

*A. Adopted
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for pages
8-12
of Oct 92
Policy*

1. ADMINISTRATIVE SUPPORT TO INTAKE INTERVIEWERS AND MEDIATORS

Management of referrals to mediation and provision of referrals to the parties is an important foundation for implementing policy and procedures. Without this foundation, intake staff and mediators would be limited in fulfilling their role in the provision of ethical and responsible mediation services. Consequently, these features precede the guidelines for service.

1.1 Referrals to Mediation

It is highly recommended that mediation services adapt this policy (or their own) for distribution to referrers to mediation. This action has the potential to achieve the following benefits:

- a. Reduce the number of unsuitable referrals and relieve the workload of intake staff.
- b. Increased public knowledge of the standards and protective care resources of mediation may encourage victims in discussing violence at intake.
- c. Increased disclosure at intake would reduce the risks attendant to violence revealed in mediation.

1.1.1 It is a responsibility to advise referring sources when a case is unsuitable for mediation. This practice reinforces 1.1 above and assists referrers in refining their understanding mediation services and offers the opportunity to review their own intake systems.

B 1.1.2 Where Courts send clients to mediation as an alternative to granting an AVO they are to be advised that such a referral is inappropriate for mediation and will be refused. Persistent inappropriate referrals should receive written notification for reinforcement of this position. (policy 4.11)

1.1.3 Referrers should never be advised that Domestic Violence has been disclosed without the permission of the disclosing party. The referring source may deliberately or inadvertently release the information to the perpetrator which could create repercussions for the victim. This may result at times in priorities the safety of the victim over the responsibility to inform referrers accurately of the true reason for refusing mediation.

1.4 Referrals to the Parties (policy 4.16, .17)

The ultimate objective in offering referrals for legal protection and social support is for mediation services to be resourced to respond to the greatest case of crisis.

1.4.1 Guidelines for referrals are provided for use by Intake and Mediators. Also, while the wording gives priority to the victim in respect for the reality of: Definition of Domestic Violence 1.2, mediation services also have a responsibility to the perpetrator. i.e. It is not an isolated experience that the mediation process indirectly develops openness to counselling on the part of the perpetrator. Therefore, the guidelines for assisting the victim need also to apply in referring the perpetrator.

1.4.2 When offering referrals, and it is at all possible for the agency to provide the support, check if the clients would like the assistance of a personal referral to counsellors or solicitors. People under stress or embarrassment are often grateful to avoid the strain of repeating their circumstances to yet another stranger. Permission for what can be communicated to the referral source must first be cleared with the client.

1.4.3 Needless additional stress to clients can be avoided if referrals are already checked for:

- a. Understanding and sensitivity to domestic violence. (Re: counselling objectives, Astor 1.7, p. 11)
- b. Accuracy, as to services, costs, hours of operation and procedures plus any relevant criteria which would qualify or disqualify the victim from accessing the services.
- c. Consideration given to needs and preferences arising out of cultural origins, health, religion and physical or intellectual disabilities.

1.5 Crisis Referrals

The following needs are generally the priorities for crisis needs:

- a. Information on the features and procedures for obtaining a protection order for your State or Territory should include referrals to local domestic violence agencies and solicitors. It is recommended that a resource kit be mailed to the party with encouragement to re-contact should further clarification be needed. For the safety of the victim, it is important to check that the mailing of such material to the home will not create risk. i.e. are the parties still living together ?

- b. Housing: refuges, short and long term accommodation which can respond to crisis needs.
- c. Social Security procedures and criteria for income support.
- d. Options for assistance in recovery through counselling and domestic violence support groups for the victim and any children involved. (see counselling 1.7, p.11)

1.6 Counselling Referrals

Counselling referrals can be used at any point of contact with mediation services for:

- a. Support, whether or not proceeding to mediation.
- b. Support in preparing for mediation through: assistance in identifying needs, reinforcing rights or skills for assertiveness and decision making in relation to the issues for mediation.
- c. Support during mediation either by being present in the session, on the premises or scheduled to be available by phone.

Astor (1991) notes that mediators should be aware that the suggestion often made, by the parties and others, is that the victim is the one who needs counselling. However, referring the victim to counselling and not the perpetrator perpetuates the idea that she is the one with the problem.

