Fund – Support for Disadvantaged Families' to deliver the 'Mediation in Mind' initiative ('the initiative') from 1 April 2019 to 31 March 2020. The initiative aimed to reduce the number of parents going to court to resolve child arrangements or financial issues following separation by improving inter-parental communication and increasing engagement in mediation. The University of Exeter was appointed to evaluate the effectiveness of the initiative.

1.2 The evaluation

The objective of the independent evaluation was to explore the effectiveness of the initiative in improving inter-parental communication, increasing engagement in mediation, and reducing recourse to court in a sample of disadvantaged parents and their children. It was implemented through three rounds of quantitative 'Parental Conflict Questionnaire' data collection and analysis ('survey 1', 'survey 2' and 'survey 3') and qualitative fieldwork with support service providers, parents and children.

Quarterly Interim Reports were prepared in July 2019, October 2019 and January 2020 and this report should be read in conjunction with these reports.

2. Mediation in Mind – An overview

2.1 Aims

The initiative aimed to reduce the number of parents going to court to resolve issues about child arrangements or finances following separation or to the Child Maintenance Service, by improving inter-parental communication and increasing engagement in mediation. It sought to add to the evidence base by showing whether the use of mediation is increased by:

- Increased understanding of mediation and the impact of separation on parents in other services that work with disadvantaged parents
- Triage and signposting to support services
- Increased understanding of the court process
- Improved emotional readiness through counselling

Further, whether increased understanding of the court process and communication skills increases the proportion of parents in conflict who resolve issues through mediation. Lastly, whether the following activities increase the resolution of issues of disadvantaged parents:

- A communication session with parents either as part of the mediation process or where parents do not engage in mediation in groups with other parents

- A meeting for the children with the mediator as part of the mediation process so that their views can be heard

2.2 Methods

The initiative, which ran from 1 April 2019 to 31 March 2020, offered:

Training for service providers

Training sessions to increase understanding of mediation were provided to local services who support parents who met the initiative's criteria, namely:

- the parent providing most of the care for children is workless
 - the parents have had a recent transition to parenthood; or
 - one of their children is disabled
- One parent:
- sees the children less than fortnightly
 - is suffering work pressures
 - has financial problems
 - has a longstanding illness or disability
 - misuses alcohol or substances; or
 - suffers from anxiety or depression

The training aimed to increase support service providers' understanding of mediation and highlight the local services available to parents on separation. The objective was to encourage service providers to signpost clients to the initiative and, over time, to mediation and/or appropriate support. Monthly initiative updates, including information about local services, would be sent to service providers to foster a more joined-up approach between services.

Interventions for parents

For 100 parents living in Cheshire, free of charge (save where costs are met by Legal Aid), the initiative would provide:

- a one-and-a-half-hour triage meeting for each parent with a lawyer/mediator for parents to tell their story, identify the parent's support needs and refer/signpost to appropriate support services
- a one-hour information meeting with a family lawyer to manage expectations of court
- a two-hour communication session with a mediator
- MIAMs and mediation sessions for parents and child-inclusive mediation for children
- three one-hour sessions with a counsellor to improve emotional readiness to mediate/ effectiveness of mediation and three sessions following mediation to help parents carry proposals forward
- two eight-week counsellor facilitated programmes for groups of 20 parents on life after separation and
- two eight-week programmes for two groups of eight children on life after parental separation.

3. The evaluation

3.1 Evaluation methods

The University of Exeter was appointed on 22 May 2019 to evaluate the initiative against the aims stated above. Professor Anne Barlow (Law School), working with Research Fellow, Dr Jan Ewing, was appointed to lead the evaluation.

The evaluation took between June 2019 and June 2020 in three phases:

Phase 1 – The written surveys completed by parents before, during and on completion of participation in the initiative were analysed to identify whether participation in the initiative has led to any reduction in perceived levels of parental conflict, improvement in communication and/or desire to avoid court proceedings. Parents completed a baseline survey at the outset of the project and a further survey on completion of the project. The parents who engaged in mediation also completed a survey immediately before the commencement of mediation. Fifty-four parents completed survey 1; 29 parents completed survey 2 and 32 parents completed survey 3. The purpose of the surveys was to measure change; did, for example, the receipt of legal information and/or counselling help parents to become more emotionally ready to mediate. The analysis was therefore restricted to the 39 parents who consented to use of their data and had completed more than one survey.

Phase 2 – There were two aspects to this phase:

Part 1: Telephone interviews were conducted with 20 parents (12 mothers and eight fathers) who engaged in the initiative. Where possible, both parents were interviewed. The sample consisted of six former couples (12 parents) and eight individuals (four whose former partner had taken part in the initiative and four whose partner had not taken part). The aim had been to recruit six parents who experienced child-inclusive mediation but in the event, only the children of two parents met with the mediator. Both parents were interviewed. Interviews explored the participant's experience of the initiative including whether they perceived that participation had reduced parental conflict levels; increased emotional readiness and/or practical preparedness to mediate and increased preference to resolve issues through mediation and avoid court where possible. For each intervention the parent engaged in (legal information, counselling etc.) the parent was asked if they perceived that the particular intervention had helped to reduce conflict, improve communication and/or (where relevant) increased their desire to avoid court proceedings if possible and answers were coded on a 3-point scale (agree, neither agree nor disagree and disagree). Interviews ranged from 36 minutes to 82 minutes in length and on average lasted 54 minutes. Parents interviewed received a £20 Amazon voucher.

Part 2: Telephone interview with three service providers (all teaching professionals) who received training from the initiative providers. Interviews explored the service provider's experience of the training, including whether they perceived that the training had increased understanding of mediation; willingness to refer clients to mediation and/or confidence in signposting clients to appropriate support services following parental separation. Analysis of the feedback questionnaires completed by the six attendees at the workshop on 8 August

2019 and the 26 (of 35) attendees at the training event on 6 November 2019 supplemented the interview data.

Phase 3 – This phase was to have consisted of a one-hour focus group with two groups of up to eight children immediately following the last session of the eight-week 'Life after Separation' programme. This would have explored the children's experience of the programme including whether they perceived that participation had helped them to acquire better coping mechanisms and/or helped to reduce conflict between their parents. However, there was little appetite for group sessions so, in a change to the methods on the part of the initiative providers, one-to-one counselling for young people was offered in place of the 'Life After Separation' programme. Five young people aged 10-12 accepted the offer of counselling which was to be evaluated by holding a focus group planned to take place on 26 March 2020. The COVID-19 outbreak forced a change to the methods. Young people were interviewed by telephone instead. This was the preferred evaluation method of young people and their parents in any event. Young people interviewed received a £20 Amazon voucher.

Research Ethics approval was successfully sought through the University of Exeter research ethics procedures. All parents and young people provided informed consent and were given an information sheet explaining the purpose of the project. Their true identities have been anonymised in this report and names used to refer to their data are all pseudonyms. To further protect identity, every parent has been assigned a different surname so that ex-partners are unable to identify each other. Young people are assigned first names only so that they are not matched to parents. For ease of reference, each interviewee was assigned a prefix: service providers (SP); parents (P) and young people (YP) as well as a number (001, 002 etc.).

Section 4 below gives an overview of recruitment and engagement. Section 5 considers parents' responses to the standardised parts of the surveys. The training for service providers and the discrete interventions for parents and young people are evaluated in sections 6 -13. The impact of the initiative overall is then considered in section 14. The report concludes with some observations on learning in section 15.

4. Overview of performance

4.1 Recruitment

The initiative aimed to recruit 100 parents. Recruitment and retention of disadvantaged parents at a time of crisis in their lives was problematic throughout. Recruitment to mediation is seasonal - with most parents instructing a mediator in January/February and the autumn. The launch of the project coincided with a natural lull in the cycle of mediation recruitment. Initially, the recruitment of both parents was required. In Quarter 2 (Q2) DWP agreed to the recruitment of one parent only. Five out of seven of the parents recruited in Q2 were individual recruits rather than a couple and this bolstered recruitment efforts going forward. Proactive recruitment via the initiative providers' website and radio were also authorised by DWP in Q2. The establishment and embedding of a new initiative of this kind takes time.

Training and information sharing with frontline support staff helped to establish the initiative locally. An extension of the time limits for recruiting parents to the initiative enabled recruitment to continue to the deadline of 31 March 2020. Most parents (55%) were recruited in the final quarter. Table 1 sets out expected and actual milestones for recruitment reached per quarter.

Table 1: Expected and actual milestones for recruitment (per quarter)

Intervention	Expected performance	Actual performance
<i>Quarter 1 (01.04.19-30.06.19)</i>	20	11
<i>Quarter 2 (01.07.19-30.09.19)</i>	34	7
<i>Quarter 3 (01.10.19-31.12.19)</i>	34	7
<i>Quarter 4 (01.01.20-31.03.20)</i>	12	30
<i>Total</i>	100	55

In the interviews, parents were asked about the referral path into the initiative. Table 2 below sets out referral paths. Most parents approached the initiative providers for mediation (often following an online search for information for parents following separation and/or mediation services) and heard about the initiative at that stage.

Table 2: Referral paths of parents interviewed (N=20)

Referral Path	Number of parents
<i>Instructed initiative providers for mediation</i>	8
<i>Ex-partner instructed initiative providers for mediation</i>	5
<i>Solicitor referred to initiative providers for mediation</i>	3
<i>Citizens Advice referred parent to initiative providers for mediation</i>	3
<i>Employer had Mediation in Mind training</i>	1

4.2 Learning from the recruitment process

Establishing a new service is time intensive initially – internally, since procedures and protocols need to be embedded, and externally as links to local services and confidence in the initiative take time to build. The somewhat serendipitous manner in which parents came to the initiative indicates the need for a fully funded marketing campaign should the initiative be continued or expanded.

4.3 Engagement

Once recruited, many parents engaging in the service found it difficult to progress in a linear and timely fashion through the offerings – cancelled and missed appointments were frequent. Staff changes meant that the initiative’s facilitator changed several times, compounding these difficulties. However, as a more systematic protocol for personal follow-up was embedded, numbers engaging in the initiatives on offer, particularly mediation, increased.

Fifty-four of the 55 parents recruited to the initiative had a MIAM and 39 engaged in mediation. The conversion rate from MIAM to mediation starts for legally aided clients in 2018-19 was approximately 62%.⁵ The conversion rate in the initiative, with a hard-to-reach group of parents, was 72% (including parents who commenced mediation after 31 March 2020).

Table 3 shows the expected numbers engaging in each part of the initiative (taken from the revised milestones agreed between the initiative providers and DWP) and the actual performance.

Table 3: Number of service providers, parents and young people engaging in the initiative: expected and actual performance

Intervention	Expected performance	Actual performance
<i>Training sessions (for service providers)</i>	12	2
<i>Engagement with local service providers</i>	n/a	125
<i>Triage</i>	100	55
<i>Legal information meeting</i>	100	52
<i>Counselling</i>	100	26
<i>MIAM</i>	100	54
<i>Mediation</i>	60	39*
<i>Communication meeting</i>	100	26
<i>Child-inclusive mediation</i>	n/a	3**
<i>Group meeting</i>	16	2
<i>Counselling (for young people)</i>	16	5

* Number includes 6 parents who commenced mediation after 31 March 2020

**Three children from one family

⁵ In 2018-19 mediation assessments were 10,508 and mediation starts were 6535 - see [Legal aid statistics England and Wales, tables October to December 2019](#), Tables 7.1 and 7.2 (last accessed 09.06.20)

4.4 Learning from the engagement process

A clear protocol of follow-up is essential to ensure that disadvantaged parents remain engaged at a time of crisis. A consistent and knowledgeable coordinator is key to successful retention of hard-to-reach parents.

5. The 'Parental Conflict Questionnaires'

5.1 Evaluation methods

The following sections draw on data from sections 1 and 2 from the written surveys completed by 32 parents at the outset of the initiative and on conclusion. Sections 1 and 2 are the standardised 'Parental Conflict Questionnaire' for parents who are no longer in a relationship/separated used by the projects funded by the 'Reducing Parental Conflict Challenge Fund'. These sections were in the baseline survey 1 and the final survey 3 that parents completed. Since many of the parents who engaged in the initiative had separated some time ago a number of the questions on the standardised surveys were not pertinent to their situation (how often they argued about affection or religion for example). For completeness, the full set of answers can be found in Appendix 1. Whilst 54 parents had completed survey 1, because it was degrees of change in parental perceptions that was being measured, only the 32 parents who completed surveys 1 and 3 are included here. To help answer the research questions of the initiative, a third section was added to the standardised questions. Analysis of these sections follows in sections 8-11 and section 14. Parents who engaged in mediation also completed a survey immediately before the commencement of mediation, the results of which are discussed in section 10 below.

5.2 Performance evaluation

The initiative providers hoped to engage 100 parents, 60 of whom would engage in mediation. It was anticipated therefore that 40 parents would complete surveys 1 and 3 and 60 parents would complete surveys 1, 2 and 3 yielding a total of 260 surveys. In the event, 55 parents were recruited. Table 4 gives a breakdown of the surveys completed.

Table 4: Surveys completed

Surveys completed	Number of parents
<i>Survey 1 only</i>	16
<i>Surveys 1 and 2 only</i>	7
<i>Surveys 1 and 3 only</i>	12
<i>Surveys 1, 2 and 3</i>	20
<i>At least 2 surveys</i>	39

As some parents 'drifted' out of the project it was not always clear that a given face-to-face contact would be the last and it then became difficult to persuade parents to complete a final survey. As a result, far fewer surveys were completed than expected. Early attempts to undertake linear regression were abandoned. Linear regression can be a useful tool in showing relationships, but the low sample size means that all of the linear regression results calculated had no real statistical significance.

5.3 Outcomes evaluation

As the objective was to measure change, only the surveys from the 32 parents who completed surveys 1 and 3 are included in the analysis in this section. Some parents did not answer every question so the number of respondents for each question is indicated in brackets on the graphs below. Whilst not all of the standard questions were strictly relevant to this initiative, for completeness, the full set of survey answer for sections 1 and 2 can be found in Appendix 1. This includes the survey answers followed by the answers analysed by those who took up the offer of counselling and those who did not. Since the initiative was dealing with parents in conflict, Figure 1 shows the frequency of conflict over children and Figure 2 breaks the results down into those who had counselling and those who did not. Reflecting the general trend for the responses to the questions contained in Appendix 1, these show that the frequency of arguments between parents about children diminishing over the course of the initiative as hoped, with the rate of reduction for parents who argued often slightly steeper for parents who had engaged in counselling.

Figure 1: Frequency of arguments about children – Surveys 1 and 3

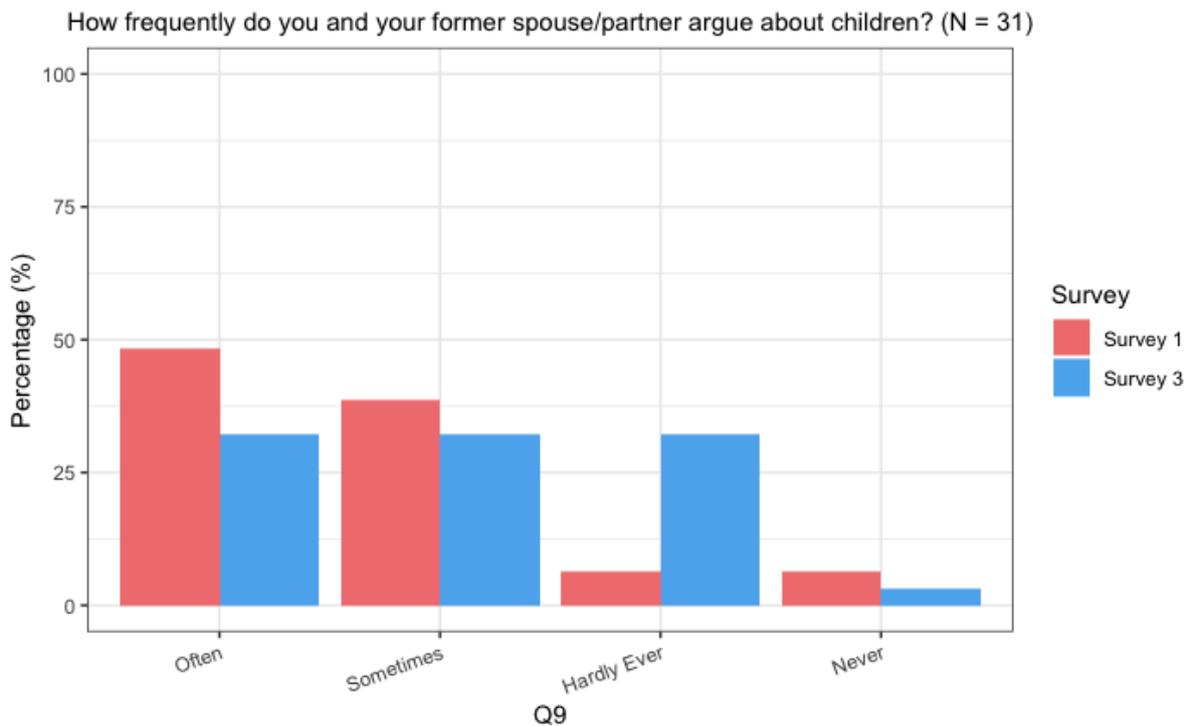
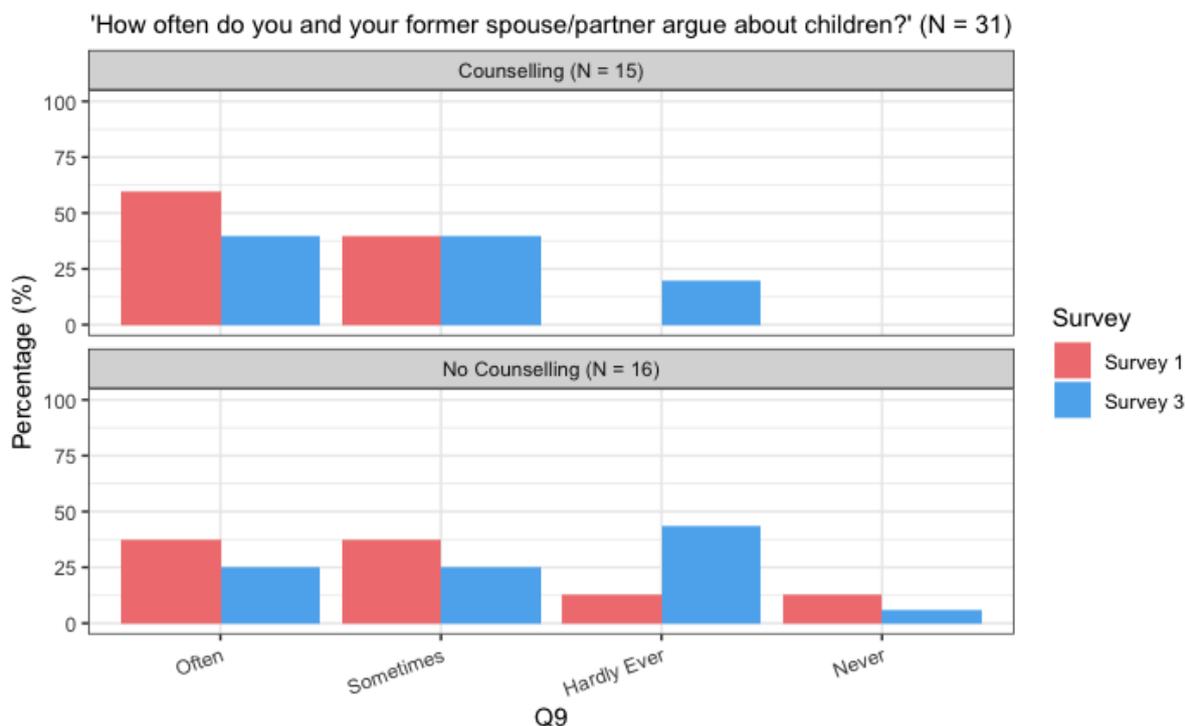


Figure 2: Frequency of arguments about children – Surveys 1 and 3 (by whether parent had or did not have counselling)



As noted above, parents who engaged in mediation completed an additional survey (survey 2) immediately prior to mediation. Surveys 1 and 3 had a section 3 added which was tailored to the research questions from the initiative. The analysis of the results from survey 2 and section 3 of surveys 1 and 2 for each discrete offering (legal information, counselling etc.) are considered in the relevant sections below.

6. Training for service providers

6.1 Evaluation methods

The following sections draw on data from the 32 written surveys completed by service providers who attended training provided by the initiative providers and telephone interviews with 3 teachers who attended the training. This section considers whether the use of mediation is increased by an increased understanding of mediation and the impact of separation on parents in services that work with disadvantaged parents.

6.2 Performance evaluation

Over the initial 9 months of the initiative, the providers intended to run 12 training and/or workshop sessions for local services who provide support for parents who met the criteria for eligibility. The presentation would outline the various interventions provided by the initiative; consider the complexities of a separation, whom it can impact and how; the best way for

professionals to handle responses and what services are available to assist parents. It would also cover the needs of disadvantaged families, their increased risk of conflict and the impact of conflict on children. Participating services would be encouraged to exchange information about their support service. Updates about the initiative were to be provided monthly by email and the support services would be given the opportunity to provide information about their service to include in the update to share with other organisations.

Local support service providers were purposively sampled across the range of disadvantages targeted in the initiative. Letters were sent to 125 services detailing the offer to clients and offering training to support service staff. Organisations contacted assist those with the following support needs: longstanding illness or disability (4); work pressures (4); financial pressures (4); children with a disability (9); contact arrangement facilitation (5); new parents (15); drug and alcohol issues (6); anxiety issues (8). Also, 24 schools, 2 colleges, 6 GP surgeries, 3 domestic violence support services, 15 housing associations, 3 solicitors' practices (across 6 offices) and 15 other support service providers were contacted. Where email contact details were available, monthly newsletters were sent thereafter.

In August 2019, the mediator and counsellor on the initiative delivered training and a workshop, lasting three hours to a group of six: three local authority staff, two solicitors and a staff member from a charity supporting domestic abuse victims. In November 2019, the mediator and counsellor delivered training lasting two hours to a group of 35: 33 teachers and support staff from five schools and two employees of a service for single parents. A third training session to a housing association was cancelled because of COVID-19. Several information-sharing meetings were held or attended including one with a mental health support service in September 2019.

6.3 Outcomes evaluation

The six attendees at the training event on 8 August 2019 and 26 of the 35 attendees at the training event on 6 November 2019 completed feedback questionnaires covering whether the training had increased the attendee's understanding of the needs of separating parents and the mediation process and whether they were more likely to refer parents to mediation.