Astor also notes that counsellors for both parties should make the safety of the victim a priority and respond to the men's violence as a crime holding the perpetrator totally responsible for his violence. Counselling should never replace or be an alternative to criminal proceedings or penalties to protective orders and should aim for an absolute and permanent cessation of violence before any other problems are dealt with. She is strongly against joint counselling. For the perpetrator she advocates a focus on the concept of self responsibility and education in gender issues and attitudes to gender inequality, masculinity and the social/ historical/cultural context of violence against women.

1.7 Legal Counsel

Consulting a solicitor should be strongly encouraged to reinforce understanding of legal rights in relation to the violence and the issues of terminating the relationship. Solicitors for both parties should make the safety of the victim a priority.

Should the case go to mediation, consider having the solicitor present in session, on the premises or scheduled to be available by phone.

2. INTAKE

THE RESPONSIBILITY OF MEDIATION AGENCIES AT INTAKE CANNOT BE OVEREMPHASISED GIVEN THAT:

- * Statistics on domestic homicides following separation of relationships involving violence emphasise the vulnerability of the victim and children at a time when many couples are likely to seek mediation services and;
- * Couples requesting mediation can be in a broad range of stages of recovery or difficulty from the many and varied acts of violence.

2.1 The objectives of Intake are to:

- a. Clarify the referral source.
- b. Assess whether the issues are suitable for mediation.
- c. Screen all requests for mediation by couples to determine whether domestic assault, threats or other forms of abuse has been a part of the relationship. (policy 4.14)
- d. Provide information about the mediation process; its purpose, limitations and the roles of the parties and the mediators.
- e. The parties should also be provided information on possible alternatives to mediation.
- f. Provide appropriate referrals for legal protection, social support and mediation support.
- g. Assess the suitability of the case for mediation.

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2.2 Guidelines for Interviews

Mediation agencies will need to weigh their resources with policy objectives to achieve effective screening methods. If initial contact by telephone discloses physical or abusive behaviour it is recommended that intake proceed to a personal interview. Whatever the approach to interviewing clients should be provided a confidential and calm environment.

- a. Telephone interviews can carry a higher risk of keeping the violence hidden as cues from non-verbal communication are limited to voice intonations. When a party contacts the agency the Intake Interviewer should verify if they have the time and privacy necessary to complete the interview. If not, it is recommended to schedule a suitable time. Children do not benefit from hearing their parent's response to most of the questions.
- b. Personal interviews can offer greater opportunity to pick up on all non-verbal cues and utilize the full interpersonal skills of the interviewer. It is preferable that children are not present during the interview.
- (B) c. In the case of personal interviews, appointment times must always be kept confidential and scheduled to avoid both parties being in the office at the same time.
- (B) d. Both parties should be asked the same questions, and neither party informed that the other has been asked the same questions.
- (B) e. When identified that an interpreter is needed for the interview it is recommended that the clients have separate interpreters with choice of gender whenever possible. Continuity in interpreters throughout the mediation sessions is desirable however, the parties should be consulted for their satisfaction and comfort with the interpreter before each session.

2.3 Screening for Domestic Violence

- 2.3.1 Intake staff should be aware that neither the victims or the perpetrators are likely to voluntarily disclose violent, controlling or intimidating behaviours. Many victims may never have talked about it and be uncomfortable or have feelings of shame in revealing the details of their private life. Others may have difficulty in naming their experiences as domestic violence or abuse and look on some or all of the acts as a way of life and not unusual. Victims

who have received support from family, friends or counselling may initiate the information or more freely respond to the questions on violence. The perpetrator is most likely to minimize what took place even if it is acknowledged.

2.3.2 Objectives in care of the victim:

1. Provide assurance and comfort in a manner to encourage openness and safety by emphasising confidentiality.
2. Determine legal and social support needs
3. Empowering the victim with resources appropriate to the circumstances whether or not the case is suitable for mediation.

2.3.3 Objectives to achieve from the questions:

1. To uncover type, frequency, duration and recency of violence and/or controlling behaviour.
2. Ask all categories of questions from all parties. Because some victims will acknowledge physical violence it does not mean they have considered the non-criminal forms of violence.
3. Identify the legal and social resources needed to empower the victim ie. Counselling, support groups etc.
4. Identify if controlling behaviours indicate power imbalances needing pre-mediation empowerment or process management. ie. financial controls could have influenced unrealistically low personal expectations for basic needs, inexperience with living costs or prevention from knowing the scope of assets /liabilities. Any of these conditions will need referrals for assistance in preparing for mediation.