The teachers and providers of support to single parents who attended the training event on 6 November 2019 came with different levels of awareness of the needs of disadvantaged families. The feedback from those working directly with disadvantaged parents was that they had not gained a better appreciation of the impact of parental conflict on children (presumably because they were already confident in their understanding of these issues).

Figure 3 below shows that attendees at both training events overwhelmingly agreed or strongly agreed that they were more likely to refer parents to the project following receipt of the training. Service providers interviewed confirmed that they had referred both employees of the service and parents to the initiative. As outlined in Table 2 above, one of the parents interviewed had been referred following training delivered to their employer. As the second training event took place near the end of the trial initiative, attendees were also asked whether they were more likely to refer to mediation more generally. Figure 4 below confirms that overwhelmingly they were. Most teaching and other professionals also strongly agreed

or agreed that they would be more likely to refer parents to other support services, in addition to mediation, following receipt of the training (see Figure 5 below).

Figure 3: Service providers' likelihood to refer to Mediation in Mind

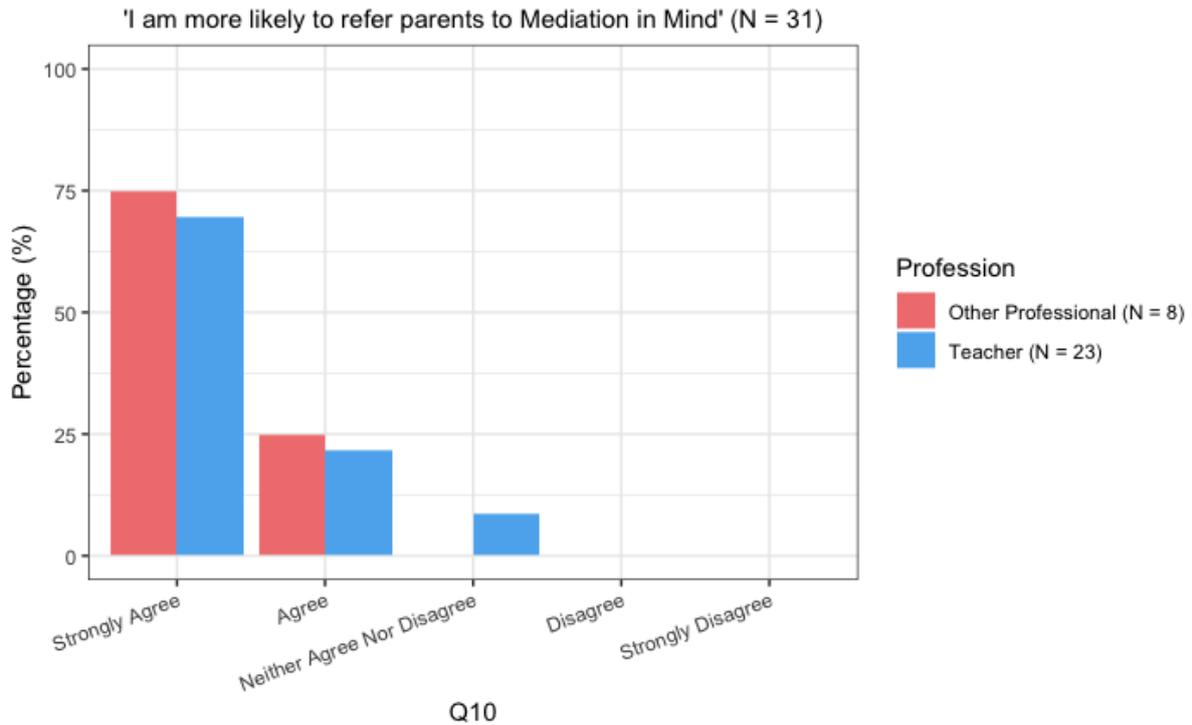


Figure 4: Service providers' likelihood to refer to mediation

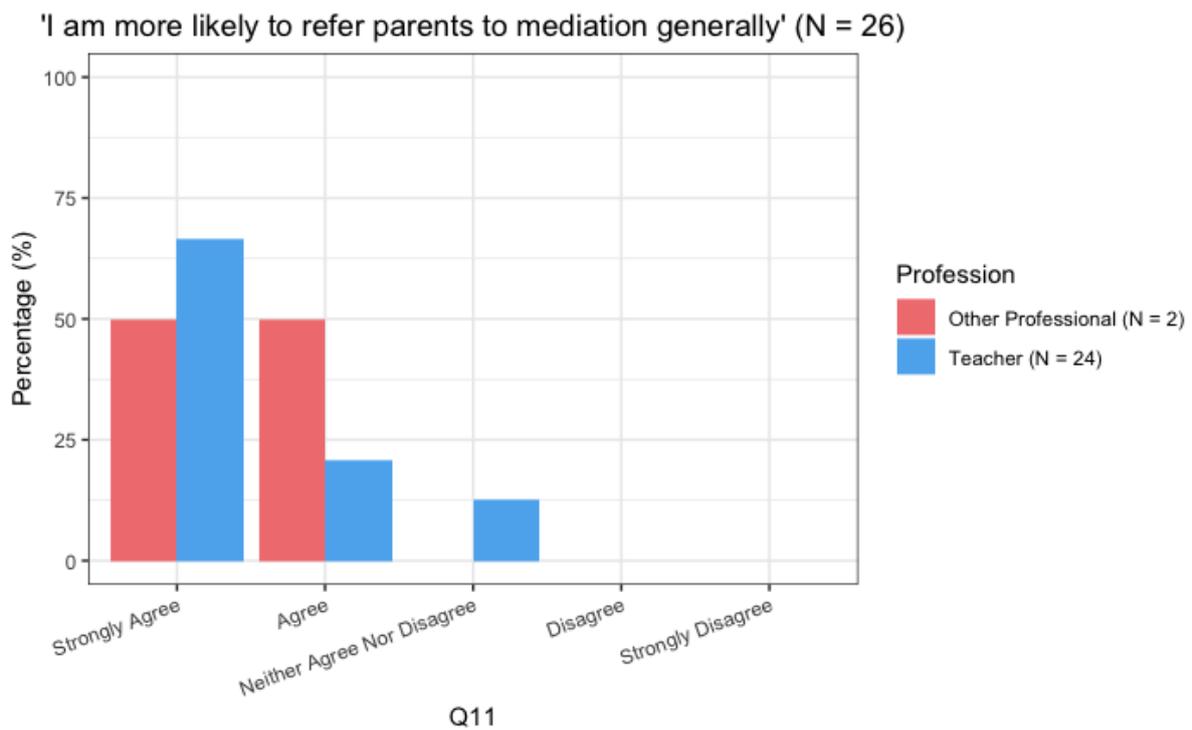
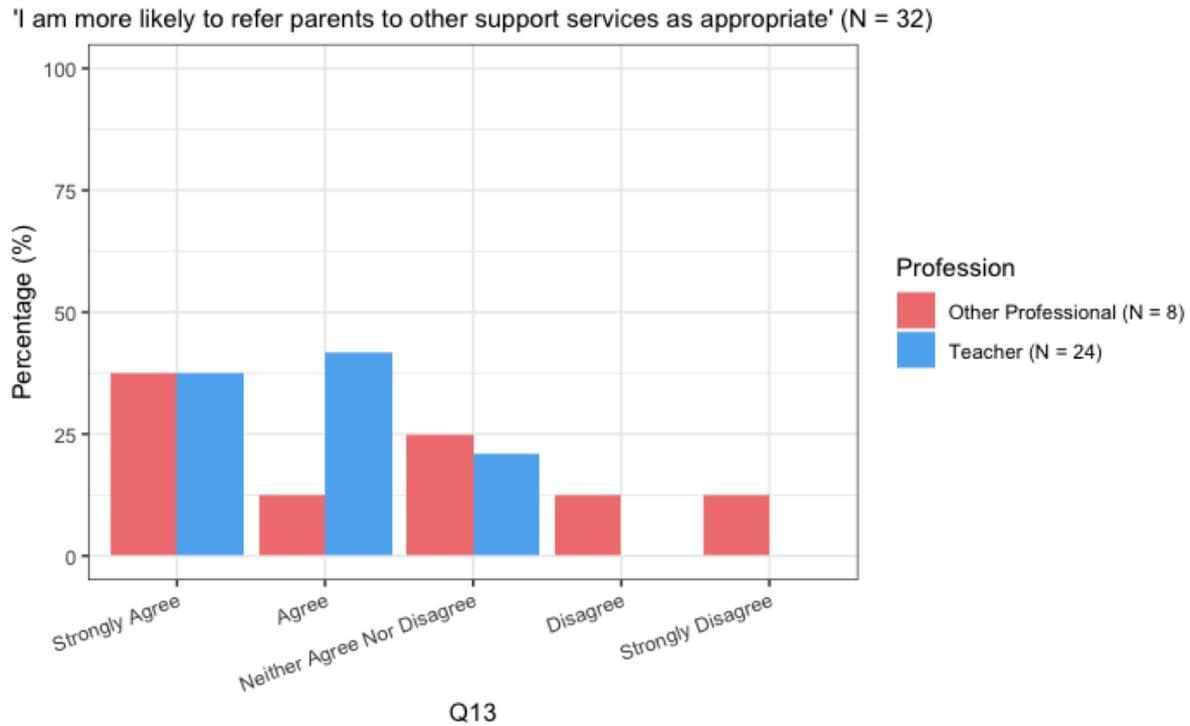


Figure 5: Service providers' likelihood to refer to support service



There was a recognition, both from the interview data and the comments section on the feedback questionnaires of the pressing need for support for disadvantaged parents and for training for teachers working on the 'front line' to support such parents. As one teacher commented on the feedback questionnaire: '*There is a massive need for children and families in this area, but we have always struggled to give them the right advice and know where to signpost.*' Miranda Bailey (SP002) thought that it was 'logical' to provide teachers with training such as this given that they worked with the whole family and not just the child. Nikki Charlton (SP003) had felt ill-equipped to support the complex needs of disadvantaged parents. She described feeling 'empowered' that she now had a service to which she could signpost separated parents rather than relying on her judgement, echoing the views of the third teacher interviewed:

... very often [when parents separate] it's just been, "oh I'm sorry to hear that"... We have never really been able to say, "have you considered mediation? Have you considered, you know, here's a leaflet that might be of some use to you". We have not had that tool in our toolkit. (SP001: Susan Ainsworth)

6.4 Learning from the training for service providers

Training for teachers, potentially overlooked gatekeepers to disadvantaged families, was welcomed, and proved effective. Service providers from different professions came to the training with different levels of awareness of the needs of disadvantaged families and therefore different training needs. It may be better to target future training to homogenous groups.

7. The triage/ 'Action Plan' meeting

7.1 Evaluation methods

The following sections draw on data from the action plan that each parent completed in the triage meeting, analysis of the written surveys and the telephone interviews with twenty parents who had attended the triage meeting. This section centres on whether the parents perceived that attending a 1.5-hour triage meeting increased the parent's willingness to attend mediation.

7.2 Performance evaluation

The initiative intended to provide 100 parents with a 1.5-hour triage meeting with a lawyer/mediator on the initiative providers' premises. The purpose of the triage meeting was to enable each parent to tell their story. The additional support needs of the parent would be identified in this meeting and the parent would be referred/signposted to the appropriate support service. A summary would be prepared for sharing between professionals in the team and with other support services to whom a parent agreed to be referred.

The initiative recruited 55 parents. All parents recruited attended a triage meeting. The additional support needs of each parent were identified in this meeting and in all but one case, these were recorded in an action plan. For almost every client there was also a typed note of the triage meeting. Where parents agreed to attend counselling or mediation provided for by the initiative, the initiative providers arranged the first appointment. Where any other form of support was discussed, it was left to the parent to make the necessary appointment. There was a section on the action plan to complete once a referral to a support service had been made but this was blank on each form, so it was not possible to ascertain whether the initiative providers had checked with parents whether they had referred themselves to the suggested agencies.

Before joining the initiative, many parents had been proactive in seeking out advice and/or support from a range of agencies including solicitors, Citizens Advice, the police, private or employer's counselling schemes, domestic violence agencies, Gingerbread, the Child Maintenance Service, GPs and/or health visitors, Fathers for Justice, Families Need Fathers, Relate and the partner support services of Alcoholics Anonymous. Where contact with these agencies was ongoing, parents were encouraged to continue engaging with these sources of support. The solicitor conducting the triage meeting suggested that the parent considered obtaining support from the agencies listed in Table 5 below. Referrals to one-to-one support for the young people are not recorded in Table 1 as this was only recorded on the action plan for those parents who joined the initiative towards the end of the trial once the provision of one-to-one counselling became available. All parents of children of eligible age were contacted at that time. Three parents were given the Children and Family Court Advisory and Support Service (Cafcass) parenting plan booklet at the triage meeting (others received it at the MIAM).

Table 5: Support services discussed at triage meeting

Support service discussed	Number of parents
<i>Mediation</i>	45
<i>Counselling (Mediation in Mind)</i>	42
<i>GP</i>	18
<i>Child Maintenance Service</i>	11
<i>Legal advice</i>	9
<i>Debt advice (Citizens Advice) /Credit agency</i>	2
<i>Job Centre/Recruitment Agencies</i>	2
<i>Resolution website</i>	2
<i>Autism network</i>	1
<i>Banking service</i>	1
<i>Cafcass website</i>	1
<i>Housing services</i>	1
<i>Online parenting courses</i>	1
<i>Police (if needed)</i>	1
<i>Social services</i>	1

7.3 Outcome evaluation

All but one parent found the triage meeting helpful. Parents were information hungry at this stage and they appreciated this professional assistance. It helped parents to feel that they were 'taking some control of a situation that I felt I wasn't in control of' (P008: Sophie Hunter) at a time when they felt that they were 'in a desperate situation with no way out' (P004: Melanie Drayton). The meeting helped parents to prepare for mediation. It 'helped underline' what parents wanted to discuss in mediation and how they wished to resolve matters (P020: Greg Turnbull). One parent who had not found the meeting helpful felt that he needed more support in completing the action plan and understanding the consequences (if any) of his answers to sections of the action plan.

7.4 Learning from the triage meeting

The triage meeting informed parents at a time when they are information hungry and is therefore useful. When working with disadvantaged parents such as these, referring to support services rather than signposting and expecting the parent to access the service would be a more supportive response. Where parents are signposted, there needs to be more systematic follow up to ensure that parents are accessing the appropriate services required.

8. The information meeting

8.1 Evaluation methods

The following sections draw on data from the written surveys completed by parents and telephone interviews with 20 parents. This section outlines whether parents perceived that attendance at an information meeting reduced parental conflict; increased emotional and/or practical preparedness to mediate and/or reduced parents' inclination to resolve the dispute in court proceedings.

8.2 Performance evaluation

The initiative providers intended to provide 100 parents with a one-hour information meeting with a family lawyer to manage expectations of what the court can do. The information would cover the court's focus on the best interests of the children and the need of children to maintain a relationship with both parents, and the fact that the behaviour of the other parent is not relevant unless it poses a risk to a child. Of the 55 parents who engaged in the initiative, 52 attended a legal information meeting. All but one of the parents interviewed had attended an information meeting. The parent who declined the invitation said there had been previous court proceedings and she did not feel that she needed legal information.

8.3 Outcome evaluation

Survey data

Table 6 outlines the responses of the 25 parents who attended a legal information meeting and completed a survey 3.

Table 6: Survey 3 – The legal information meeting (by percentages) (N=25)

Outcomes of information meeting	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
<i>better informed about our options*</i>	42	27	23	0	8
<i>better informed about what happens in mediation</i>	48	36	8	4	4
<i>better understanding of the court process</i>	32	20	24	12	12
<i>better understanding of the factors that the court takes into account when deciding family law cases</i>	32	8	40	8	12
<i>better equipped to discuss things at mediation</i>	44	20	24	4	8

*N=26

Most parents strongly agreed or agreed that they were better informed about their options (69%) and about what happens in mediation (84%) and were therefore better equipped to discuss things at mediation (64%). Most, albeit fewer, (52%) felt they understood the court process better but only 40% strongly agreed or agreed that they had a better understanding of the factors that the court takes into account when deciding family law cases following attendance at the legal information meeting.

Interview data

The interview data added nuance to the quantitative survey answers. Of the 20 parents interviewed, one had not had a legal information meeting and two could not remember attending the meeting. Table 7 below outlines the outcomes of the information meeting for the parents interviewed.

Table 7: Outcomes of information meeting for parents interviewed (by percentage) (N=17)

Outcomes of information meeting	Agree	Neither agree nor disagree	Disagree	Not recorded
<i>Information meeting was helpful</i>	76	6	18	0
<i>Reduced the conflict</i>	35	29	24	12
<i>Parent felt more ready to mediate</i>	82	0	18	0
<i>Parent less inclined to resort to court proceedings</i>	88	6	6	0

Most of the parents interviewed (76%) found the legal information meeting helpful. The parents who found it unhelpful (18%) wanted more nuanced legal advice. Some would have preferred to have had it from a more experienced lawyer. One parent (8%) said it would have been helpful had he not had legal advice before the meeting.

Several parents (29%) were ambivalent over whether the information meeting had reduced conflict with slightly more (35%) agreeing that it had.

Most parents (82%) felt more ready to mediate following the legal information meeting. For some, the meeting met a need for information at a point when they were 'information hungry' (P008: Sophie Hunter). Having 'the blanks filled in for you by people who know this process inside out' (P010: Dan Johnson) helped parents to feel more practically prepared to mediate. For others, it helped them to be more emotionally prepared to mediate. Theresa Pomeroy (P016) spoke of it giving her the confidence to 'keep pushing forward.'

Most parents (88%) felt less inclined to resolve matters through court proceedings following the legal information meeting. Barry Francis (P:006) found the explanation of the costs and timeframes of court proceedings a good 'reality check' which made him determined not to go down that route.

8.4 Learning from the information meeting

Since this was an initial information-giving meeting only, it is perhaps ambitious to expect it to have much impact on conflict. There was however strong evidence that this meeting had made parents more emotionally ready and practically prepared to mediate and had substantially reduced their inclination to resolve matters through court proceedings. This relatively low-cost intervention has the potential to pay dividends by helping to make the mediation process more effective and diverting cases from court. The fact that some parents who had attended the meeting could not recollect it is an indication of the emotional turmoil that many people find themselves in at this early stage of the conflict resolution. This is likely to affect their ability to retain legal information and therefore any information given should we followed up in writing and reiterated at further contacts with the parent where needed.

9. Counselling for parents

9.1 Evaluation methods

The following sections draw on data from the written surveys completed by parents and telephone interviews with 20 parents. This section outlines whether parents perceived that engaging in one-to-one counselling before or after mediation reduced parental conflict; and/or increased emotional and/or practical preparedness to mediate. Where appropriate, the reasons given by the parents who declined the offer of counselling are explored.

9.2 Performance evaluation

The initiative providers intended to provide 100 parents with three one-hour sessions of counselling to improve emotional readiness for mediation and increase the effectiveness of mediation and three sessions after mediation to aid the parents in carrying forward their proposals by focusing on:

- Separating amicably and not being driven by negative emotions
- Acknowledging distress in a safe space
- Exploring emotions which are arising from any conflict
- Analysing and taking responsibility for their actions within the relationship
- Pinpointing historical issues which are impacting the ability to communicate
- Removing anxiety from face to face communication

Table 8 below shows the overall uptake of counselling for the 55 parents who engaged in the initiative; 26 parents accepted the offer of counselling but only two had all six sessions on offer.

Table 8: Number of parents who attended counselling sessions

Counselling	Number Attended
Session 1	26
Session 2	17
Session 3	9
Session 4	8
Session 5	6
Session 6	2

Table 9 shows the number of sessions of counselling that the 20 parents interviewed had either before or during and after mediation.

Table 9: Number of sessions of pre- and post-mediation counselling attended by parents interviewed

Number of sessions of counselling	Pre-mediation	During or post-mediation
1 session	3	2
2 sessions	3	3
3 sessions	3	2
4 sessions	0	0
5 sessions	2*	0
6 sessions	0	0

* This includes one parent who had 5 sessions of counselling but did not engage in mediation as the ex-partner refused to engage

Of the parents who were interviewed, time constraints meant that some who would have liked to have taken up the offer of counselling were unable to do so (or were unable to take up the full amount on offer). Others felt that they had already been through 'the grieving period' for the relationship (P010: Dan Johnson) and therefore did not feel the need for counselling.

9.3 Outcomes evaluation

Survey data

The initiative sought to ascertain whether providing parents with legal information and counselling led to parents feeling more emotionally ready to mediate. To gauge the

effectiveness of the interventions, those parents who accepted the offer of mediation were asked to complete a second survey immediately before commencing mediation. Twenty-seven parents completed a survey 2 but, as with all the surveys, not every question was answered. Figure 6 compares the readiness to mediate of the nine parents who had counselling and who answered the question and the 14 parents who answered the question but had not had counselling (all but one of whom had attended the legal information meeting).

Figure 6: Survey 2, qu. 9 for parents who did v did not have counselling

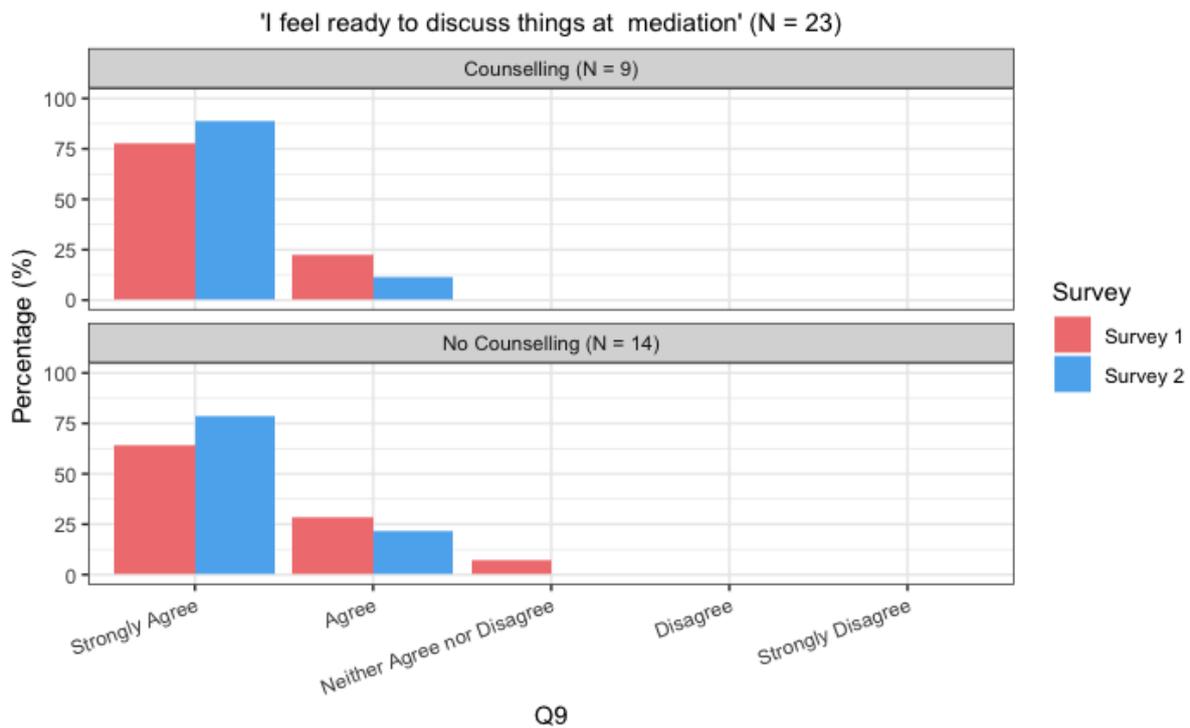


Figure 6 shows a modest increase in readiness to mediate from survey 1 to survey 2, with a slightly higher increase for the parents who had engaged in counselling. Asking parents to complete a survey before mediation should make it more likely that any change reported was due to the interventions to date. The parents were also asked to complete a survey on conclusion of the initiative. Table 10 below outlines the responses of the 14 parents who attended counselling and completed a survey 3. When responding from this vantage point, when most had been able to resolve matters in mediation, 86% of parents credited the counselling they had received with helping them to feel better equipped to discuss things in mediation.