2.4 Questions

After routine questions on referral source and issues for mediation, agency demographic information should be asked which will provide information on: the length and status of the relationship, number and ages of the children and any other significant relationships as well as the housing status of the party. The latter can potentially expedite the questioning process for assessment if the party is in a refuge or group housing situation.

2.4.1 These initial questions are suggested both to avoid intimidating parties who have not experienced violence and open the way for those who have:

- >> Why have you decided to use mediation ?
- >> Did you decide together ? Who is most interested ? You or your partner ?
- >> Have you tried to work out your differences ? What happened ?
- >> Have you been able to work out differences before ? Did you think they were fair ? Did you feel listened to ? Do you think your partner felt they were fair ? Do you think your partner felt listened to ?
- >> Is there anything about these issues you have'nt felt comfortable in raising with your partner that needs to be discussed in the mediation ? Why is that ?

2.4.2 The next set of questions are designed to uncover the patterns of conflict behaviour in the couple's relationship as well as the nature, frequency and recency of violent or abusive behaviour. Prepare the client for the directness of the questions by phrasing something along the lines of:

" I need to ask you these next questions because many people have been threatened or hit by their partners and it is important for me to know this in arranging the mediation to make sure you will feel comfortable." (adapted from CJP)

- >> Has anger ever reached the point that one of you got hit or threatened with being hit ? Were you ever afraid that you might be hit ? What kind of behaviour made you feel like that ?

If violence disclosed, check if a weapon was used or if firearms involved. Check if medical attention ever needed and status of health.

- >> Have you any concerns about the safety or care of the child(ren) by your partner ?

If violence disclosed explore for details. Check if the children have been hit, threatened or treated in any way that caused fears for their safety ? Any concerns about the children right now ?

- >> In the relationship, were there any threats of suicide or other acts if you left ? threats to your family, friends, family pets ? Personal belongings threatened or destroyed ?
- >> Have you ever applied for a protection order ? Is there one in place right now ?

(If a protection order exists it is advisable to get a copy to assist with assessment. The order may provide further information that the party may not be comfortable in sharing and/or provide a basis for open discussion with the partner (with the victims permission). Order may also indicate the need for amendment to avoid breaching the order by contact in mediation.

Has or does your partner try to convince you that your character, abilities or mental state is a problem to him/her)? Have your interests in activities or friendships been a problem between you ?

(while any relationship could answer affirmatively to this set of questions they are included for responses to be weighed along with disclosure of violence to help assess the total circumstance. It can be the sole area of abuse and the hardest for the victim to identify.)

- >> How are (were) decisions made about the family finances ? Do both of you know all the assets and debts of the relationship ?
(If money revealed to be control issue, check if ever short of money for basic necessities while partner spent on his interests, family, or friends.)
- >> Since separating, have you had any difficulty in creating a separate life with your privacy and personal decisions respected ?
(check if threats of suicide or harassment. Domestic homicides following separation have been characterized as sometimes preceded by threats of suicide by the perpetrator)
- >> Is there anyone other than your partner involved in the conflict who may put pressure on the decisions you have to make ? (
(If violence been disclosed check how partner's family and friends treat the victim. It is not unusual for the perpetrator's family and friends to participate in abusing the victim. This may have implications for supervised access or pressure to mediate)
- >> Do you think both of you are able to sit down and discuss the issues openly with the help of the mediators or, would you be more comfortable in separate rooms (explain shuttle negotiation process) ?

2.5 When Violence Disclosed

- a. Offer legal protection and social support referrals appropriate to the circumstances.
- b. Provide information on mediation and alternatives to mediation. As appropriate, explain agency policy on domestic violence.

2.6 Assessing for Mediation

B Cases involving a history of violence or abuse must be treated with caution and assessed carefully for the victim's ability to negotiate for their own interests.

S/C Be aware that such relationships damage the victim's self-esteem and can erode confidence in their own judgement which may seriously affect their full participation in the mediation process. While many women recover once removed from an abusive relationship, the impact can have long-lasting repercussions. The process of recovery can be complex and vary greatly from individual to individual depending on many factors. It should be understood that many victims still live in fear of the abusive partner years after the relationship has ended.