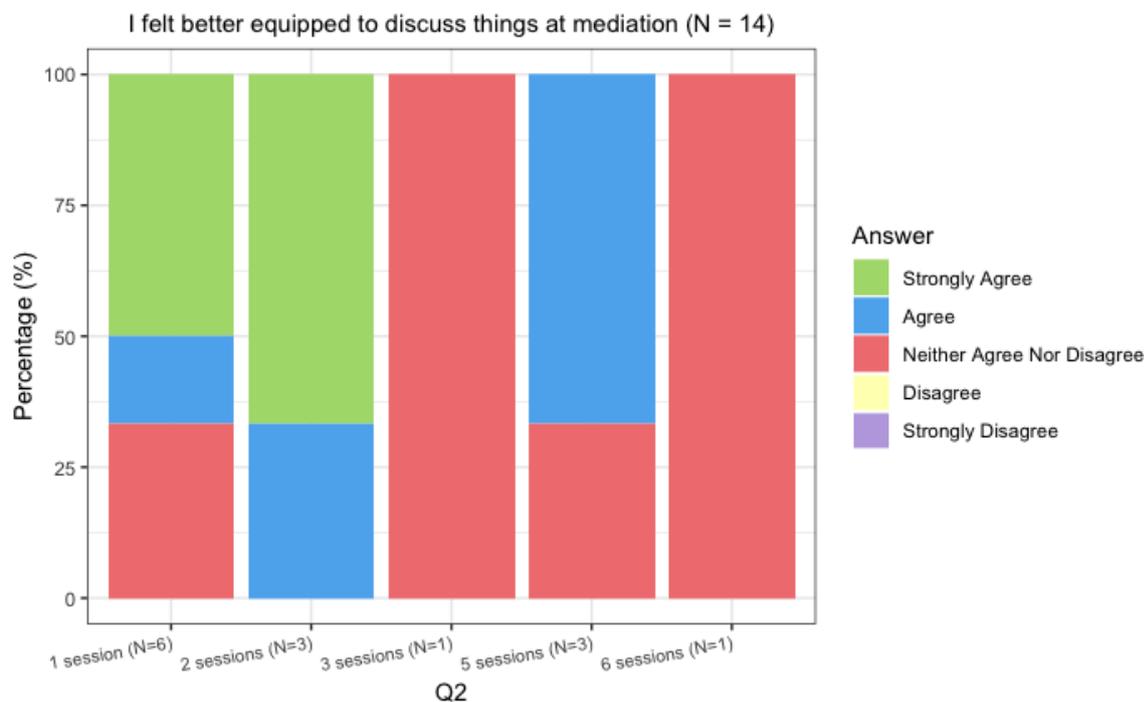
Table 10: Survey 3 – Counselling (by percentages) (N=14)

Outcomes of counselling meeting	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
<i>better equipped to take action to sort things out</i>	50	29	21	0	0
<i>better equipped to discuss things at mediation</i>	57	29	14	0	0
<i>less anxious about communicating face-to-face</i>	50	21	21	7	0
<i>a safe space in which to acknowledge distress of the separation</i>	71	14	14	0	0
<i>helped to explore emotions arising from conflict with former partner/spouse</i>	71	14	14	0	0
<i>helped analyse and take responsibility for own actions</i>	36	43	21	0	0
<i>helped to understand better former partner's concerns and viewpoint</i>	29	43	14	14	0
<i>helped to improve communication</i>	29	21	29	14	7

The evidence suggests that parents felt more emotionally ready to mediate following counselling. Most also strongly agreed or agreed that the counselling sessions made them feel less anxious about being face-to-face with their former partners (71%). Counselling gave parents a safe space to process the emotions engendered by the separation: 81% strongly agreed or agreed that the counselling had been a safe space for this; had helped them to reflect on their own actions in their relationship (79%) and to understand their former partner's concerns following separation (72%). There was greater divergence over whether counselling improved communication because, whilst 50% strongly agreed or agreed that it had improved, 7% of parents strongly disagreed that communication had improved, this being the only question to which any respondents answered 'strongly disagree'.

The initiative offered up to six counselling sessions per parent. It was anticipated that those parents who took up the full offer of three sessions of counselling before mediation would feel better equipped to discuss things at mediation. Figure 7 sets out the survey 3 responses of parents who had had counselling by the number of counselling sessions each parent had. It indicates that a higher percentage of parents felt equipped to mediate after two sessions of counselling than after one session. The small number involved however hampers any meaningful conclusions. (For further responses to the survey 3 questions on counselling by number of counselling sessions see Appendix 3).

Figure 7: Readiness to mediate for parents by number of counselling sessions (by percentage)



Interview data

Of the 20 parents interviewed, 13 accepted the offer of counselling: six had counselling before mediation only, five had counselling both before and between and/or after mediation and two had counselling between and/or after mediation only. Two parents chose to have most of the counselling before mediation. Table 11 below outlines the outcomes of the pre-mediation counselling for the parents interviewed. Table 12 outlines the outcomes of the counselling between and/or after mediation for the parents interviewed.

Table 11: Outcomes of pre-mediation counselling for parents interviewed (by percentage) (N=11)

Outcomes of pre-mediation counselling	Agree	Neither agree nor disagree	Disagree
<i>Pre-mediation counselling was helpful</i>	100	0	0
<i>Reduced the conflict</i>	82	9	9
<i>Improved communication</i>	64	9	27
<i>Parent felt more ready to mediate</i>	91	9	0

In interview, parents were even more emphatic in their appreciation of counselling than in the written surveys. Unquestionably, with 91% of those interviewed agreeing, the pre-mediation counselling was successful in achieving the aim of ensuring that parents felt more emotionally ready to mediate. Mandy Clarke (P003) reflected the views of many. She

described how getting things off her chest in counselling had reduced her anger and ensured that she and her former partner were able:

to get straight to the point on things when it was in the mediation session, instead of having to keep repeating stuff in my own head... [we] could just talk about the simple steps of what needs to be done from now.

Counselling had, Melanie Drayton (P004) explained, shown that 'there was an alternative way of thinking things and there was a calmer way of thinking things.' Some, including Lizzie Oswald (P015), attributed the swift conclusion reached in mediation to the counselling: 'I think we probably wouldn't have got an outcome at the first [mediation session] because I think I would have been too pent up about it.' Parents who had not taken up the offer but whose ex-partner had felt that it had assisted the mediation process: 'I think just my wife's acceptance that there was blame on both sides helped us to free up negotiations' (Dan Johnson, P010).

Table 12: Outcomes of counselling between or post-mediation for parents interviewed (by percentage) (N=7)

Outcomes of counselling between or post-mediation	Agree	Neither agree nor disagree	Disagree
<i>Post-mediation counselling was helpful</i>	100	0	0
<i>Reduced the conflict</i>	43	43	14
<i>Improved communication</i>	43	43	14

All interviewees agreed that counselling between mediation sessions or post-mediation had been helpful. It was however less effective than the pre-mediation counselling at reducing the conflict or improving communication, with as many disagreeing that it had done so as agreeing. Barry Francis (P006) conceded that his one session of counselling was unlikely to undo over a decade of poor communication. Others felt that it would have been more effective at reducing conflict and/or improving communication if the other parent had also taken up the offer of counselling. In all but one former couple, only one parent took up the offer of counselling. Ancillary benefits of the post-mediation counselling reported included improvements in mental health generally and increased awareness and understanding around coercive control. Several women disclosed that the counselling received had impacted positively on their parenting. Helen Appleby (P001) was grateful that it had put her 'in the right frame of mind to, you know, be there for my children.' For others, counselling alone was felt to be insufficient to address more complex needs. Reflecting comments made in her telephone interview, in the comments box on survey 3 one mother reflected that in order to reach agreement in mediation parents need professional help to work on and resolve personal issues and that in cases such as hers (involving long-standing alcohol dependency issues) 'a multi-professional team approach was needed.'

9.4 Learning from the counselling for parents

Counselling before mediation proved effective in helping parents to feel more emotionally ready to mediate. Processing negative emotions ahead of mediation led to a more productive discussion in mediation increasing the likelihood that matters would be resolved in mediation. Reduced length and therefore reduced cost of the mediation process may offset the cost of pre-mediation counselling. The skill of the counsellor in working with often vulnerable parents was key to its success. Whereas it had been intended to provide an equal number of counselling sessions before and after mediation, flexibility in allowing parents to take the counselling when it most suited their circumstances is required. For the most intractable communication issues, a more intensive intervention, providing counselling to both parties alongside multi-agency support would be required to achieve sustained improvements.

10. Mediation

10.1 Evaluation methods

The following sections draw on data from the written surveys of the 27 parents who completed surveys 1 and 2; the 22 parents who disclosed that they had engaged in mediation on survey 3 and the telephone interviews with 20 parents. Survey 2 was completed immediately before engaging in mediation to gauge whether the novel elements of the initiative: triage and signposting; an information meeting and pre-mediation counselling had helped parents to understand the court process, improved inter-parental communication and increased their emotional readiness and practical preparedness to mediate. The efficacy of individual interventions is discussed in the relevant sections above and below. This section centres on whether parents perceived that the mediation process itself had a role in reducing conflict and/or improving inter-parental communication. Where appropriate, the reasons parents gave for not engaging in mediation are explored.

10.2 Performance evaluation

The initiative providers intended to provide 100 parents with a Mediation Information and Assessment Meeting (MIAM) and mediation sessions for 60 parents (30 couples). All but one of the 55 parents who engaged in the project attended a MIAM. By the end of the project, 39 parents had engaged in mediation (17 couples and five individuals whose former partners engaged in mediation but had not signed up to be part of the initiative). This included six parents (two couples and two individuals) who had signed up to the initiative before the deadline but had the first session of mediation after 31 March 2020. Of the parents who engaged in the initiative but did not have mediation, the most cited reason was the refusal of the other parent to engage in the process.

10.3 Outcomes evaluation

Survey data

The initiative aimed to provide an evidence base on whether interventions including legal information and counselling assisted parents in becoming more emotionally ready to mediate, improving inter parental-communication and helping to avoid court proceedings. Analysis of the survey data indicates that parents felt both emotionally ready and practically prepared to mediate and that engaging in mediation itself also helps to achieve the aims of the initiative. Table 13 gives an indication of how parents were feeling immediately before mediation and Table 14 gives their reflections on the outcomes of engaging in the mediation process.

Table 13: Survey 2 – Questions 6-9 (by percentages) (N=21)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<i>I feel able to take action to start to sort things out</i>	62	14	21	3	0
<i>I feel well informed about our options*</i>	52	31	10	3	3
<i>I feel well informed about what happens in mediation*</i>	55	38	3	0	3
<i>I feel ready to discuss things at mediation*</i>	76	21	0	0	3
<i>I want to avoid a court application if possible*</i>	72	17	7	3	0

*Total is 99% due to rounding

The survey 2 analysis confirms that 76% of parents strongly agreed or agreed that they felt ready to start to sort things out and to discuss things at mediation (97%), indicating a high level of emotional readiness to mediate. Eighty-three percent of parents strongly agreed or agreed that they felt well informed about their options and about what happens in mediation (93%), indicating good practical preparedness to mediate. There was also a strong desire to avoid a court application if possible, with 89% of parents strongly agreeing or agreeing with this sentiment. (For further details of the survey 2 data see Appendix 2).

Table 14 outlines the responses of the 21 parents who attended mediation and completed a survey 3. Most parents either strongly agreed or agreed that mediation provided them with a safe space to sort through issues and reach a settlement (71%) and made them less anxious about being face-to-face with their former partner (60%). Sixty-two percent of parents strongly agreed or agreed that mediation had helped prioritise their children's needs in their decisions following separation and 58% strongly agreed or agreed that mediation had helped them avoid court proceedings. Only 48% strongly agreed or agreed that mediation helped them to understand their former partner's viewpoint and 47% strongly agreed or agreed that mediation had helped their former partner understand their viewpoint following their separation. Also, only 43% strongly agreed or agreed that mediation had ultimately improved communication with their former partner/spouse, with 29% strongly disagreeing that mediation had improved their communication.

Table 14: Survey 3 – Mediation (by percentages) (N=21)

Outcomes of mediation	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
<i>a safe space in which to explore options to resolve issues</i>	57	14	10	14	5
<i>less anxious about face-to-face communication*</i>	40	20	20	5	15
<i>understand better former partner/spouse's concerns and viewpoint</i>	29	19	19	19	14
<i>helped former partner/spouse to understand better my concerns and viewpoint</i>	33	14	24	5	24
<i>helped us to prioritise the needs of our child(ren) in the decisions we made</i>	33	29	10	14	14
<i>helped to improve communication</i>	33	10	24	5	29
<i>helped to avoid court proceedings</i>	38	19	19	0	24

*N=20

Interview data

In interview, the outcomes of attending mediation could be explored in detail. Parents were asked if mediation had helped to reduce the conflict and/or improve communication and follow up questions were asked to gain further insight into the responses. Table 15 sets out the parents' responses. It is noticeable that far more indicated in interview that the mediation had helped to improve communication (63%) compared to the same question on survey 3 (43%). It may be that there is an element of response bias in the interview data or the differences may be due to timing: the written survey was administered immediately following conclusion of engagement in the initiative whereas the interview took place sometime later, when the parent had had longer to reflect on the outcomes. An alternative explanation is that the in-depth nature of the interview led parents to consider their responses more thoughtfully leading them to reflect more positively on some of the outcomes.

Table 15: Outcomes of mediation for parents interviewed (by percentage) (N=19)

Outcomes of mediation	Agree	Neither agree nor disagree	Disagree
<i>Mediation was helpful</i>	74	26	0
<i>Reduced the conflict</i>	74	26	0
<i>Improved communication</i>	63	11	26

The professional environment of mediation; the focus on the child; the mediator's assistance in generating options and the mediator's use of reframing techniques to take 'the sting' out of the other's words ensuring that the parent felt heard and understood were all cited as helping to reduce the conflict between the parents, at least during the mediation process, and assisting the parties to reach an agreement. Practical measures such as the introduction of a 'communications book' were welcomed as a means of minimising unconstructive communication patterns going forward. For some, the nature of the discussions in mediation inevitably stirred up conflict. The practical, business-like focus of mediation meant that compared to counselling, parents found it less likely to improve communication. Others reported that any improvements in communication had been short-lived. Understandably, several found the process of mediation difficult and some men were frustrated at what they saw as a focus on what the mother was prepared to concede. The future-focus of the mediation sessions left some aggrieved that their concerns about past conduct were given insufficient weight. Others felt that the process took too long to complete. Despite these frustrations with certain aspects of the mediation process, most found it helpful overall.

Several interviewees indicated that they had been satisfied with the outcome agreed and, to a lesser extent, the process of mediation at the time but that the COVID-19 crisis had meant that proposed agreements had been difficult to implement. In these cases, where the parent had indicated that the process had been helpful, but for COVID-19, they were classified as agreeing that 'mediation was helpful'.

10.4 Settlement rates in mediation

Nineteen parents who were interviewed had engaged in mediation. Seventy-nine percent (n=15) of those interviewed reached a partial or full settlement of the issues in mediation (one father disclosed that agreement was reached in mediation whereas the mother indicated that the pair had generated options and narrowed issue sufficiently in mediation to be able to agree matters direct following mediation so both were included as having settled). As outlined above, the legal information and counselling that parents had before mediation undoubtedly fostered an atmosphere conducive to settlement in mediation. The mediation process itself also aided settlement. Margaret Grant (P:007) acknowledge that without the mediation it was likely that she and her former partner would have:

... got stuck... perhaps dug our heels in... but because [Mediator] was there she kept it calm and she said, "oh well I think what [Margaret] is trying to say there is this" or "what [ex-partner] is saying there is this" and that was helpful; it made us be reasonable, to be honest.

Mediation broke down without a full or partial agreement for 21% of the parents interviewed (n = 4). Half (one couple) reported mediation broke down because they were unable to reach a compromise and half (two individuals) cited one parent disengaging from the process due to drug or mental health issues. One further parent had been able to agree on contact arrangements in mediation, but the agreement broke down shortly afterwards following an incident requiring police involvement. One parent whose mediation broke down was nevertheless grateful that it had provided a forum to process feelings. Others felt that

engaging in the wider initiatives, particularly counselling, had helped to address self-esteem, self-confidence, and general mental health issues even if contact arrangements could not be agreed. When mediation did break down, parents interviewed tended to attribute the failure to settle on the intransigence of their former partner or inability of one partner to engage because of deep-seated issues, rather than the process.

Table 16 below sets out the settlement rates for those parents whose mediation had concluded by 31.03.20⁶ and settlement rates for those interviewed as part of the evaluation compared to settlement rates for legally aided mediations nationally.

Table 16: Settlement rates in mediation within the project and nationally (by percentage)

Outcomes of mediation	Percentage reaching full or partial settlement
<i>Mediations concluded by 31.03.20 (N = 31)</i>	68
<i>Evaluation interviewees (N = 19)</i>	79
<i>Legally-aided mediations⁷</i>	62

Despite the initiative providing services for disadvantaged parents, it is noteworthy that settlement rates were higher than the national average.

10.5 Learning from the mediation

Since the mediation sessions were more business-like and future-focused than the counselling sessions that preceded them, and since the process involved many parents whose relationships are characterised by intractable conflict coming together to negotiate, it was unsurprising that it was perceived to be less beneficial personally than counselling. The novel element of the initiative is the additional information and support provided to parents who engaged in mediation and therefore most of the learning is discussed elsewhere. Nevertheless, the skills of the mediator and the process itself helped to reduce conflict and improve communication for many. For some, even with the communication element built into mediation, the process was unable to affect a sustained improvement in communication. For these parents, additional support is needed if long term change is to be achieved.

11. Communication Meeting

11.1 Evaluation methods

The following sections draw on data from the written surveys of the 13 parents who indicated on survey 3 that they had engaged in a communication meeting and telephone interviews

⁶ As mediation was ongoing for several parents as at 31 March 2020, only those who had concluded mediation before this date were included in this statistic.

⁷ [Legal aid statistics England and Wales, tables October to December 2019, Table 7.2](#) (last accessed 09.06.20)

with 20 parents. This section considers whether a two-hour communication session with a mediator increases the resolution of issues of disadvantaged parents in mediation.

11.2 Performance evaluation

The initiative providers intended to provide 100 parents with a two-hour communication session with a mediator, for couples or groups of individual parents, using behaviour modelling mechanics and tools from OnePlusOne's 'Getting It Right for Children'; Resolution's 'Parenting after Parting' and the communication tips from the Cafcass Parenting Plan. The aim was to provide parents with better communication skills in the hope that this increased the resolution of issues in mediation. The communication session with parents was to be provided either as part of the mediation process or, where parents did not engage in mediation, in groups with other parents.

Given parental reluctance to attend a separate meeting, in a change to the methods, most parents had the communication element combined with mediation in the second and third mediation meetings. The Separated Parents Information Programme (SPIP) video was incorporated into the second meeting and the further videos on communication into the third meeting when discussing the next steps in arrangements for the children or finalising proposals.

In groups of up to eight parents, it had been planned to offer group communication meetings to individual parents where it had not been possible to engage the second parent in the activities offered as part of the initiative. Every parent eligible was offering a choice of either daytime or afternoon on different dates but only two parents took up the offer.

Of the 55 parents who engaged in the initiative, 26 attended a communication meeting; six parents had a separate communication meeting; 18 parents had a communication meeting combined with mediation and two parents attended a group communication meeting.

11.3 Outcomes evaluation

Survey data

Table 17 outlines the responses of the seven parents who completed the relevant section on survey 3 indicating that they had attended a communication meeting. As became evident in the interviews, because most parents had the communication element combined with mediation, they did not recognise this as a 'separate' element and therefore did not complete this section of the survey.

Table 17: Survey 3 – The communication session (by percentages) (N=7)

Outcomes of communication session	Strongly Agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree
<i>helped me to better understand the communication issues</i>	14	43	14	14	14
<i>gave me insights into the effect on our child(ren) of the conflict</i>	14	43	14	29	0
<i>gave me access to tools to help with communication</i>	29	29	0	29	14
<i>helped me to analyse and take responsibility for my conduct</i>	29	29	14	14	14
<i>helped to improve communication</i>	14	43	14	0	29

Most respondents were positive about the outcomes of the communication session. More than half of parents strongly agreed or agreed that the session had helped them better understand the communication issues between themselves and their former partner; given them access to tools to improve communication and helped them analyse and take responsibility for their conduct towards their former partner/spouse for the future. Fifty-seven percent strongly agreed or agreed that the communication session gave them an insight into the impact of conflict on their children and helped them to improve communication in general. However, 29% strongly disagreed that the session had improved communication.

Interview data

Of the 20 parents interviewed, one could not remember having a communication meeting/ watching any videos; two declined the offer as they felt they communicated well; one did not have a communication meeting as they did not mediate, one said her former partner refused to attend and one did not have it because her mediation had been conducted by Skype. Since most parents had the communication element within mediation sessions two and three it was difficult to disaggregate whether it was the communication element, the mediation process or the two combined that helped to improve communication or reduce conflict. We have therefore reported on communication and conflict in the analysis of the mediation process at 10.3 above.

Of the 14 interviewees who had or could remember having a communication element, 13 found it helpful. The ambivalent parent felt that she was sufficiently self-reflective not to need this assistance. Where, after watching the videos in the communication meeting, both parents were self-aware enough to acknowledge their previous parenting mistakes, it could be cathartic. Sid Moffatt (P013) disclosed that after watching the first video he had been 'ashamed of myself; of me asking the kids questions and putting them on the spot.' He said that both parties' willingness to admit their parenting misdemeanours had 'broke us free, it was almost like it moved us both on to the next level'. The parents found the videos hard-

hitting but informative. Reflecting the views of many, Tracey Brown (002) said, 'it was helpful to see it visually instead of just somebody talking about it'. However many parents laid the blame for poor communication squarely on the doorstep of their ex-partner so caveated their endorsement of the communication element with an assertion that their ex-partner needed and benefited from the communication meeting more than they did. This tendency to judge themselves as more amenable than the other was also noted in the survey responses, with most parents judging themselves to be more accommodating than the other over child-care arrangements. (For further details see Appendix 1, Section 1, questions 6-9).

11.4 Learning from the communication meeting

Visual content on the impact of negative interactions and communication patterns between parents is sobering for parents and can help them to reassess their behaviour. Watching the videos together is a watershed moment for some. However, given parents unwilling to accept deficiencies in their behaviour, the communication element may have been more productive had it come earlier in the stages of the intervention, perhaps during counselling so that the parent could reflect on the content with the counsellor. Since parents struggled to commit to attending all that was on offer, going forward, offering the communication meeting as part of the counselling offered for the reasons discussed or holding it combined with a mediation session (as happened for all but the first few parents who engaged in the initiative) is likely to maximise uptake as well as providing the opportunity for breakthroughs in mediation.

12. Group programme with parents

12.1 Evaluation methods

The following sections draw on data from the written surveys completed by parents and telephone interviews with 20 parents. This section centres on whether attending an eight-week 'Life after Separation' group programme, decreased the isolation felt by parents following a separation and helped parents to regain a sense of self. Where appropriate, the reasons given by parents who declined the offer of attending a 'Life after Separation' group programme are explored.

12.2 Performance evaluation

The initiative providers intended to run two eight-week programmes for groups of parents facilitated by a counsellor on life after separation and the regaining of a sense of self. The aim was that this would decrease the isolation which can be felt following a separation. Topics covered included exploring feelings around the separation; strategies to cope with the ex-partner; communication; forgiveness and moving on.

By the end of the course, it was hoped that each group would continue on a self-managed basis. Eighteen parents received a written invitation to attend the programme. The counsellor explained the groups for adults to the parents who came for counselling and,

unless they had said they were not interested, the parents were sent a written invitation to attend the group. All other parents, save for those who had asked for no further communication, were also invited. To avoid having both parents from a couple in the same group for parents, if both had been interested, the first to respond would have been given a place in that group. There was no situation where this happened. Four parents accepted the invitation and attended one course held weekly, mid-week in the morning. It was intended that the course would run for eight weeks but it was necessary to end the course after six weeks due to the COVID-19 situation. Four parents attended weeks 1 and 2; three parents attended week 3 and two parents attended weeks 4-6. Work commitments and illness respectively had caused individuals to withdraw over the course of the group programme.

The reasons given by the parents who declined the offer of group work were fairly evenly distributed between those who would have liked to have attended but practical difficulties prevented them from doing so and those for whom group work was 'just not my thing' (P018: Sandra Russell).

12.3 Outcomes evaluation

The minority of parents who chose to engage in the group programme all reported that it had been helpful.

Table 18: Outcomes of the group programme for parents interviewed (by percentage) (N=4)

Outcomes of pre-mediation counselling	Agree	Neither agree nor disagree	Disagree
<i>Group programme was helpful</i>	100	0	0
<i>Reduced the conflict</i>	75	25	0
<i>Improved communication</i>	50	50	0

Sharing experiences with others in similar situations helped parents because it 'makes you feel like you are not the only one who feels [like] this' (P002: Tracy Brown). As hoped the session helped those who attended to feel less isolated and gave hope:

I thought that [it] would be nice to, you know, meet others who have come through the other end and, you know, hear their stories... we were all different but all there for the same reason. I think it's just nice to know that, you know, because I am quite isolated really, it was nice to know that I wasn't the only one that was struggling and had struggled and been through it. (P008: Sophie Hunter)

For some, the sessions helped to reduce anxiety levels which had, they felt, improved their parenting. Ancillary benefits included helpful advice around responding to antagonistic texts from an ex-partner. One parent, who had been separated for two years felt that he would have benefited from the group sessions shortly after separation 'when it is so fresh and raw... [that] you do things that you later regret.' Since the programme was curtailed because

of the COVID-19 situation, the hope that group members would continue to meet on a self-managed basis has not been realised although, an interviewee disclosed that she remained in contact with another member of the group. This provided much -needed support and had helped achieve one of the other aims, that of regaining a sense of self:

With [Group member] I have made a friend, it's helped me realise that other people are going through the same situation, and you get on with life, don't you? Life goes forward not backwards. (P019: Naomi Simpson)

12.4 Learning from the group sessions with parents

Group work will not appeal to all, but for some, pooling knowledge and sharing experiences will be empowering. Since it engages with one of the parents only, it is less effective in reducing conflict or improving communication. Holding group sessions during school hours may suit those who do not work or work part-time but for others, evening or weekends may be preferable. If such groups were to be repeated, timetabling at a range of times to cater for all needs may elicit greater take-up. The evidence from the small number of parents who took part in the group work is that for some, maximum benefit from an intervention such as this would be gained if the invitation to attend is made shortly after separation when emotions are at their rawest.

13. Interventions with young people

13.1 Evaluation methods

The following sections draw on data from telephone interviews with the five young people (from three families) who engaged in counselling sessions (three of whom also engaged in child-inclusive mediation) and telephone interviews with the parents of each child (n=6). This section centres on whether, from the perspective of the young people and parents, child-inclusive mediation and/or counselling had helped the child to acquire better coping mechanism following parental separation. Where appropriate, the reasons given by parents and young people who declined the offer of child-inclusive mediation and/or counselling for the child are explored.

13.2 Performance evaluation

Child-inclusive mediation

The initiative providers intended to offer a meeting with the mediator to the children aged seven and over whose parents engaged in mediation unless there were contra-indications. Only three children from one family participated in child-inclusive mediation. Whereas the initiative providers had anticipated that 60 parents (30 couples) would engage in mediation, numbers were much lower than expected (see 4.3 above) and most had very young children. There were 10 children aged seven and over whose parents engaged in mediation and three met with the mediator. Of the others, the parents of two children reached agreement in the first session of mediation; mediation broke down for the parents of one child when the father disengaged and ceased having contact and two children were having counselling with another service so at least one parent did not wish a further professional to

be involved. A further two young people had one-to-one counselling provided by the initiative but did not meet the mediator. The parents of these young people were hesitant to involve them in mediation. Some, though cautious, thought it might be a useful tool in appropriate circumstances. Others expressed greater reluctance. One mother reflected, 'I don't think that would have been a good idea anyway, I think that would have been a bit traumatic.'

Both young people who had counselling only reported that they had not been asked to meet with the mediator. They were not aware that this was an option. Having established a good rapport with the counsellor, both young people said that they would prefer to meet with the counsellor rather than the mediator. Jack (YP005) thought that seeing a mediator 'sounded a bit more formal and intimidating'.

One parent whose child was eligible for child-inclusive mediation supported the process, but not for their child because the child was on the autistic spectrum. Sandra Russell (P018) declined the offer because she believed that parents had a duty to 'shield' their children from the adult discussions.

Child counselling

The initiative providers had intended to offer eligible young people the opportunity to explore what life is like after separation in two eight-week programmes. Parents who participated in the initiative were to be offered places for their children with groups filled with those who responded first. One group was to be with up to eight primary school children (aged seven to 11 years) and the other with up to eight secondary school children (aged 11 to 16 years). Numbers of eligible children were much fewer than anticipated and there was little appetite for group work amongst the parents of the children who were eligible. As Dan Johnson (P010) put it:

The initial plan for [child] to be in group counselling that wasn't, you know, I don't think that would have been as effective as one-to-one, you know; a load of kids of different ages and different backgrounds, being put in a room because their parents had split up. I don't think that would have worked well.

Instead, parents of children aged seven and over were offered one-to-one counselling for their children. The parents of five children aged between 10 and 12 accepted the offer. This included the three young people who had also engaged in child-inclusive mediation. Of the other children who were eligible to take part in the counselling, one mother declined because her child is on the autistic spectrum so would have found it difficult. Two others declined because their children were already having helpful counselling from another source. A 'hybrid' approach was adopted for the young people who had counselling only which involved (with the young person's consent) the counsellor feeding back their views to the mediator to convey to the parents in mediation.

13.3 Outcome evaluation

Children's experiences of child-inclusive mediation

For the three young people who engaged in child-inclusive mediation, the process had been empowering. All three reported that it had helped them to cope better with their parents'

separation. The act of speaking to a third party was cathartic for these young people. Reflecting the sentiments of her siblings, Rosie (YP001) felt that it had helped:

Because I said what I wanted to say and I don't have to say it again and then that means that I have got it out of my head in saying it and now I don't really need to worry about it.

Feeling heard had been empowering. Chloe (YP002) liked that:

It looked like [the mediator] took it in, like she didn't just go, "yep, yep, yep" and she actually let us finish what we were saying and then we got to write it all down.

Parents' experiences of child-inclusive mediation

The perceptions of both parents of their children's experiences of mediation were at odds with the children's accounts. In the mother's estimation, her children 'didn't feel like they were listened to'. The father dismissed the hurtful feedback as he felt that the children were reflecting the mother's feelings rather than their own. He reported Isla telling him that she didn't like having to meet with the mediator, but she did it because she had been told she had to. This account is at odds with what Isla said in the interview.

Children's experiences of counselling

For the five young people who engaged in counselling, the process had been therapeutic. All reported that it had helped them to cope better with their parents' separation. They welcomed the opportunity to process feelings of sadness and anger at their parents' separation and to discuss things they felt unable to raise with their parents with an empathetic third party. The counsellor's empathy helped the young people to open up to her which, for some, had led to greater honesty and openness in the parent/child relationship. As with the child-inclusive mediation, the counselling had been cathartic. Jack (YP005) was relieved to be able 'to like let my feelings leave my chest, not feel like caught up and rather let it go.'

The parents of four of the young people had separated some time ago but there was a high level of chronic conflict in the parental relationship. Significantly, these young people perceived that the counselling had led to a reduction in parental conflict. Counselling had been a haven for these young people:

[The counsellor's] little room that we went in was so calm and after a busy day at school I just relaxed and talked about stuff in her little lovely calm room, it was just dead nice. (YP004- Poppy)

Jack perceptively recognised that the skill of the counsellor was critical to the success of the process:

... if it does go across the country and loads of kids do it I think you should hire people with the traits that [Counsellor] has because [Counsellor] she is just a really nice person, she is really supportive and... she has a nice office, nice comfy seats, she offers you drinks and she's just really helpful, and she isn't just sitting there looking at you in the eye just... asking you questions, she gave me games to play with her that

actually helped the controlling of your situation. So, I definitely recommend it. I would rate it 10/10.

Parents' experiences of their children's counselling

The parents of all the young people who received counselling said that it had been extremely helpful. The only criticism was from one father who felt that he should have been better informed about the counselling that his child was receiving. There was unanimous support across the sample of parents interviewed for counselling to be made more widely available for young people when their parents separate. Dan Johnson (P010) appreciated that the counsellor had normalised separation, helping his child to feel less alone. He felt strongly that other young people should benefit:

It... helps [children] feel part of the process. This thing that has happened to their parents, you know, is out their control... it makes them feel like they've not been forgotten about which you put can't enough emphasis on that.

Comparison of the interventions with young people

Only three young people experienced both child-inclusive mediation and counselling. There was unanimous agreement that they preferred the counselling. This is perhaps not surprising as they met the mediator only once and in a more formal setting.

13.4 Learning from the interventions with young people

Child-inclusive mediation

Having a meeting with the mediator helped the small number of young people who took up the offer cope better with the breakdown of their parents' relationship. As only one family engaged in child-inclusive mediation it is difficult to draw any meaningful conclusions. However, if the process is to assist young people to cope better with their parents' separation then young people must not be made to feel that they have to appease their parents in any subsequent discussion of their involvement. If young people are to benefit from engagement, then parents must not dismiss what they tell the mediator. The expectations of the parents and what is expected of parents need to be managed carefully if the process is to assist children.

Parental reluctance to engaged in the process because of a desire to 'shield' children from what is viewed as the 'parents' problem' remains a barrier for some. Presenting the process positively in the MIAM and normalising the inclusion of young people in the mediation process may go some way to overcoming these barriers.

Counselling for young people

Only five young people received counselling as part of the Mediation in Mind initiative. However, the impact on these young people had been significant. The counselling helped the young people to cope with the breakdown of their parents' relationship. One child received four counselling sessions; one received five sessions and the sibling group of three had eight counselling sessions each. The cost was not prohibitive. An intervention of this sort at the point of separation, when young people are feeling emotionally raw, is welcome.

Ongoing parental conflict is a key variable associated with negative outcomes in children following parental separation.⁸ The evidence from the initiative is that counselling for young people whose parents are in chronic conflict equips young people with effective coping mechanisms and there is encouraging evidence that it may also have a positive effect on reducing the parental conflict.

The evidence underscores that the skills of the counsellor are critical to success. The environment of the counselling and the range of activities employed in counselling sessions are also key.

The therapeutic element of counselling meant that it was perceived to be a more supportive intervention for young people than the child-inclusive mediation. The evidence from the initiative is that counselling for young people complements child-inclusive mediation and is a potent instrument in the toolbox of interventions.

14. Overview of feedback

14.1 General feedback

In this section, the overall feedback on engagement in the initiative is considered. Table 19 sets out the general feedback received from the 20 parents interviewed. All parents agreed that the initiative had been well explained to them. Ninety-five percent would participate again, and all would recommend it to a friend. Most were happy with the time taken to complete the initiative. A majority (65%) agreed that it helped to reduce the conflict.

Table 19: General feedback for parents interviewed (by percentage) (N=20)

Outcomes of mediation	Percentage of parents who agreed
<i>Satisfied with time taken to complete initiative</i>	70
<i>The initiative was well explained</i>	100
<i>Would take part in the initiative again</i>	95
<i>Would recommend the initiative</i>	100
<i>Participation reduced conflict</i>	65
<i>Combination of interventions better than mediation alone</i>	95

There was unanimous agreement that the 'interconnected' parts of the initiative were all necessary to aid communication and settlement:

⁸ Mooney, A., Oliver, C., & Smith, M.E. (2009). Impact of Family Breakdown on Children's Well-Being: evidence review. DSCF Research Report No. DCSF-RR113.

[In] the actual mediation meeting... we were talking about the nitty-gritty ... the practical stuff that I needed to know, I needed some assurance in a time that was so uncertain. I needed some assurances and some certainty, and then the counselling obviously was more of the emotional side just to let off steam on... the not so sensible side of things. (P007: Margaret Grant)

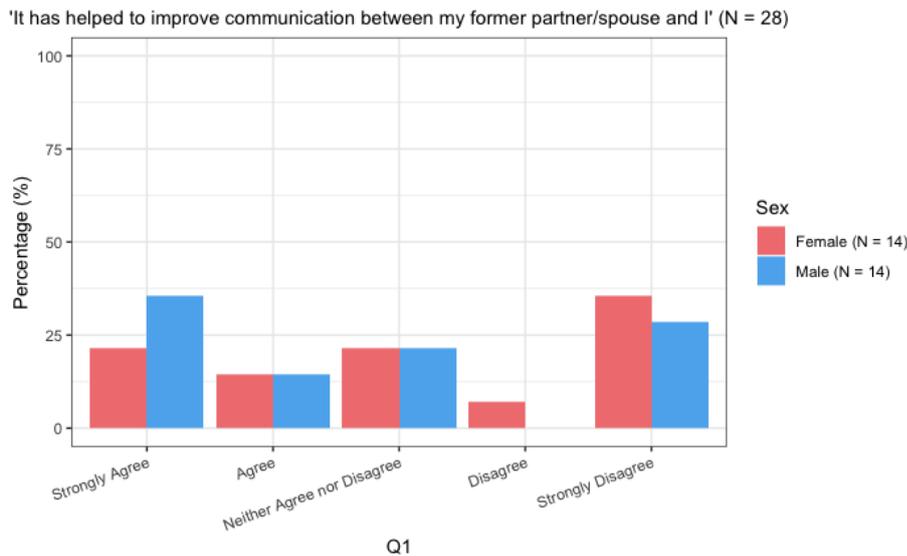
... so the legal framework with the mediation and the agreement that was done, the counselling for [ex-wife] obviously got her to a point that made the communication between us better, and obviously, you know, you worry about the effect on your children so the counselling helped [child] too. So yeah, the different parts of it were all more, you know, interconnected, but all really important parts. (P010: Dan Johnson)

Even those who did not reach agreement in mediation recognised that the counselling and communication meeting had assisted. Greg Turnbull (P:020) felt that these interventions had made agreeing in mediation a possibility which would not have been within reach without that support.

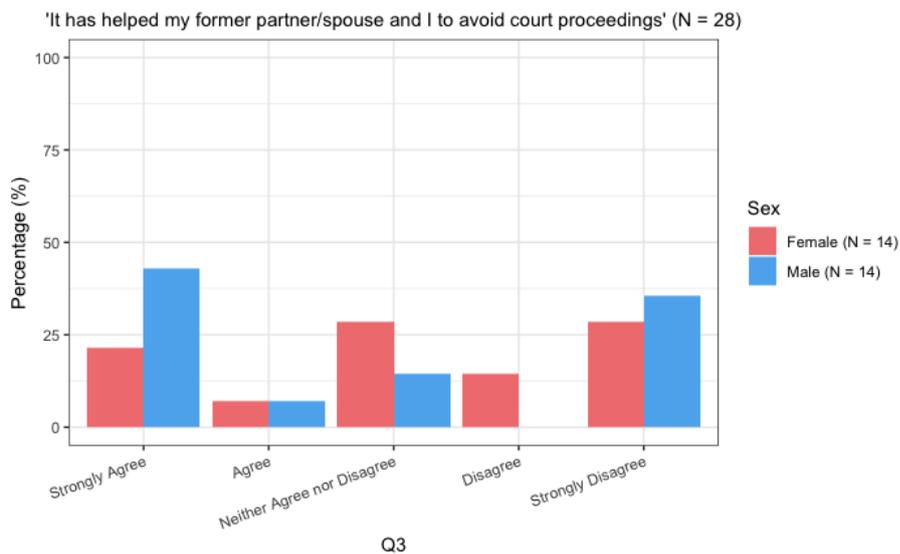
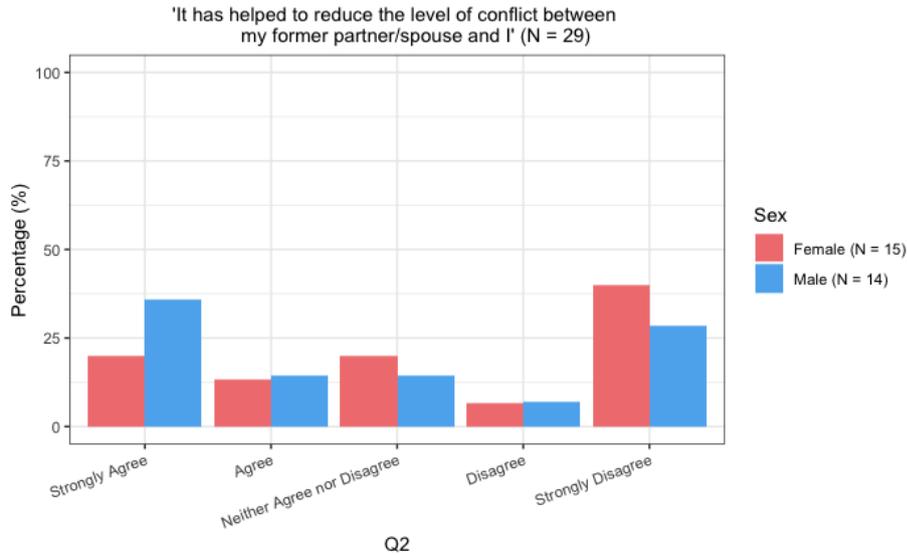
14.2 Survey 3 concluding section feedback

Survey 3 concluded by asking parents whether they perceived that participation in the initiative had helped to improve communication; reduce conflict levels and help the parents to avoid court. In this section, the respondents' answers are considered by gender (Figure 8) and by whether the parents had counselling (Figure 9) or engaged in mediation (Figure 10).