2.6.1 CASES WHERE MEDIATION MAY BE APPROPRIATE ARE CONTINGENT ON THE INTAKE STAFF BEING SATISFIED OF ALL THE FOLLOWING CRITERIA WITH ANY DOUBT RESOLVED IN THE INTERESTS OF SAFETY AND THE MEDIATION REFUSED.
(* indicates Astor 1991)

For the victims:

- B a. That victims consider themselves to be safe to participate in mediation.
- B b. That contact in mediation with the partner does not breach the conditions of any existing order.
- c. That victims understand and have agreed that the violence will be addressed openly in mediation where appropriate to the issues.
- B d. That victims have expressed a clear wish to proceed with mediation despite the background of violence. (*)
- B e. That victims have chosen to come to mediation and have not been sent to mediation by anyone in a position of authority or influence over them such as a magistrate, judge, legal aid official(*), family member or religious authority.
- B f. That victims have a clear understanding of the mediation process and policies and what will be required. (*)

- B g. That victims understand clearly what the alternatives are to mediation. (*)
- B h. That victims are not under any type of duress, persuasion or pressure from the perpetrators or anyone connected with them. *
- B i. That victims believe their capacity to make decisions on the issues in dispute are not affected by the violence and they can negotiate for their interests and the interests of any children involved.

For The perpetrators:

- a. That perpetrators understand and agree that the violence will be discussed openly in mediation where appropriate to the issues. (B) In the event the victim chooses not to discuss the violence the reason must be evaluated with other assessment criteria in consultation with a qualified senior supervisor
- b. That the perpetrators have a clear understanding of the mediation process and what will be required.
- c. That the perpetrators understand clearly what the alternatives are to mediation.

2.6.2 Other Factors to Consider:

- a. Behaviour of the perpetrator in contact with mediation services staff. Circumstances where the perpetrator seeks to control the interaction between the parties and the agency should be viewed with considerable concern (CJP)
- b. Whether non-criminal controlling behaviours are continued in separation and their implications for management in mediation. If there are still strong attempts to intrude in the private decisions of the victim (dress, food, relationships, purchases) counselling may be more appropriate.
- c. Whether emotional distress is indicated which would prevent one of the parties from representing their own interests, having the ability to consider the interests of the partner or focusing on the needs of children.
- d. Individual pre-mediation with the mediators to further assess the ability of the couple to work together.

2.7 CASES INVOLVING CURRENT DOMESTIC VIOLENCE WILL GENERALLY BE UNACCEPTABLE FOR MEDIATION IN RECOGNITION OF THE FOLLOWING FACTORS:

- B a. Mediation may endanger the victim, the mediators or others in the environment of the service.
- B b. Victims are unlikely to be able to negotiate arrangements in their best interests especially if there is a history of abuse and they are in fear of him. (S/C) Their interests may be better protected by legal processes at this time.
- B c. The integrity of the mediation process is at risk should violence erupt in the mediation. Mediators may be forced to relinquish their neutrality or the confidentiality of the session in response to abusive or violent actions in order to protect the victim. (CJP)

2.8 Refusing the Mediation (policy 4.18)

- a. Never reveal to a party that domestic violence has been disclosed by the partner without the permission of the disclosing party.
- b. Caution is advised in providing the reason for refusal to the perpetrator to avoid any appearance of blame on the part of the victim as this could trigger further violence, threats or harassment.
- c. Parties should be told separately and verbally rather than by letter.

2.9 Preparing the Parties for Mediation

- B 1. Mediation should not begin until both parties have been strongly encouraged to seek legal advice and have been given appropriate referrals.
- 2. Any existing protection orders are viewed
- 3. Parties provided with paperwork to guide their assessment of assets and liabilities of the relationship and prepare budgets relative to the financial needs of the children.
- 4. The stress of negotiating issues involving the dissolution of a relationship is significantly increased in domestic violence cases. Therefore, it will be highly unusual for an effective and enduring agreement to be reached in one session. Parties should be advised that mediation will probably take more than one session as much will depend on the number and complexity of issues.

5. Any other tasks which will facilitate decision making in mediation.
6. Schedule staggered arrival times if necessary.

3. ENVIRONMENT SAFETY (policy 4.8)

Agencies need to operate with awareness that the potential for violence to occur in any mediation is always present due to undisclosed violence or the extent of physical violence has not been fully revealed. Danger to clients, mediators and staff can be minimized by the following:

- 3.1 Organize mediation sessions when support staff are present.
- 3.2 Develop procedures for handling violence or threats of violence and inform all agency staff of the procedures. This can include consulting with local police for co-operation to respond promptly in case of emergency. Other options for safety include arranging mediations in local court buildings or police stations.
- 3.3 Require all violence and threats of violence to be reported to agency administration or the police.
- 3.4 Mediations should not be held in an environment requiring the parties to sit physically close to each other as this can add to tension and increase the victim's vulnerability should violent behaviour erupt in mediation. Studies indicate that violent people need a much wider physical space than the average person therefore people who are physically crowded can be triggered into violence more easily. (Moore 1991)
- 3.5 It is strongly recommended to have a table large enough to prevent the perpetrator from reaching or leaping across it to get at the victim. (Moore 1991)
- 3.6 Ideally the venue should have two exits. In the mediation room the mediators should be seated nearest the door in order to access assistance if necessary.
- 3.7 Consider installing an electronic alarm system between mediation rooms and staff offices.