Figure 8: Survey 3, Section 8 by Gender

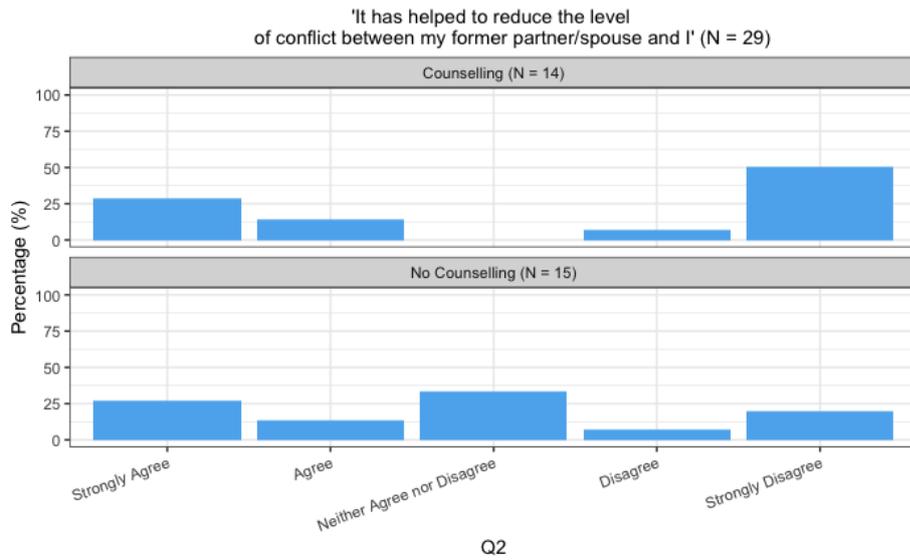
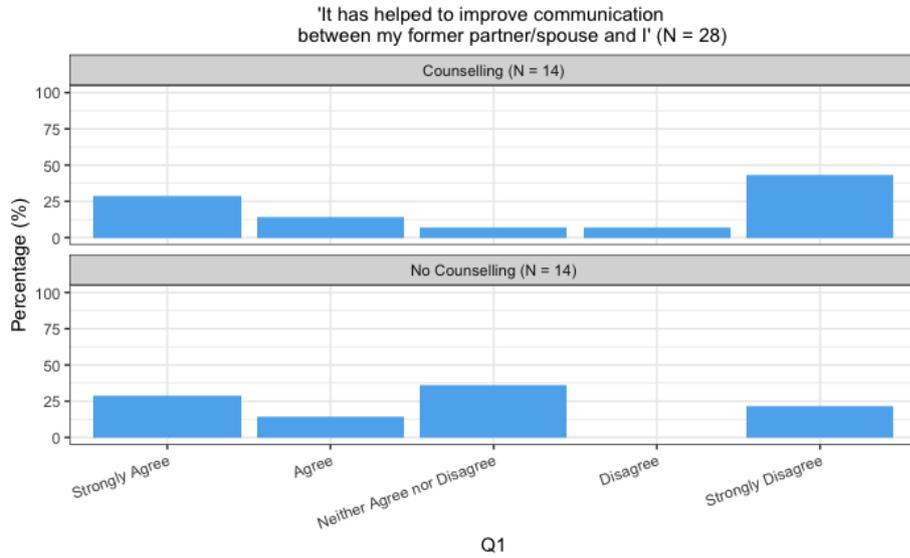


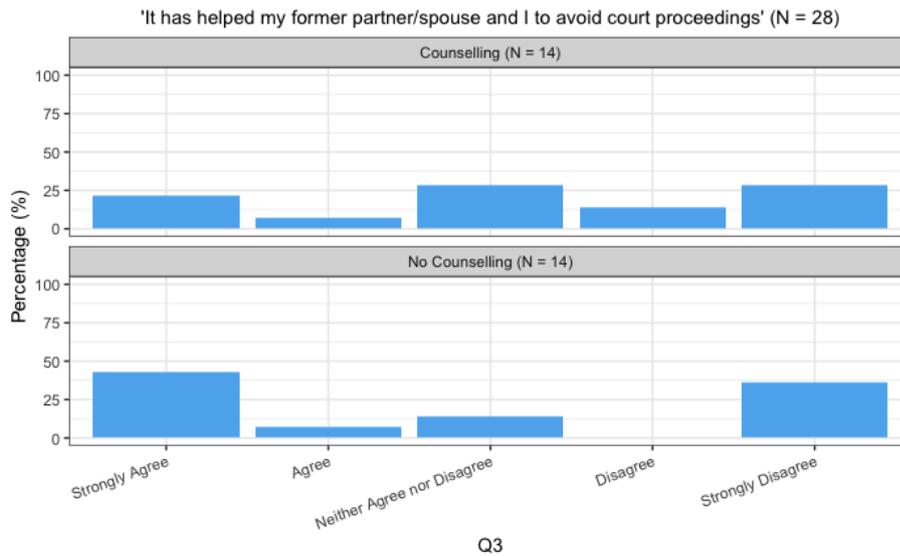
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Overall, fathers were more positive about the impact of the project than mothers. Most fathers either strongly agreed or agreed that communication had been improved (50%) whereas only 35% of mothers strongly agreed or agreed with this statement and 36% strongly disagreed. Fathers also strongly agreed or agreed that the project had reduced the amount of conflict with their former partner/spouse (50%) whilst only 33% of mothers strongly agreed or agreed with this. A larger proportion of mothers strongly disagreed that the project had reduced the amount of conflict with their former partner (40%) compared to fathers (29%). Most fathers also strongly agreed or agreed that the project had made them more inclined to avoid court proceedings (50%) compared to 28% of mothers.

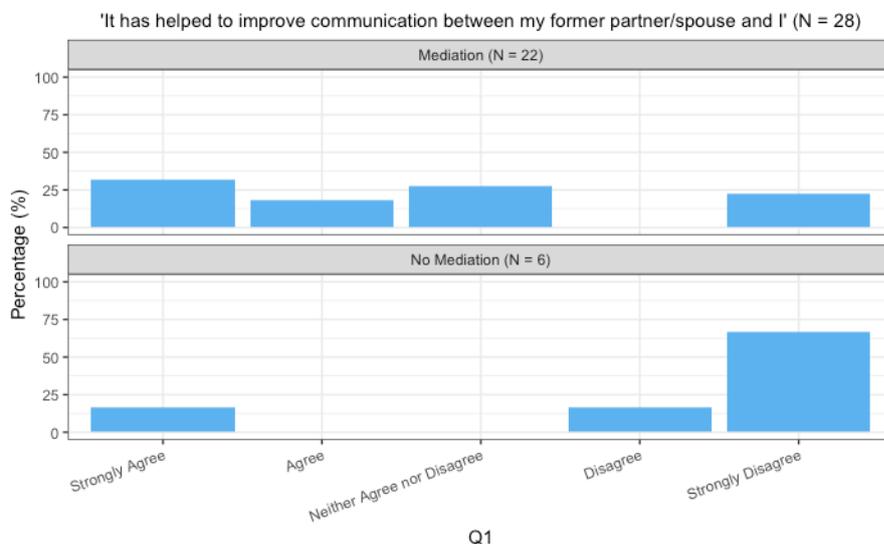
Figure 9: Survey 3, Section 8 by whether parent had counselling





At first glance, Figure 9 appears to be showing that there was little difference in those who strongly agreed or agreed analysed by whether or not the parent had counselling. The concluding Section 8 of survey 3 asked parents to indicate whether engagement in the initiative as a whole had improved communication, reduced conflict, and increased the parent's desire to avoid court. When parents were asked to comment on whether counselling had had an impact on these three measures, their answers were more positive (see 9.3 above). It may be, and this was borne out by the interview data, that it was the parents who were in the most conflictual relationships who took up the offer of counselling. Certainly, as confirmed by the number of parents who had counselling and who strongly disagreed that participation in the initiative had helped to improve communication or reduce the level of conflict, for those in entrenched conflict, provision of counselling to the extent offered in the initiative may not be sufficient to achieve lasting change. This, as confirmed by the interview data, suggests that a more intensive and multi-agency approach may be needed, given that issues of alcohol or drug dependency were a feature of many of the relationships where conflict was entrenched.

Figure 10: Survey 3, Section 8 by whether parent had mediation



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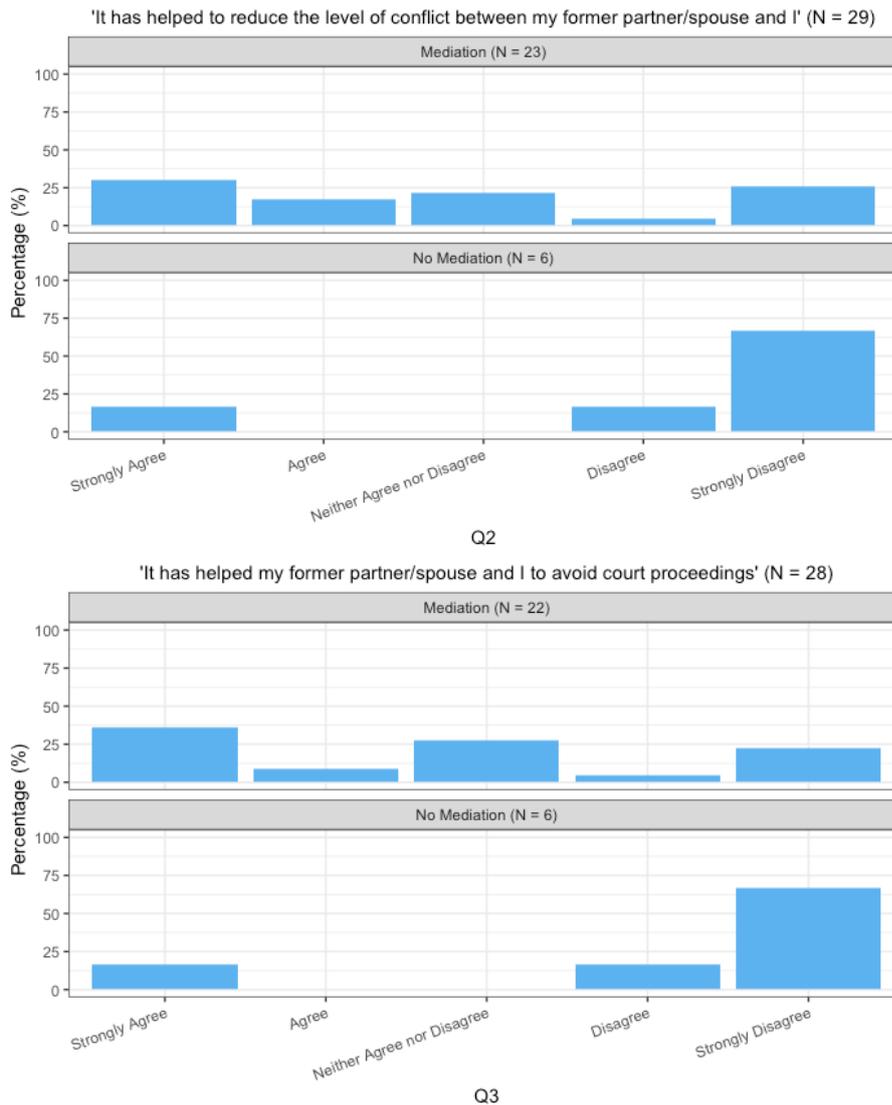


Figure 10 above shows that whereas almost half of parents who engaged in mediation strongly agreed or agreed that engagement in the initiative had improved communication (50%), reduced conflict (47%) and helped the parents to avoid court proceedings (45%), less than a fifth of those who had not engaged in mediation agreed that these outcomes had been achieved. This is perhaps unsurprising given that the reason that mediation did not take place was that one parent refused to engage in the process, to the frustration of the other. These results may simply be showing that compared to no intervention involving both parents, engaging in mediation is more likely to improve communication, reduce conflict and help parties to avoid court proceedings. It may be that the mediation itself helped to bring about these changes. An alternative explanation is that the legal information and/or counselling helped parents to become practically prepared and emotionally ready to mediate thereby increasing the likelihood of achieving the desired outcomes. (For numeric tables for survey 3 see Appendix 3).

14.3 Settlement rates

Since one of the aims of the initiative was to investigate whether the provision of interventions such as legal information or counselling led to increased resolution of issues in mediation and reduced numbers of parents making an application to the court, this section compares the settlement rates in mediation in the initiative to agreements reached in mediation more generally.

Statistics for settlement rates in mediation are only available for legally aided mediation. In 2018, and for the combined figures for the first three quarters of 2019, of the total legally-aided mediation outcomes recorded, approximately 62% concluded with a full or partial agreement.⁹ As shown in Table 20, full or partial agreement was reached in 66% of mediations concluded by 31 March 2020. Settlement rates were the same for parents who engaged in mediation after at least one parent had counselling.¹⁰

Table 20: Settlement rates in mediation including after counselling (by percentage)

Outcomes of mediation	Percentage reaching full or partial settlement
<i>Parents engaged in mediation (N = 31)</i>	68
<i>Parents engaged in mediation following counselling (N = 25)</i>	68

Since the initiative targeted disadvantaged parents, lower settlement rates than the national average could have been expected.

Four couples in which at least one parent had counselling failed to reach agreement in mediation. Of these, three couples had disclosed alcohol, drug or mental health issues that put them at the very margins of suitability for mediation so failure to reach an agreement is perhaps understandable. The parents interviewed disclosed that the children were having no contact with the non-resident father following breakdown on mediation. For couples with such deep-seated issues, a more intensive, multi-agency intervention is likely to be required.

For those with the most entrenched conflict or long-standing drug or alcohol issues, the interventions, though welcome and much appreciated were ultimately insufficient to make a profound and lasting difference. As Melanie Drayton (P:004) put it:

... So I think there has to be a lot of different support and maybe a lot of support to go alongside and previous to the actual session [of mediation] because I think I

⁹ Legal aid statistics England and Wales, tables October to December 2019, Table 7.2 (last accessed 09.06.20)

¹⁰ Included in this figure is one couple in which the husband had had counselling with another provider immediately before mediation. The couple was included because the husband indicated in the interview that the counselling had made him more emotionally ready to mediate, improved communication and reduced conflict.

would have been more open for a conversation knowing that he is a well man.... I think as a family group, a family unit, as disjointed as we are, we need more help.

14.4 Applications to court

An overarching aim of the initiative was to reduce the number of parents in conflict making an application to court. The evidence suggests that the initiative was successful in achieving this aim. Five couples who engaged in mediation failed to reach an agreement and the mediation broke down before 31 March 2020. One was a financial mediation which broke down partly because one parent was shielding due to COVID-19 and was not happy for the mediation to take part remotely (the parent also had concerns over the other's willingness to negotiate in mediation). The mediation broke down shortly before the end date for the initiative. It is not known whether a court application has since been made. Three mediations about contact broke down when one parent withdrew from the process because of violence, drug and mental health issues, respectively. A parent from each couple confirmed to the evaluator that contact between the child and the non-resident parent was not taking place. Court proceedings had been issued following the breakdown of mediation in only one case (6% of mediations that had concluded by 31 March 2020). Estimates of the numbers of separating parents who make an application to the court vary but have recently been estimated by Teresa Williams, Director of Strategy at Cafcass, to be as much as one third.¹¹ Since the initiative targeted disadvantaged parents in conflict, for as few as 6% of parents to have made an application to court is striking.

15. Learning and implications

Mediation in Mind was a bold and innovative initiative which sought to ascertain whether providing disadvantaged parents with triage and signposting, legal information, counselling and communication sessions improving parents' practical preparedness and emotional readiness to mediate and led to increased engagement in mediation and reduced numbers of parents making an application to the court. It aimed to add to the evidence base by assessing whether engagement in a communication session; and/or child-inclusive mediation and/or one-to-one counselling for young people increases the resolution of issues of disadvantaged parents in mediation. Despite the significant challenges in setting up and establishing an initiative on this scale and in tight timeframes, the initiative made good progress towards meeting the intended outcomes. The learning from the initiative could inform the direction and development of a more holistic approach to family justice policymaking. In summary, the learning from the initiative and implications of the learning are as follows:

¹¹ Williams, T. (2019). 'What could a public health approach to family justice look like?' Nuffield Family Justice Observatory for England & Wales

15.1 Engagement

On separation, parents need information and support. The conversion rate from MIAM to mediation is higher than the national average when disadvantaged parents are provided with legal information and counselling before mediation.

15.2 Settlement

Making decisions in a legal advice vacuum is daunting for parents in conflict. The provision of legal information helped parents to become emotionally ready and practically prepared to mediate, making settlement in mediation more likely.

When parents lack emotional readiness to mediate, the mediation process will often breakdown without an agreement.¹² For many parents, the provision of counselling before mediation helped them to become more emotionally ready to mediate and to reach full or partial agreement in mediation.

Anything more than a temporary agreement in mediation proved elusive when one parent has significant struggles with drug or alcohol addiction or had significant mental health issues, indicated that a more targeted, bespoke intervention may be needed to reach, retain (where appropriate) and make a lasting difference to the lives of those with more complex needs.

15.3 Court applications

Within the timeframes of the evaluation, the provision of legal information and counselling alongside mediation (including work on inter-parental communication) significantly reduces the number of parents who subsequently make an application to court.

Taken together, the learning from the initiative is that the provision of triage and signposting with legal information and/or counselling increases engagement in mediation and the likelihood of full or partial settlement in mediation, thereby diverting cases from court. This suggests that a larger trial involving parents without the disadvantages which were a prerequisite for this trial is warranted.

15.4 Young people

A meeting with the mediator and/or counselling helped young people to process their emotions and cope better following parental separation. The offer of child-inclusive mediation was taken up by one family only in the initiative. For this family, there was evidence that hearing from the young person empowered them and had helped the parents to unlock the deadlock between them and reach a settlement. Establishing a funding structure for legally aided child-inclusive mediation is likely to increase the uptake of this

¹² Barlow, A., Hunter, R., Smithson, J. and Ewing, J. (2017). *Mapping Paths to Family Justice: Resolving Family Justice in Neoliberal Times*, Palgrave Socio-Legal Studies. Palgrave Macmillan.

valuable intervention. For the minority of young people who accepted the offer, counselling instead of or alongside child-inclusive mediation proved effective in helping the young person to process difficult emotions and to cope better with the separation of their parents. This warrants a larger-scale trial of a model of counselling and child-inclusive mediation for children whose parents engage in mediation.

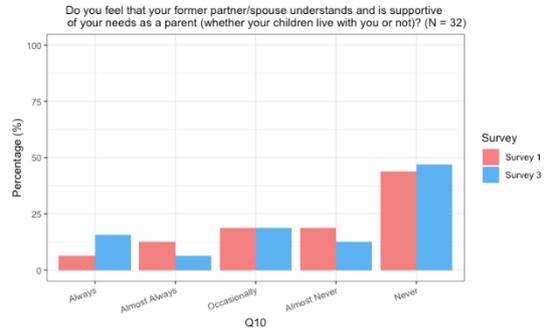
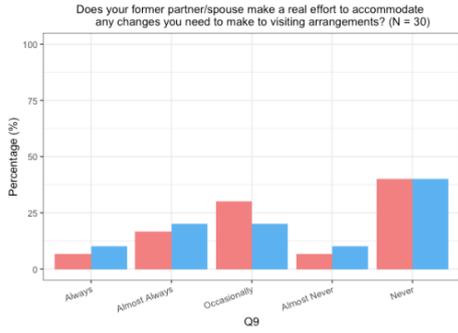
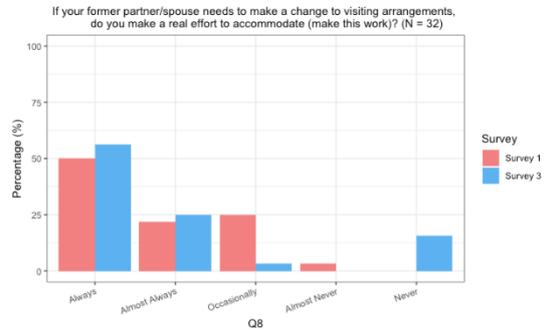
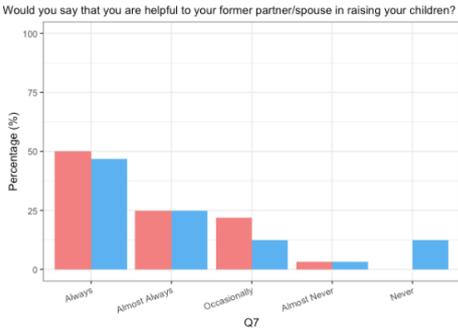
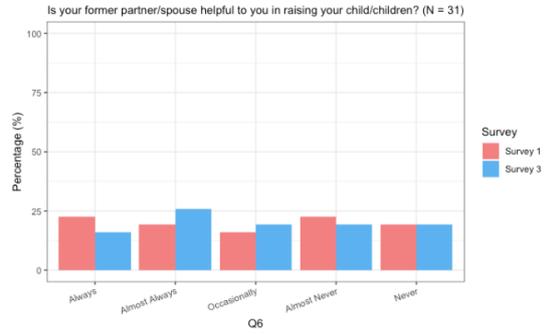
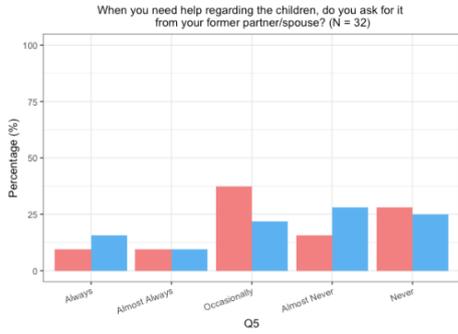
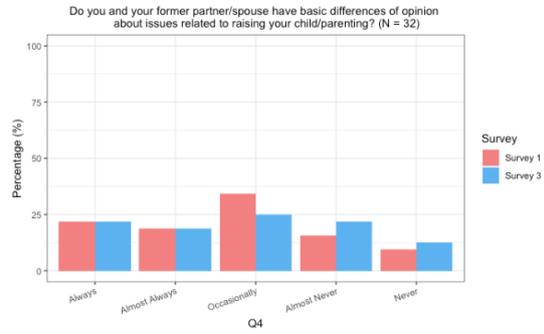
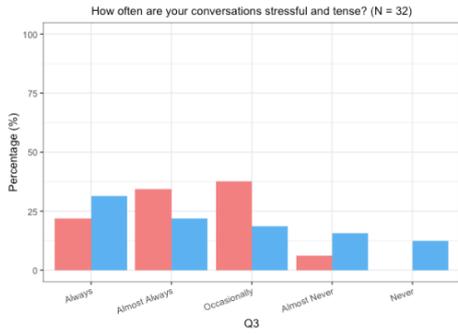
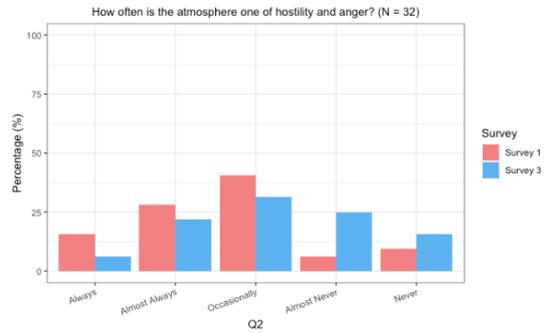
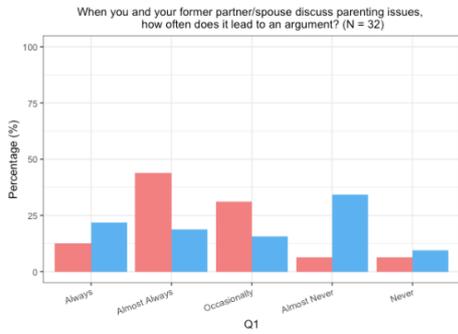
15.5 Professionals

Often, schools may be the first to learn of a family separation yet awareness of the availability of mediation amongst teaching professionals was low. Training for teachers and other professionals who support disadvantaged parents increased understanding of the needs of separating parents and the mediation process. Following training, professionals were more likely to refer parents to mediation and other support services. This supports making such training more widely available in person or online to teachers and other professionals who support parents who separate.

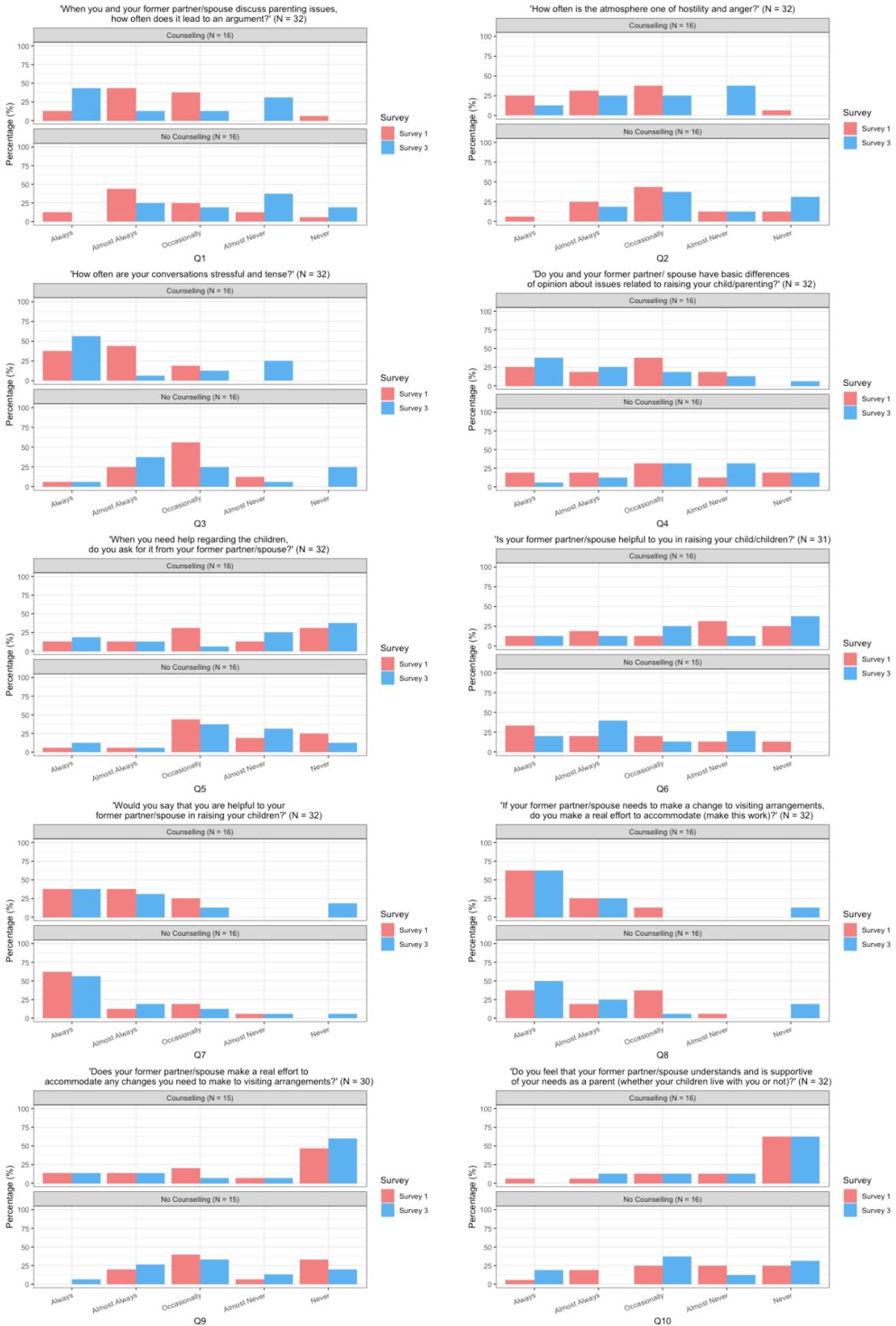
Appendices

Appendix 1: Survey 1 and 3 comparisons (Sections 1 and 2)

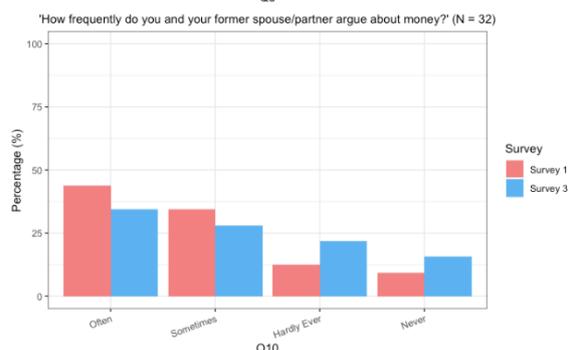
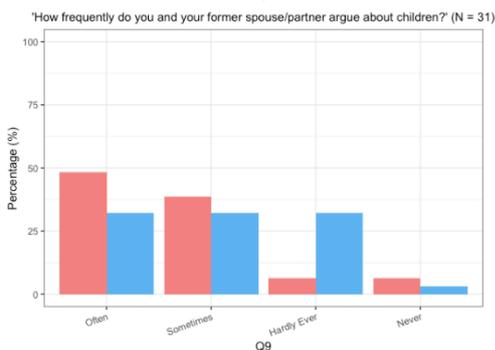
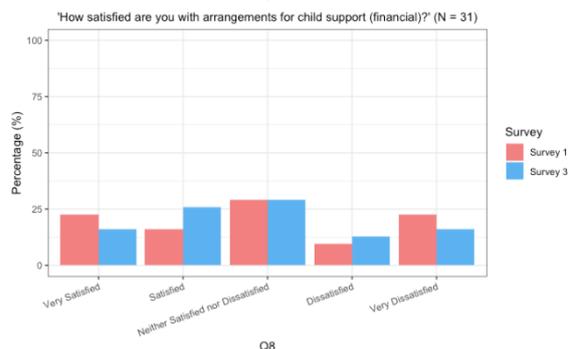
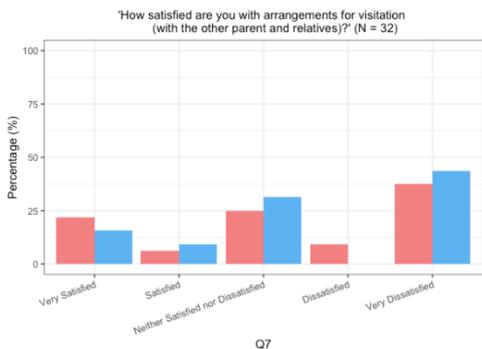
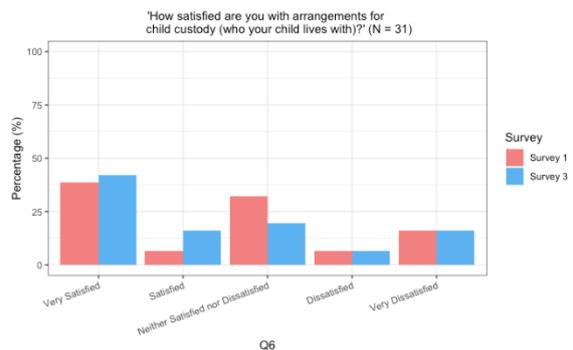
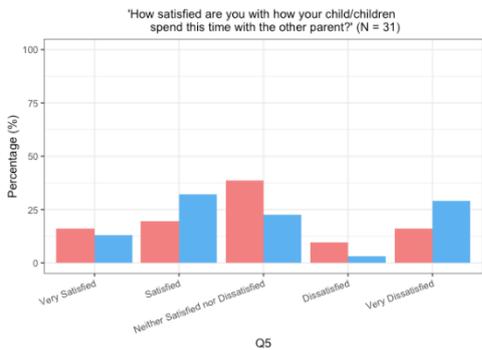
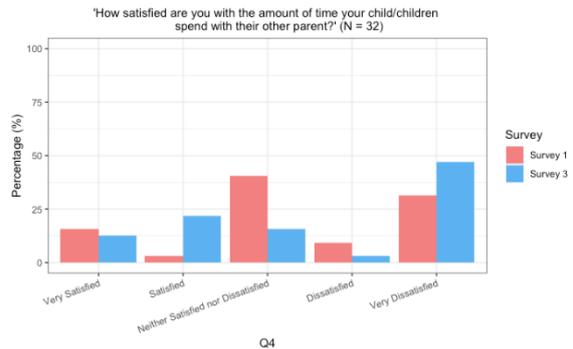
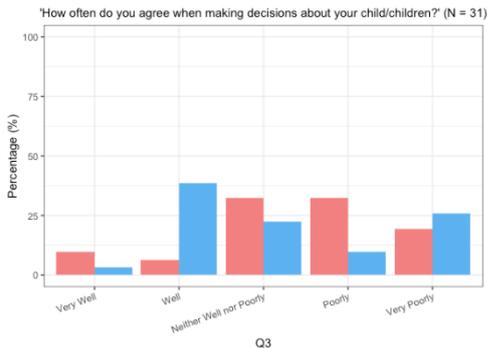
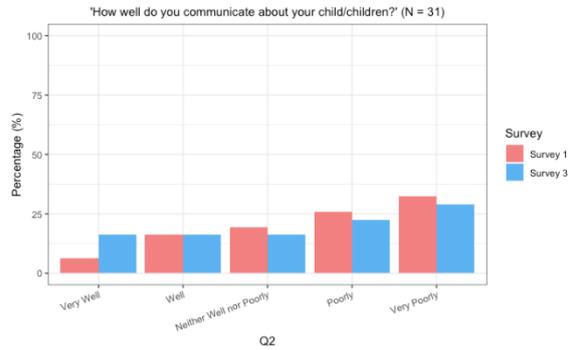
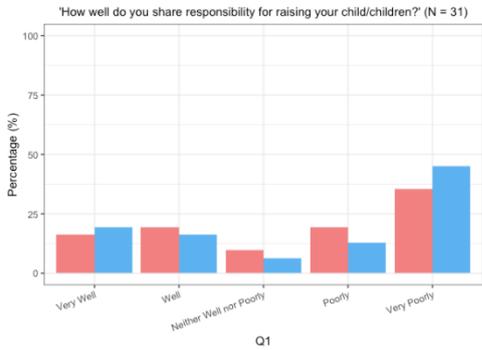
1. Section 1 - Survey 1 and Survey 3 comparisons



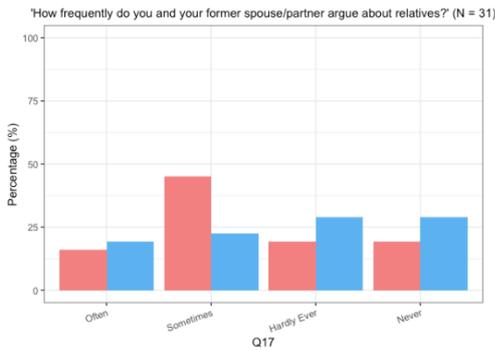
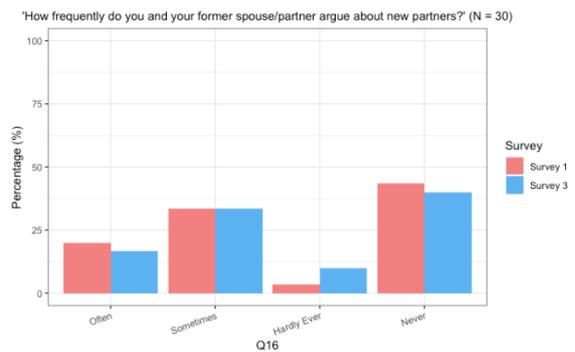
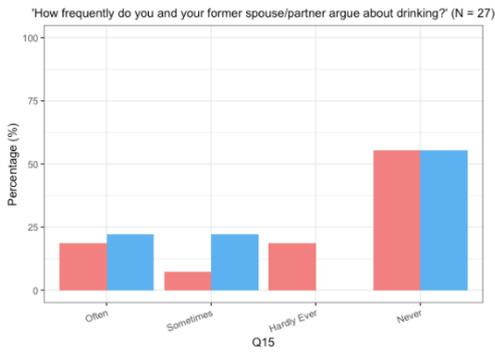
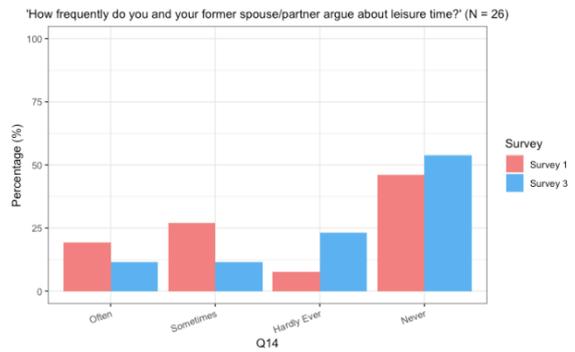
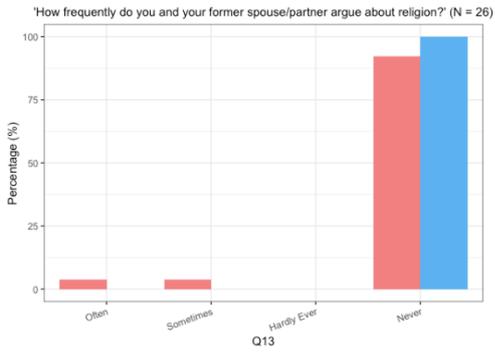
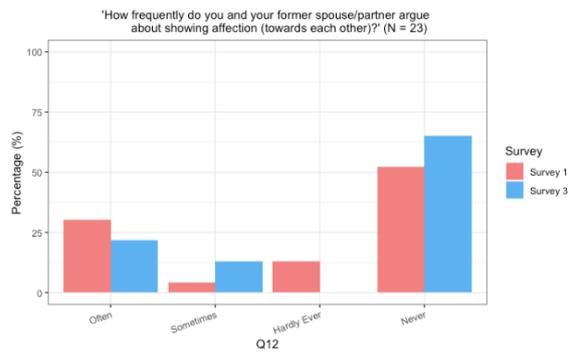
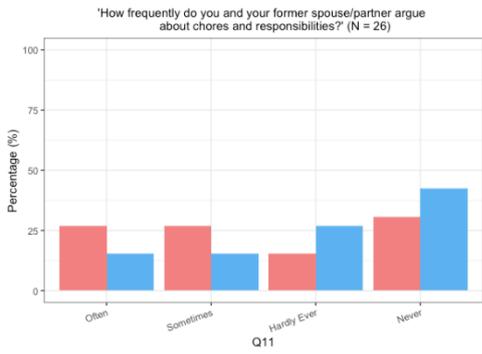
2. Section 1 - Survey 1 and Survey 3 comparisons by whether parent had counselling



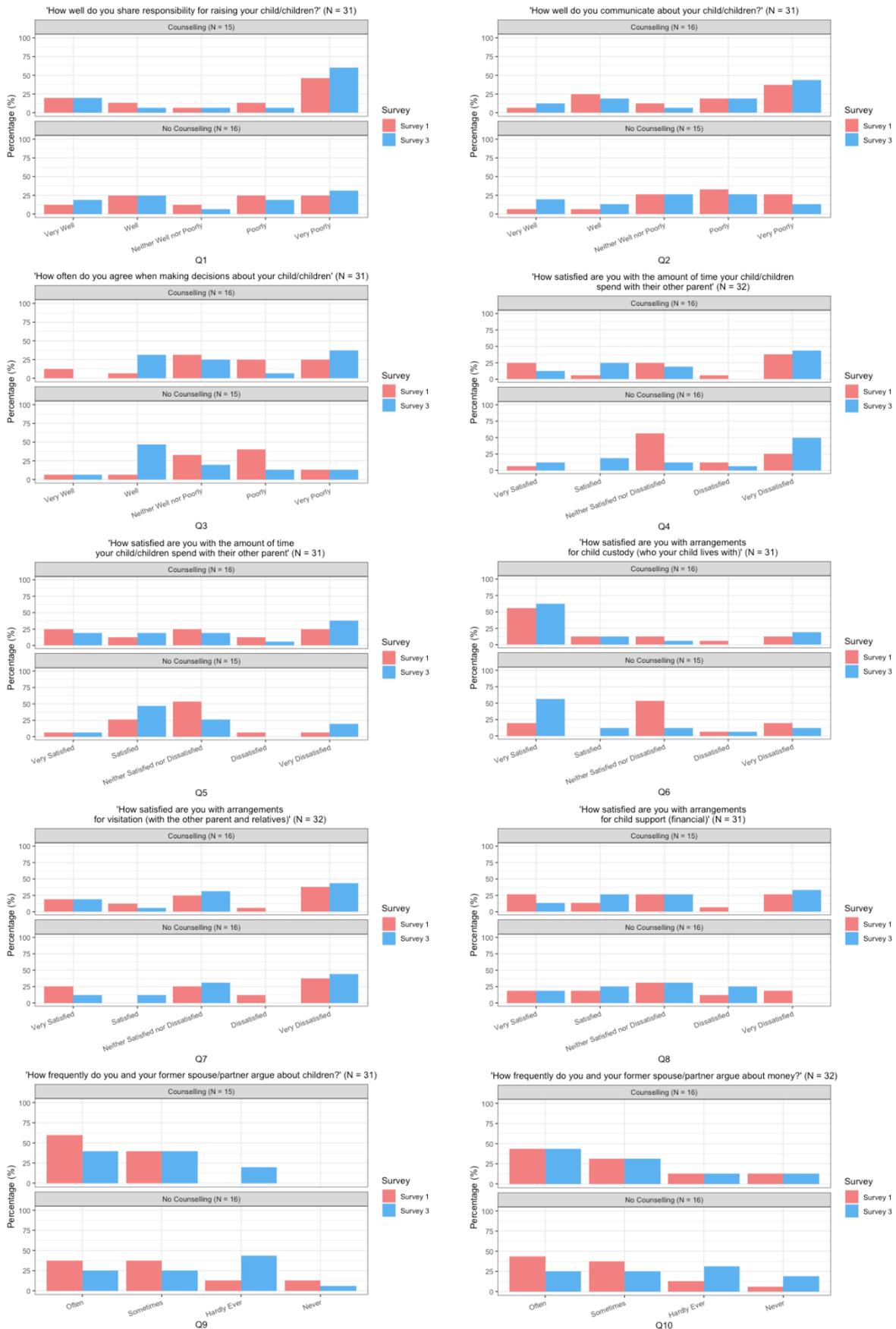
3. Section 2 - Survey 1 and Survey 3 comparisons



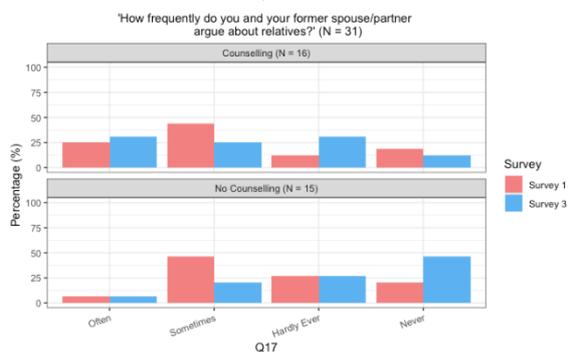
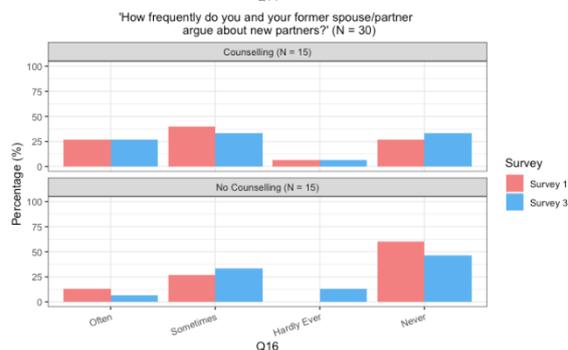
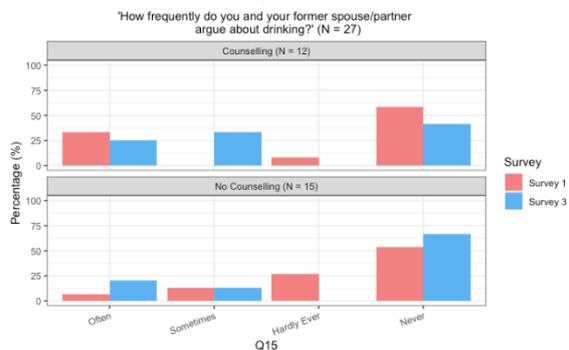
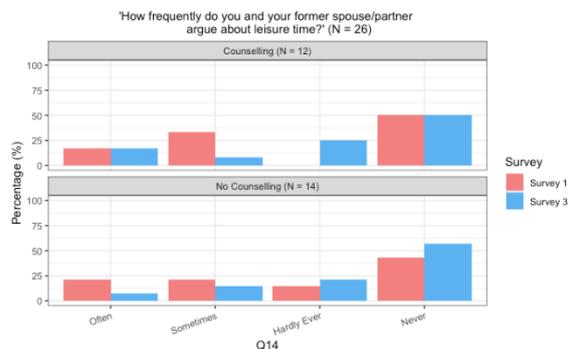
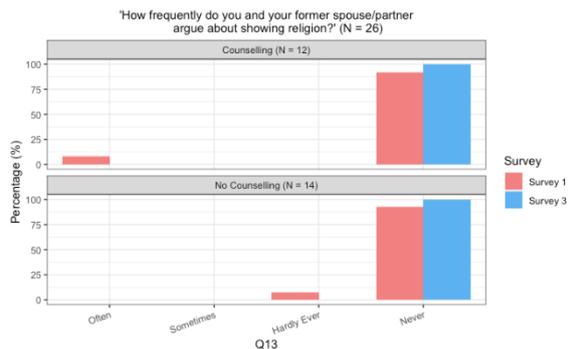
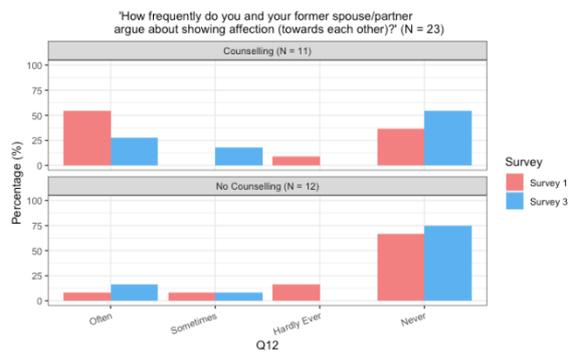
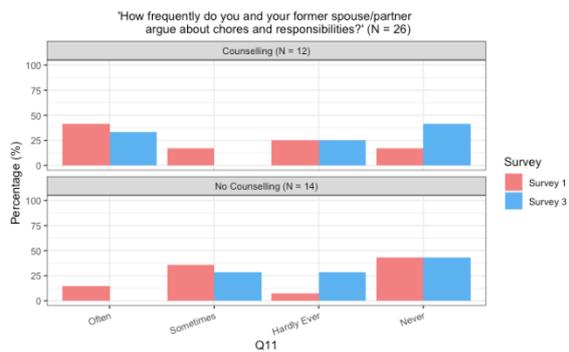
An Evaluation of 'Mediation in Mind' – Final Report