4. ASSIGNMENT AND BRIEFING OF MEDIATORS

- B 4.1 To ensure safety and the best possible outcome, it is recommended that a male and female co-mediation team be used if at all possible.

- 4.2 Mediators should be selected based on their skills and experience in family mediation and have training in the nature and effects of domestic violence.
- B 4.3 Intake staff should provide the mediators with all available information on the case.
- B 4.4 Mediators have a responsibility to be aware of their personal viewpoints on domestic violence and gender issues for any potential biases that may affect their ability to mediate effectively.
- 4.5 Mediators have a responsibility to be completely familiar with the domestic violence policies and intake procedures of their agency in order to respond to violence disclosed in mediation or, developments within the mediation.

5. PROCESS MANAGEMENT

- 5.1 Based on intake briefing, Mediators can design the sessions for mediation around the following options:
 - 1. Joint sessions with one or more private caucuses
 - 2. Joint session initially then move to shuttle negotiation ending with joint session.
 - 3. Shuttle negotiation concluding with or without a joint session.
 - 4. At any time consider the suitability of support in the form of: Friend, Family Member, Counsellor or Solicitor.
- 5.2 When explaining the voluntary nature of mediation at the introductory stage of mediation, include the statement that parties referred by the courts will suffer no penalty if they choose to leave. This may further protect a victim who has attended out of fear of repercussions from the legal system and did not disclose this at intake.
- B 5.3 Any agreements between the parties should be checked out thoroughly in private caucus as added insurance against any subtle coercion having taken place which would have meaning only for the victim as a result of the victim's experience of the perpetrator.

5.4 Addressing Violence and Abuse

5.4.1 The issue of violence whenever and however it is raised must be addressed seriously in mediation with the overall goal of stopping the abuse (Astor 1992). Failure to address the violence could imply the mediators' tacit acceptance reinforcing whatever imbalance of power may exist between the parties. The mediators' responsibility to assist the parties in reality testing any part of the agreement cannot be fulfilled if the history of violence and its affects are not able to be discussed.

B 5.4.2 Mediators must address the general principles for dealing with domestic violence in their opening statements.

5.4.3 Disclosure During Mediation:

Since it is impossible for even the most careful intake to uncover all cases of violence if the victim is not ready to disclose, familiarity with intake screening procedures will allow the mediators to blend within the context of the session at point of discovery. Proceed as follows:

B >> When one party reports abuse proceed on the assumption that it has occurred.

B >> Caucus immediately and apply all intake assessment procedures and policy.

>> Particularly check court referred parties and again assure that there is no penalty if a party chooses to leave.

B >> Follow all procedures for termination, follow-up, acts or threats of retaliation.

5.3.4 If violence is suspected at any time by one or both mediators during a mediation they should first caucus with each other and then with the parties to reality test.

5.4 Use of Private Caucus

In addition to other uses of private caucus, any agreements in joint session should be checked thoroughly in private caucus with the following as a guide:

- a. Ensure that the victim has considered all aspects of their needs. Assume always the possibility of the victim accepting the minimum or relinquishing rights or values to avoid conflict or in fear of retaliation.

- b. Check for the victim holding back in expressing their needs in concern that they may be perceived as overlie demanding by the mediators themselves. If unaccustomed to valuing her needs, any effort of assertion no matter how small may seem excessive.
- c. Check for fears of raising a need in case a partner's response might reveal embarrassing past experiences of the relationship in front of the mediators.

5.5 Confidentiality

Mediators and Agencies need to develop policies and procedures for possible legal obligations under state and federal law which require that information about crime be reported to the police. Some acts of domestic violence may come under the requirement for disclosure of actual or potential criminal acts. Consideration must also be given to the potential for civil liability in mediating cases with a background of domestic violence should injury occur to a party during or after a mediation.