4. Section 2 - Survey 1 and Survey 3 comparisons by whether parent had counselling

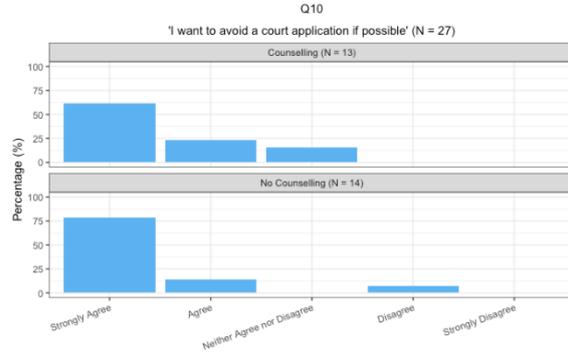
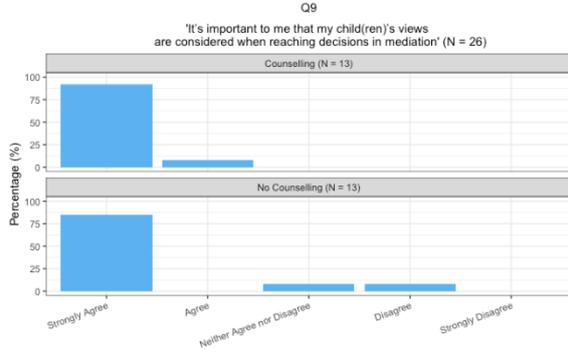
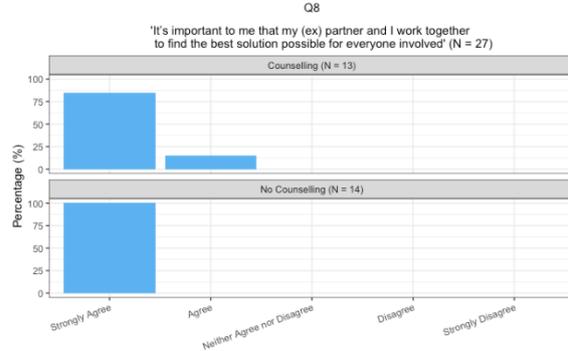
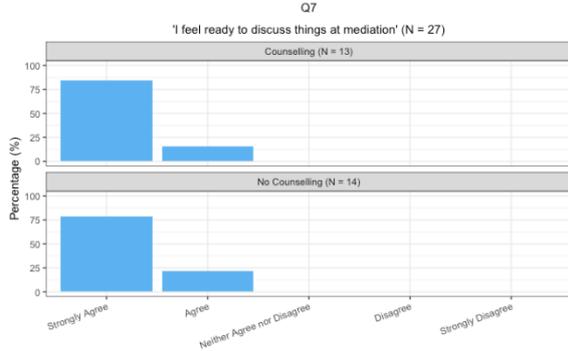
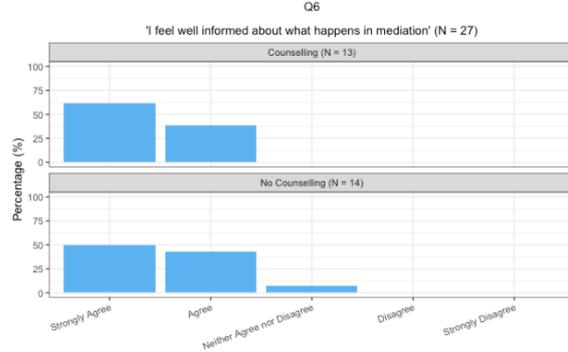
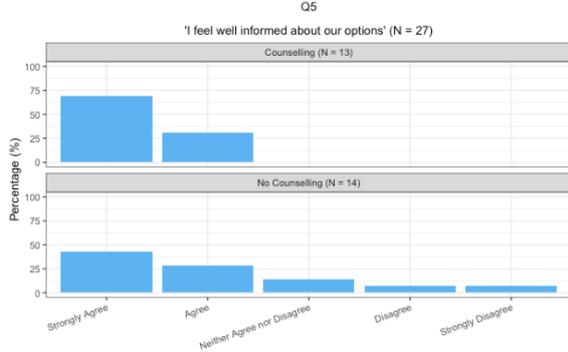
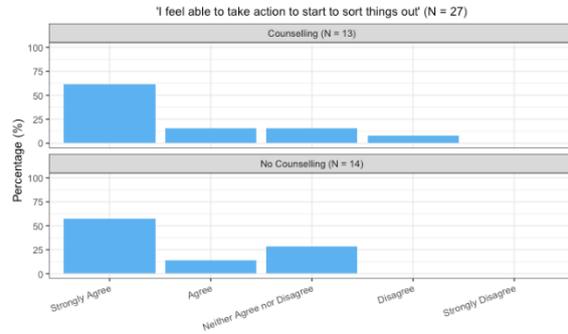
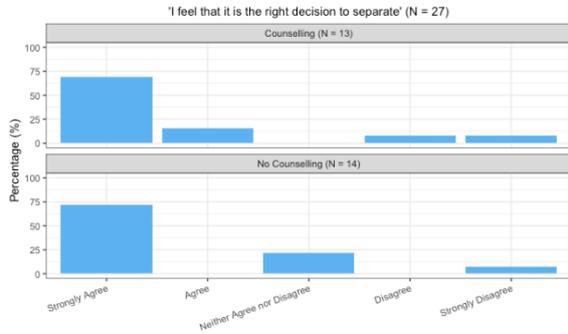


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Appendix 2: Survey 2 graphs and tables

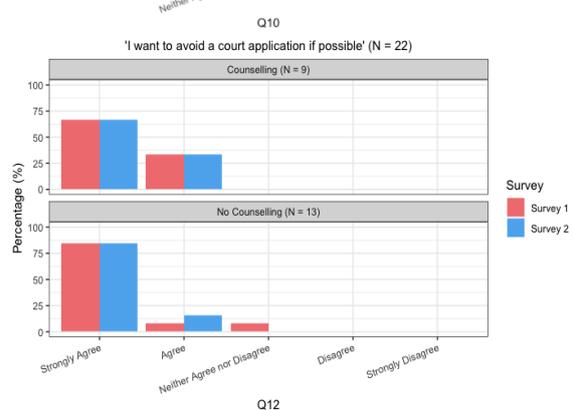
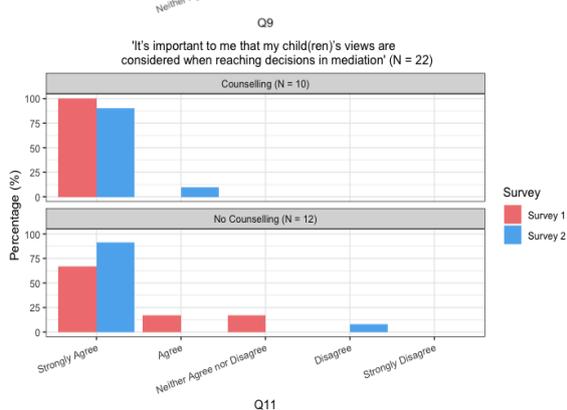
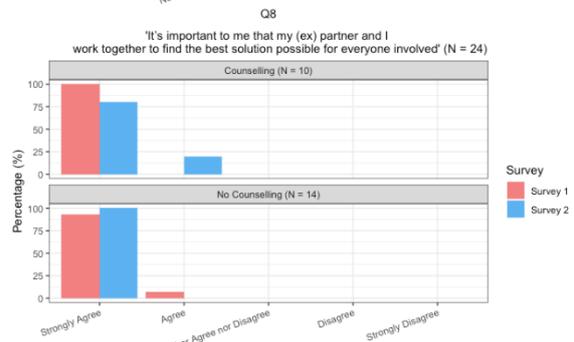
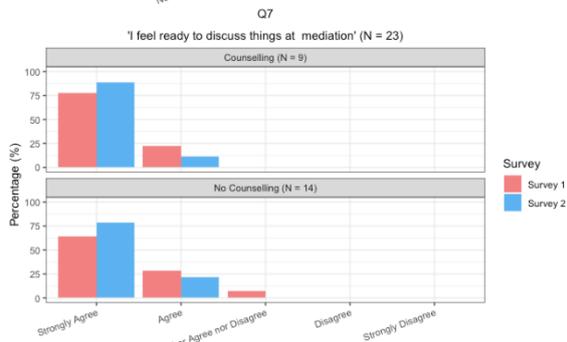
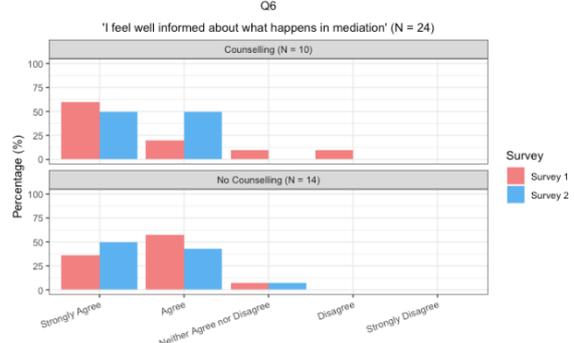
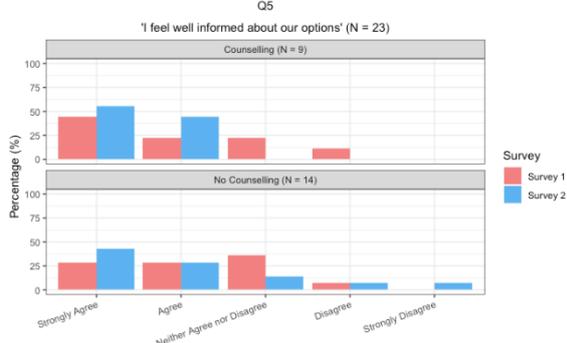
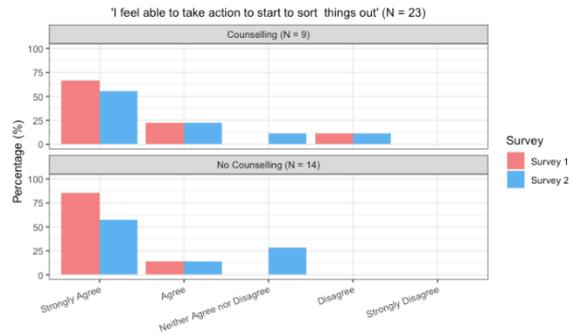
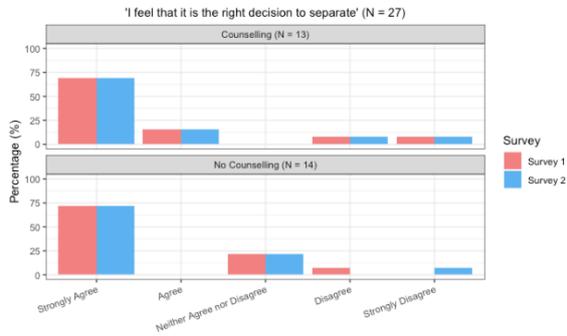
1. Survey 2: questions 5 to 12: parents who had counselling v parents who did not have counselling



Q11

Q12

2. Surveys 1 and 2 comparison, questions 5 to 12: parents who had counselling v parents who did not have counselling



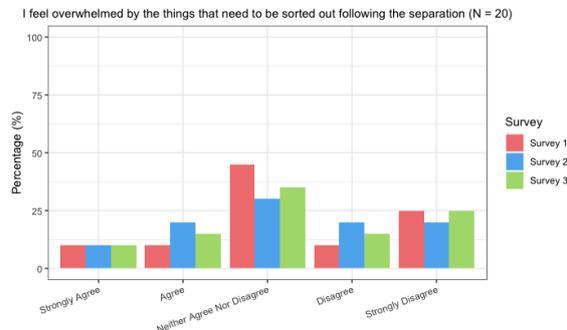
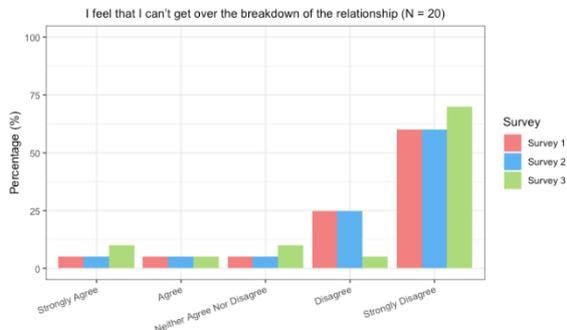
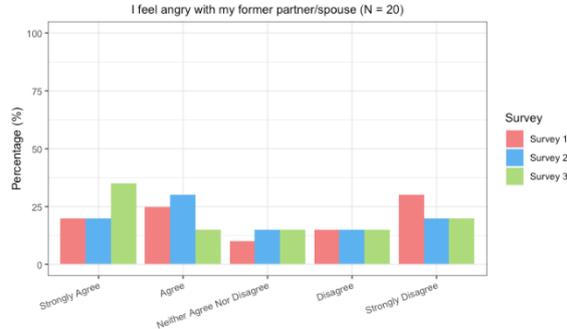
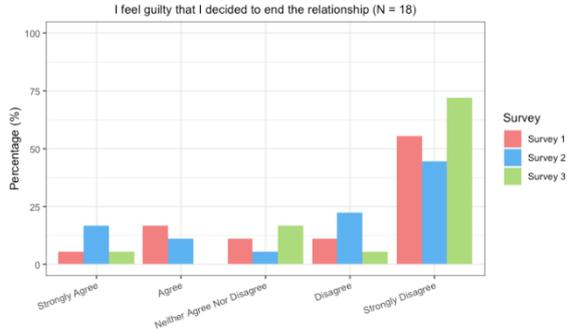
3. Survey 2: Percentage table- questions 1-12 (by percentage) (N=29)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
<i>I feel guilty that I decided to end the relationship*</i>	14	7	14	21	43
<i>I feel angry with my ex-partner</i>	21	31	17	17	14
<i>I feel that I can't get over the breakdown of the relationship</i>	7	7	3	24	59
<i>I feel overwhelmed by the things that need to be sorted out following the separation</i>	18	21	29	14	18
<i>I feel that it is the right decision to separate</i>	72	7	10	3	7
<i>I feel able to take action to start to sort things out</i>	62	14	21	3	0
<i>I feel well informed about our options</i>	52	31	10	3	3
<i>I feel well informed about what happens in mediation</i>	55	38	3	0	3
<i>I feel ready to discuss things at mediation</i>	76	21	0	0	3
<i>It's important to me that my (ex) partner and I work together to find the best solution possible for everyone involved</i>	93	7	0	0	0
<i>It's important to me that my child(ren)'s views are considered when reaching decisions in mediation*</i>	89	4	4	4	0
<i>I want to avoid a court application if possible</i>	72	17	7	3	0

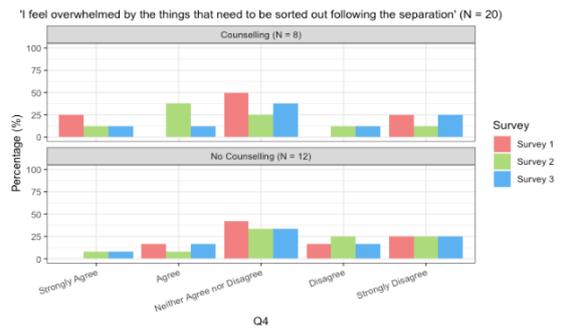
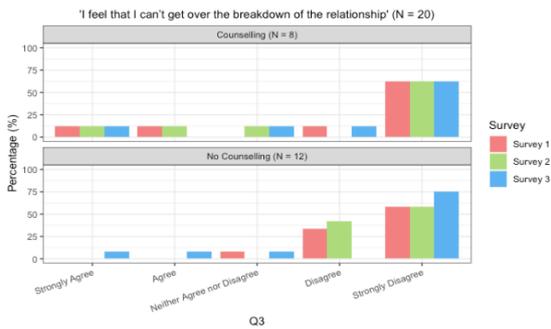
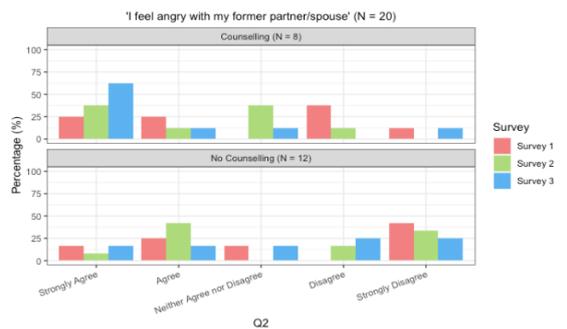
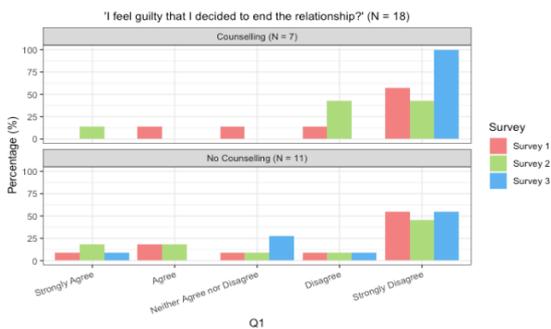
* N = 28 participants

Appendix 3: Survey 3 graphs and tables

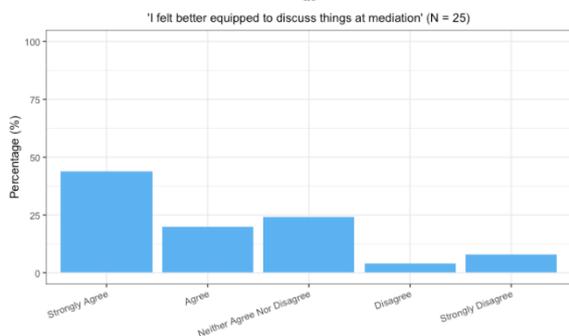
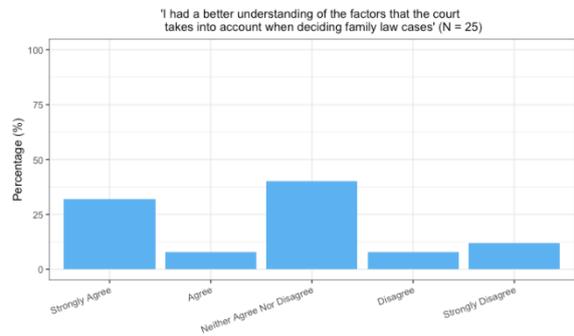
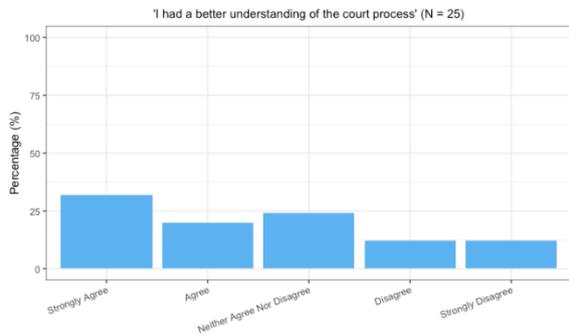
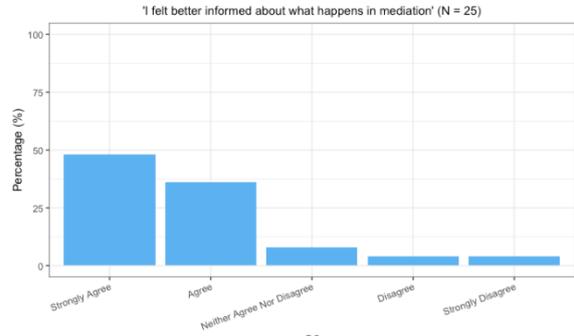
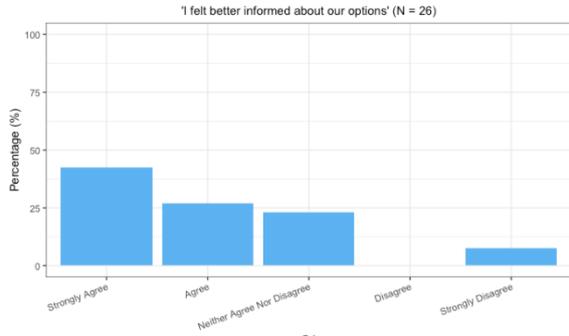
1. Survey 1, 2 and 3, questions 1-4: How the interventions have moved people on – guilt/anger/inability to get over breakdown/feeling overwhelmed



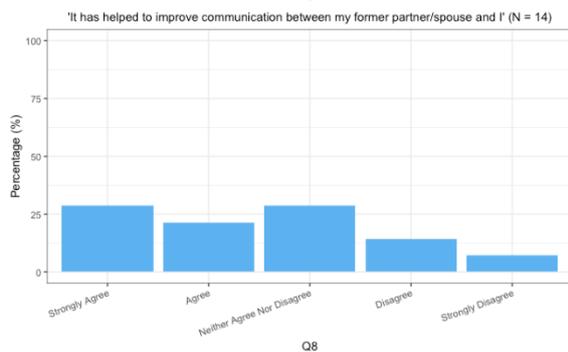
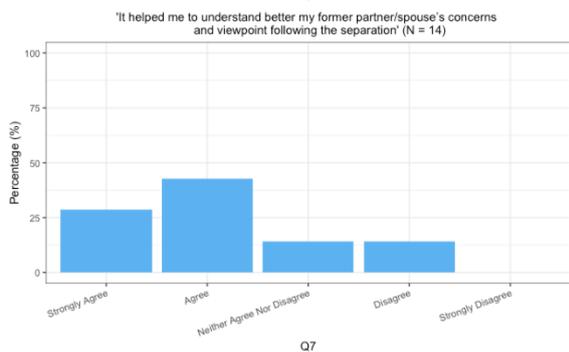
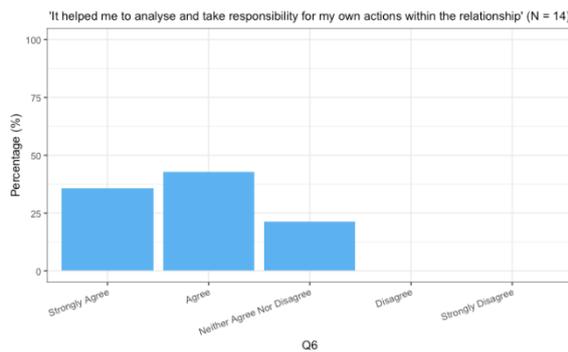
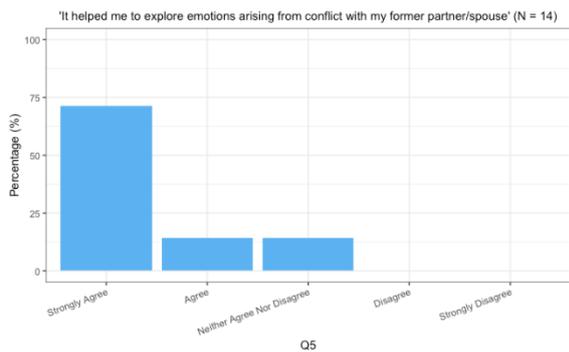
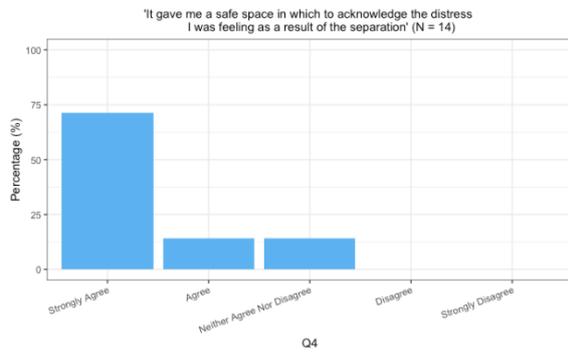
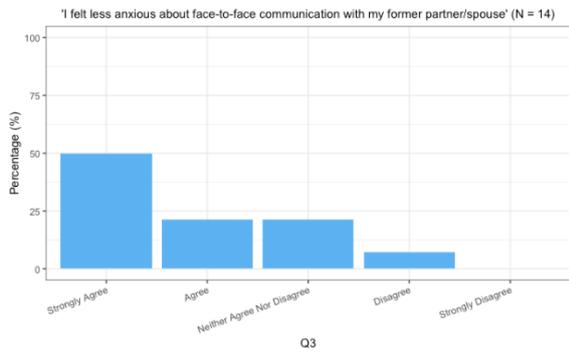
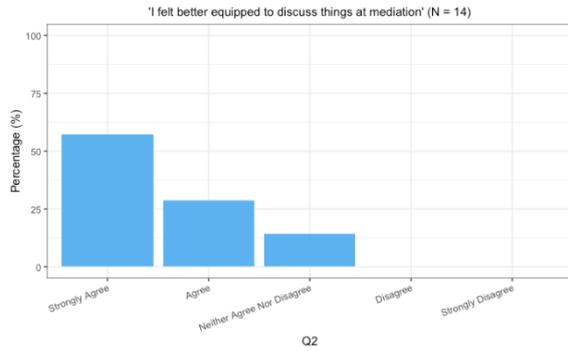
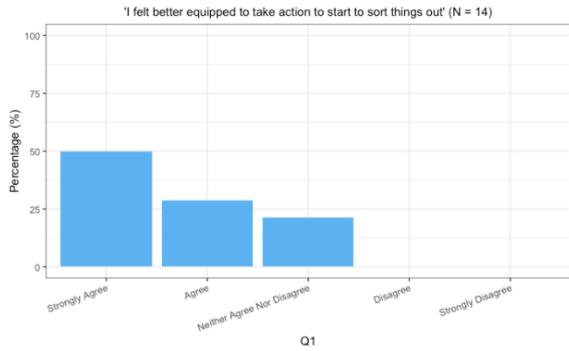
2. Survey 1, 2 and 3, questions 1-4: How the interventions have moved people on – guilt/anger/inability to get over breakdown/feeling overwhelmed by parents who had counselling and parents who did not have counselling



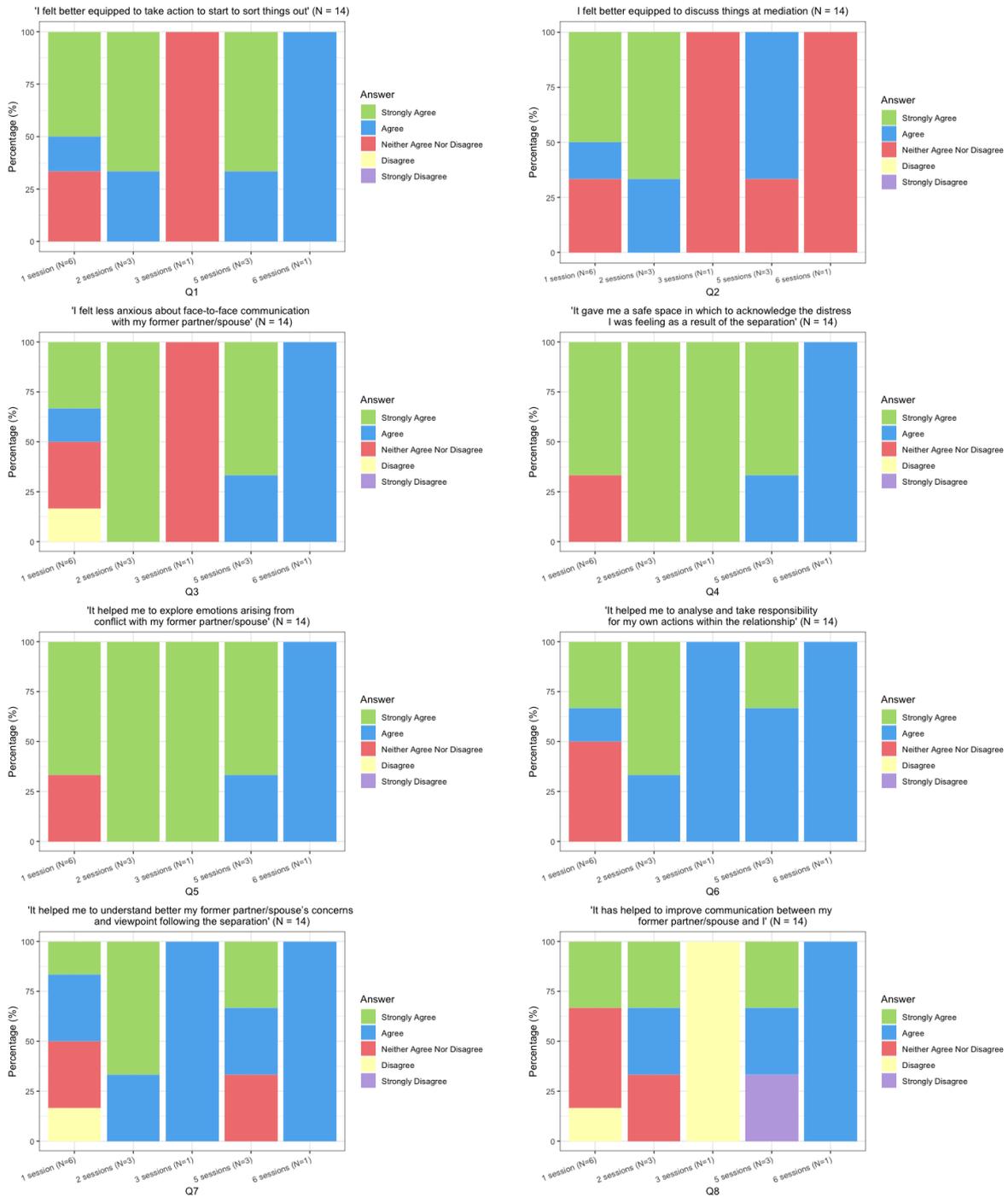
3. Legal information meetings (Survey 3, Section 4)



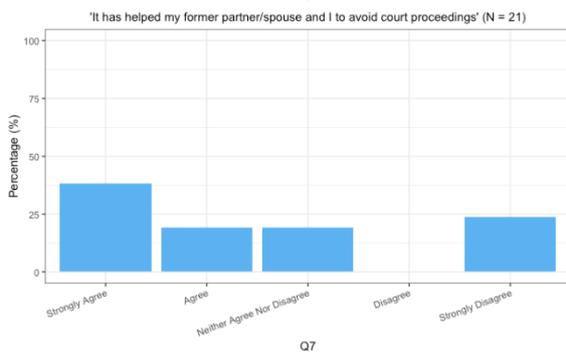
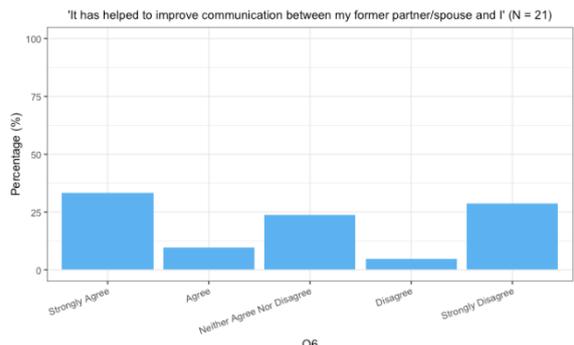
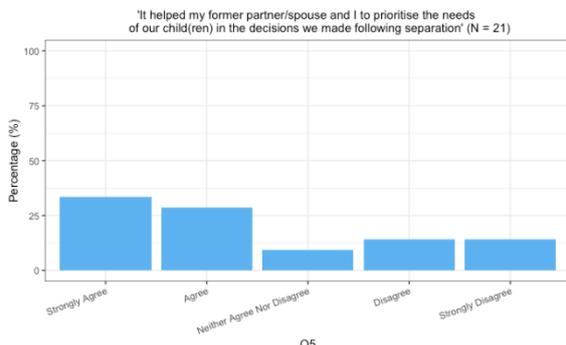
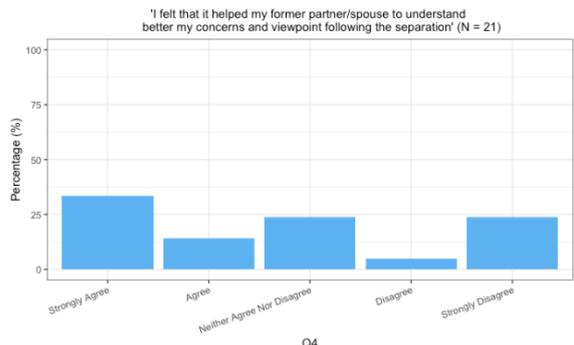
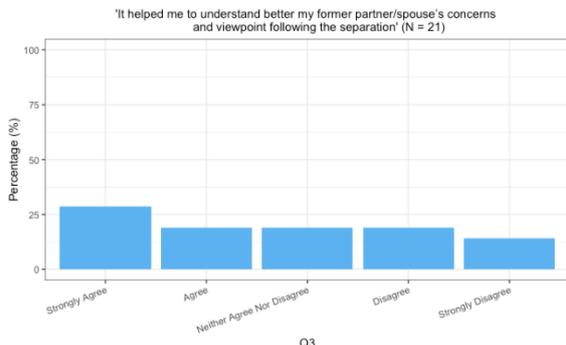
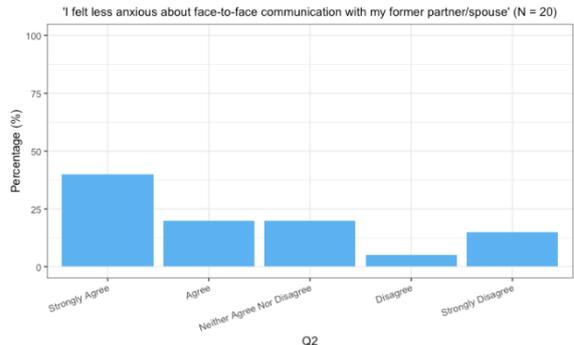
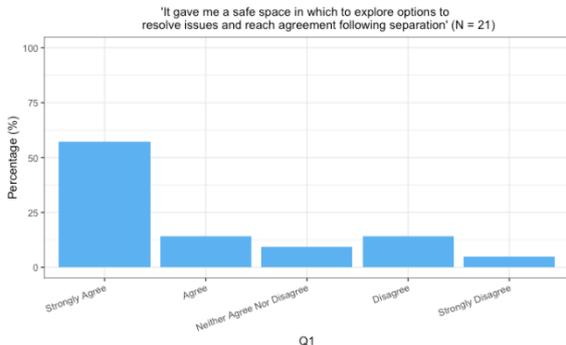
4. Counselling sessions (Survey 3, Section 5)



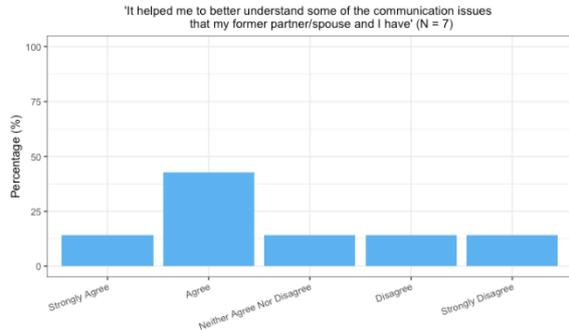
5. Survey 3, counselling measured by the number of counselling sessions a parent attended



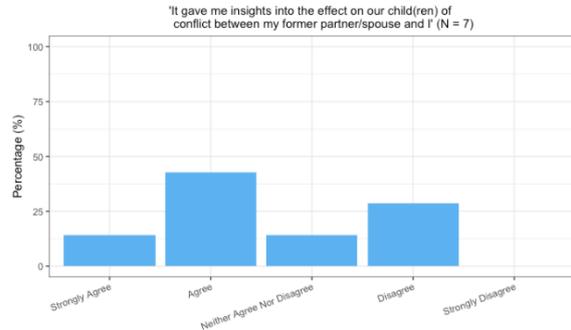
6. Mediation sessions (Survey 3, Section 6)



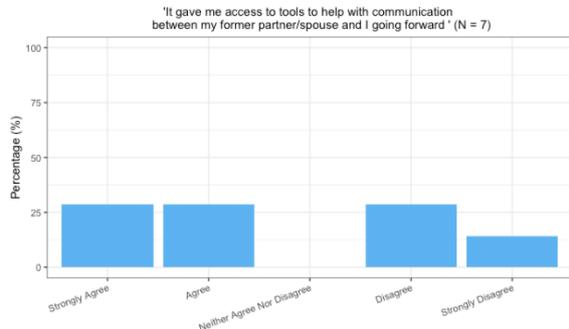
7. Communication sessions (Survey 3, Section 7)



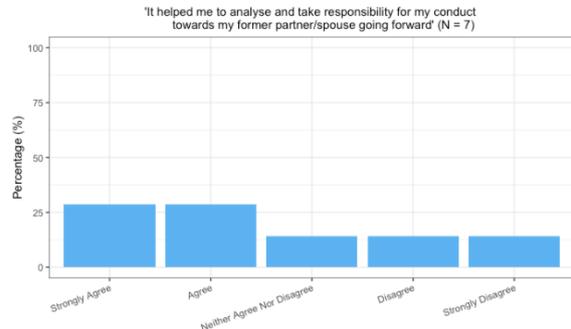
Q1



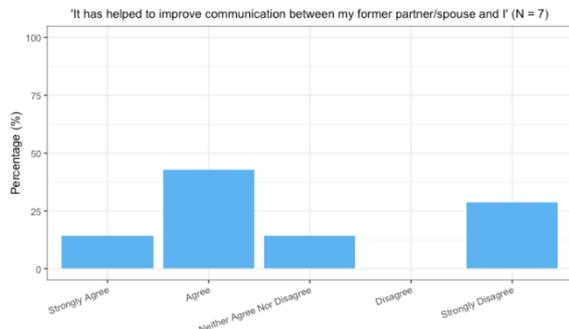
Q2



Q3

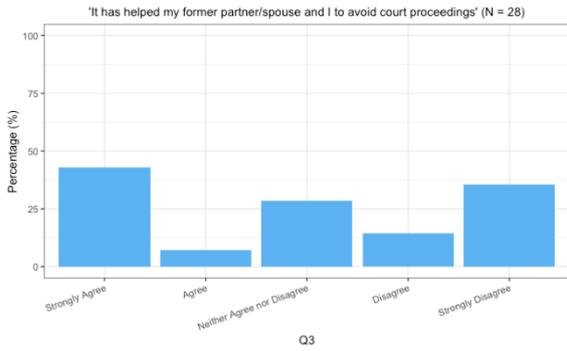
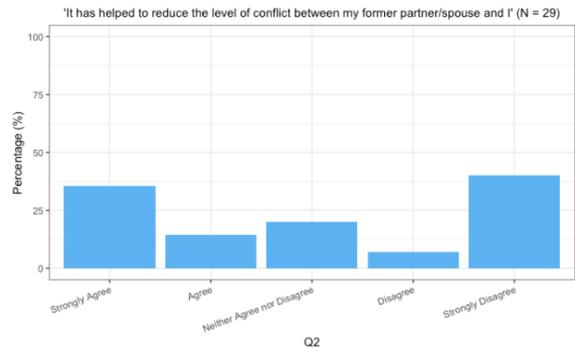
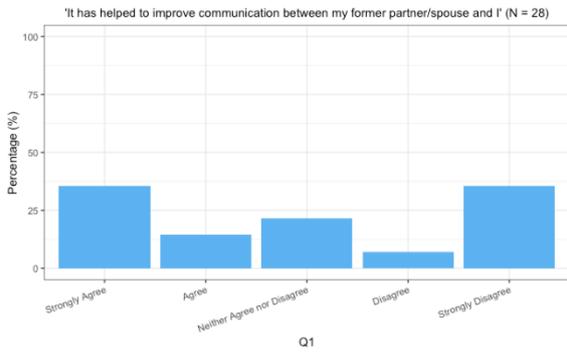


Q4

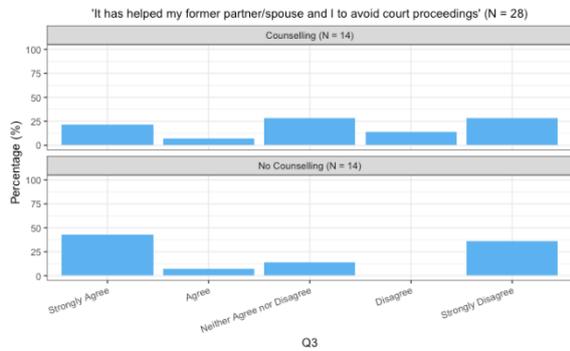
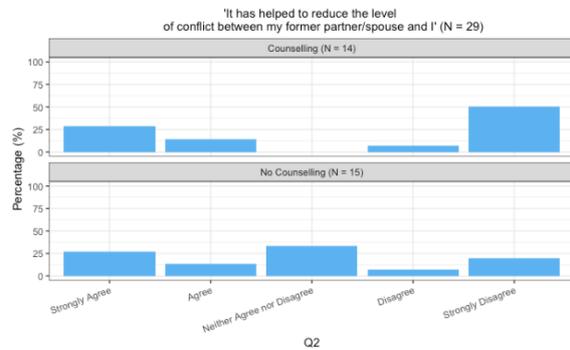
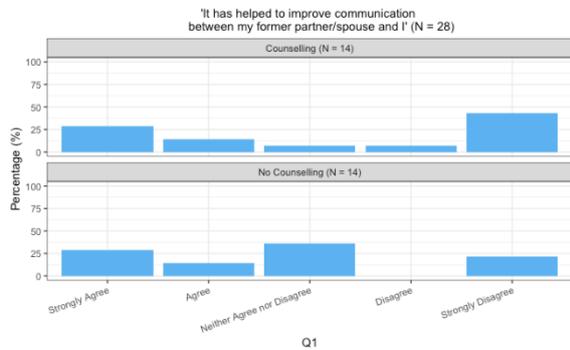


Q5

8. Section 8 - overall feedback

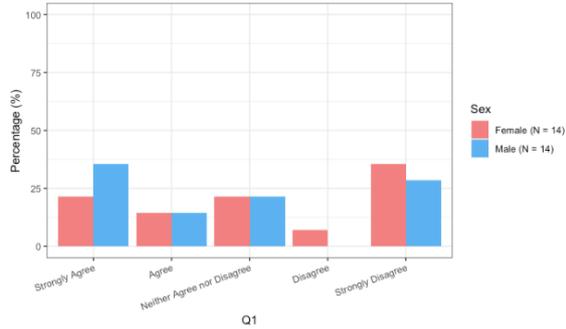


9. Section 8 – overall feedback by parent had counselling v parent did not have counselling

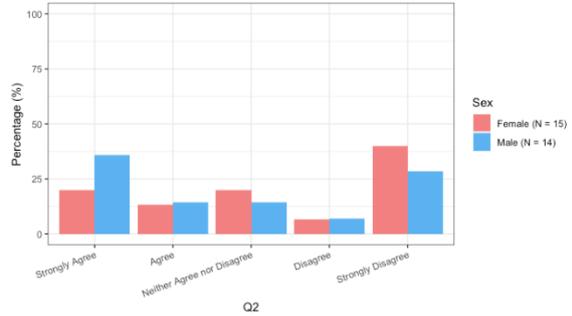


10. Section 8 - overall feedback by gender

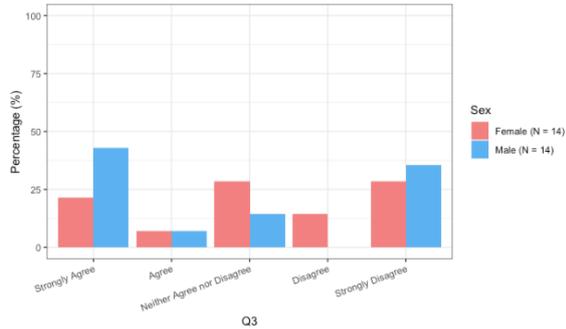
'It has helped to improve communication between my former partner/spouse and I' (N = 28)



'It has helped to reduce the level of conflict between my former partner/spouse and I' (N = 29)



'It has helped my former partner/spouse and I to avoid court proceedings' (N = 28)



11. Survey 3, Section 8 percentage tables

Table 1 – Survey 3, Section 8 (by percentage) (N = 28)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. It has helped to improve communication between my former partner/spouse and I	29	14	21	4	32
2. It has helped to reduce the level of conflict between my former partner/spouse and I*	28	14	17	7	34
3. It has helped my former partner/spouse and I to avoid court proceedings	32	7	21	7	32

* N=29

Table 2 – Survey 3, Section 8 by participants who did not have counselling (by percentage) (N=16)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. <i>It has helped to improve communication between my former partner/spouse and I</i>	31	12	31	0	25
2. <i>It has helped to reduce the level of conflict between my former partner/spouse and I*</i>	29	12	29	6	24
3. <i>It has helped my former partner/spouse and I to avoid court proceedings</i>	38	6	19	0	38

*N=17

Table 3 – Survey 3, Section 8 by participants that had 1 or more counselling sessions (by percentage) (N=12)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. <i>It has helped to improve communication between my former partner/spouse and I</i>	25	17	8	8	42
2. <i>It has helped to reduce the level of conflict between my former partner/spouse and I</i>	25	17	0	8	50
3. <i>It has helped my former partner/spouse and I to avoid court proceedings</i>	25	8	25	17	25

Table 4 - Survey 3, Section 8 by participants who did not engage in mediation (by percentage) (N=6)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. <i>It has helped to improve communication between my former partner/spouse and I</i>	17	0	0	17	67
2. <i>It has helped to reduce the level of conflict between my former partner/spouse and I</i>	17	0	0	17	67
3. <i>It has helped my former partner/spouse and I to avoid court proceedings</i>	17	0	0	17	67

Table 5 - Survey 3, Section 8 by participants who engaged in 1 or more mediation sessions (by percentage) (N = 22)

Survey Questions	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. <i>It has helped to improve communication between my former partner/spouse and I</i>	32	18	27	0	23
2. <i>It has helped to reduce the level of conflict between my former partner/spouse and I*</i>	30	17	22	4	26
3. <i>It has helped my former partner/spouse and I to avoid court proceedings</i>	36	9	27	5	23

*N=23