5.6 Negotiation Issues Specific to Violence and Abuse

In addition to the standard issues of terminating a relationship, mediators need to be aware of financial issues which victims may present for negotiation in the following categories:

- a. Physical Health:
Assistance or compensation for costs of temporary or long-term medical expenses resulting from abuse.
- b. Mental Health:
Assistance or compensation for costs of counselling/therapy for herself and/or the children.
- c. Employment:
Assistance in costs to qualify for employment through training and education.

5.7 Access/Custody of Children

Access is an area where mediators need to carefully consider the boundaries of ethical practice. It is an area where mediators may need to weigh the principles of mediation and the best interests of the child(ren) and be prepared to assess the suitability of mediation for their needs.

- 5.7.1 When violence against the primary caregiver is disclosed, the issue of the children's emotional and physical safety in parenting arrangements must also be discussed. For this reason, the requirement that violence or other abusive behaviours be openly acknowledged in mediation is of particular importance in reality testing agreements and parenting arrangements.
- 5.9 Procedures for exchanging the children for access need to be thoroughly explored and reality tested to assure that the perpetrator has no opportunity for further abuse and harassment of the victim.

6. TERMINATING THE SESSION

- 6.1 Mediators should be prepared to terminate the mediation and make appropriate referrals at any stage of the process.
- 6.2 In addition to applying intake criteria for assessing the suitability of a case which has disclosed violence in mediation, other reasons for terminating can include:
- ** The power imbalance is too great
 - ** The perpetrator is using mediation to prolong contact with the victim and is not committed to negotiating a solution.
 - ** The emotional level is too intense and detrimental to decision making at this time.
 - ** Safety of the victim and/or children in doubt.
 - ** One party (or both) are unable to make decisions that consider the best interests of the children.
 - ** The emotional level of one party (or both) prevents them from negotiating in their own interests.
 - ** Legal protections are not in place.
 - ** Counselling assistance needed before proceeding.
 - ** Impartiality cannot be maintained.
- B 6.3 If mediators choose to terminate the session it is advisable to caucus with each party before they leave and review the reasons for the decision.
- 6.4 If terminating due to disclosure of violence in private caucus the mediators must follow intake guidelines for refusing mediation.
- 6.5 The ending of a mediation session, whatever the reason, should ensure the safety and the comfort of the victim when leaving the mediation. This may mean sufficient time is allowed for the victim to leave the premises and the area ahead of the perpetrator.

7. FOLLOW UP CARE

- B 7.1 The agreement of the parties should be obtained for follow up by the mediators between sessions to monitor for any difficulties or concerns resulting from the mediation.
- 7.2 If the mediation was terminated due to disclosure of violence, it is a responsibility for the mediators or the agency to follow-up promptly and check for any repercussions or clarification of referrals.
- B 7.3 It is recommended that follow up on agreements should occur at two weeks and again at two months after completion of mediation.

8. AGENCY MANAGEMENT

8.1 Staff Support

- B 8.1.1 In recognition that the responsibility of intake and mediating disputes with a background of domestic violence can be stressful, mediators and intake staff should have regular consultation with experienced mediators with training in domestic violence issues for:
- a. Case management
 - b. process strategy development
 - c. Assistance with their personal response, particularly if they have experienced or encounter domestic violence in their own lives.

B 8.2 Training and Development

- B 8.2.1 The issues of domestic violence should represent a substantial portion of training for family mediators
- 8.2.2 Training in domestic violence issues should include but need not be limited to the following:
- (* recommended by Astor 1991)
- a) Nature and extent of violence against women. (*)
 - b) Reasons for violence against women; issues of gender and power. (*)
 - c) Reasons why victims stay with violent partners. (*)
 - d) Effects of violence on children. (*)

- e) Economic/social impact and consequences for victims.
- f) Cultural/religious influences which can operate powerfully against victims leaving a violent relationship, and, decision-making in mediation.
- g) Impact of gender and violence on the power relationship between the parties in mediation. (*)
- h) Relationship between violence, criminal law and the availability of legal remedies relevant to victims.
- i) Relationship between mediation and legal remedies. (*)
- j) Empowerment techniques related to the special needs of victims.
- k) Examining mediator experience or biases towards domestic violence and gender issues.
- l) The role of police and courts in domestic violence.

B **8.2.3** Evaluation of the effectiveness and application of domestic violence training should be undertaken at regular intervals.

8.4 Research and Evaluation

In the interests of accountability, mediation services have a responsibility to establish qualitative research and evaluation of cases with a background of domestic violence.

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