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Supervision for ADR practitioners

Family and child mediators — obligations to seek supervision, but what does it really mean?

Mieke Brandon

In family and child mediation, supervision is often referred to as a consultative process, usually between a 'more' experienced and knowledgeable mediator and a 'less' experienced and knowledgeable mediator. The purpose of such consultation is manifold; however the main goals are to offer parties using mediation the best possible practice expertise by supporting the mediator, and to monitor quality assurance.

The consultative process focuses commonly on self- and peer assessment, evaluation of all areas of professional development and the professional 'identity' of the supervisee over time.

This article provides some insight into supervision for family and child mediators and is influenced by the clinical supervision experience at Relationships Australia Queensland.

Role of the supervisor

One of the main roles of supervisors is to provide leadership, in a framework that is best described by the Chinese philosopher Lao Tsu (700BC):

Go to the people, live with them, love them. Start with what they know, build with what they have. But with the best leaders when the work is done the task is accomplished, the people will say, 'we have done this ourselves'.

Such a framework resembles adult learning principles. The principles include ascertaining the mediator's preferred learning style and acting as coach and or mentor, and drawing knowledge and understanding from the mediator rather than 'pumping in' the supervisor's style, knowledge and skills.

- First, supervisors ideally need to be experienced in mediation, supervision and consultation processes.

Supervisors also need to be able to

manage and monitor the obligations family and child mediators have under the *Family Law Act 1975* (Cth).

- Second, supervisors need to provide support to mediators and have a *restorative* function, so mediators can become sensitised to particular concerns and desensitised — to let go of any emotions which have affected them as a result of over-identification with their clients.
- Third, they need to have a *formative* function in helping the mediator develop skills, understanding of their work and their abilities as a family and child mediator. In this role it is important that the supervisor provides feedback that is respectful and encouraging and builds on the mediator's strengths in working with diversity and a challenging caseload. The supervisor needs to provide a safe environment in which learning can take place and create a climate in which differences can be explored. It is important that the supervisor also shares from his or her 'failures' and areas of ignorance. Supervisors use many other intervention skills and assist supervisees by being confirming and validating, and giving information through instructing, didactic input or being directive, giving advice, or being proscriptive where this is required. Supervisors confront, challenge and help to release tension and encourage self reflection.¹
- Fourth, supervisors need to evaluate not only their own ethical practice but also the standards of practice of their supervisees. Such a *normative* function provides a quality control aspect to help maintain the standards, which indirectly protect the parties and which are expected of family mediators.² Hence supervisors

need to be professionally trained to carry out that role.

Overall, supervisors are role models for mediators. The consultative process reflects in many ways the *exploration* and *negotiation* phase in the mediation process itself. While the outcome of mediation is focused on gaining of understanding of differences and a 'fair' agreement, the outcome for consultation is for mediators to feel more confident and competent about their developing practice and remain focused on the further development of their 'learning edge'.

In turn the supervisor does the same. When a supervisor gets into strife or the supervisory relationship becomes problematic he or she may need supervision of their supervision. It is important to note that professionally both parties are peers as most are from either a legal or social science background before they became family and child mediators and mediator supervisors.³

Role of the supervisee

The supervisee has responsibility to self, to become aware of their organisational obligations or overriding practice and policy guidelines. Mediators need to inform supervisors about how they learn best and what they find objectionable in supervision and let their supervisor know about any previous unsuccessful supervisory relationship so this is not repeated in the next. Goals and expectations between the mediator and his or her supervisor need to be clarified. Sometimes a contract that sets out a learning plan for achieving the outcomes of the supervisory process may be useful. How and when these outcomes are achieved can be evaluated and progress monitored.

Mediators need to:

- (a) identify practice issues they do well and those that they need help with;
- (b) think openly and non-defensively in supervision; and
- (c) be able to share their thoughts, feelings, actions (sometimes those they hold secretly) with their supervisor. For instance, feelings of repulsion or sexual attraction towards a party are best discussed.

Mediators also need to learn to be centred and take control over self-defeating disempowering beliefs, behaviours, thoughts and feelings.

Mediators need to also monitor their potential tendency to defend, justify or explain in response to feedback and develop the ability to discriminate in relation to what feedback is useful to them.⁴

Relationship development stages between supervisor and supervisee

As the relationship between supervisor and supervisee develops, the supervisory relationship will go through different stages. In the beginning, both sides need to establish their role constraints and joint commitment to the supervisory process, to work with case examples, to develop mutual empathy and to have a plan. As the supervised mediator becomes more experienced, the supervisory relationship changes to a more collegial exchange, as in a purposeful conversation.

Intuition

Many mediators explain their work with parties as 'working intuitively'. Intuition as described by Wild is the 'unconscious realisation' which is not preceded by any reasoning process.⁵ Working intuitively can be understood as the mediator perceiving immediate knowledge through their intuition that provides their understanding and judgment or conclusion about what is the right or wrong thing to do or say. Mediators report such *intuitive knowing* in terms such as, 'I just sat there or said this or that, or I just did this because it felt right'. Intuitive knowledge, coming from the immediate experience, cannot be expressed in precise statements — the mediator's intuition provided them with a certain *truth* that transcends

reason or proof.⁶

Elements of mediators working intuitively will become evident in the discussions about their work and cannot be verified by objective standards. Both supervisee and supervisor may find working with what appears unexplainable either comfortable or a real challenge.

Power

Power struggles can occur at any stage of the development of the supervisory relationship. As the relationship can manage and work through any perceived differences it may take the supervisory relationship to a deeper level where differences can be appreciated and both parties learn as much from the experience of reflecting on practice.

Supervisors and mediators need to become vigilant about power and oppressive dynamics that can evolve in a supervisory relationship, which may or may not mirror power struggles in the relationship between the mediator and his or her clients.⁷ Emotions in one relationship can be acted out in another, creating a *parallel process*. Ideally communication between supervisee and supervisor needs to be respectful at all times.

Identity

Mediator *identity* is closely related to aspects of self. Identity is reflected in the level of the mediator's competence. This derives from the mediator's professional conduct, 'use of self', their professional 'identity', their relationship with the parties, their supervisory and co-mediation (where applicable) relationship, and any other influences on these relationships from the wider system.⁸

In consultation conversations, as in mediation itself, the narrative about self illustrates how self is used through the selection of words and subtle nuances of interpretation.⁹

Through the supervisory relationship mediators become aware of their knowledge and values that influence their relationship with the parties and their approach to mediating, together with how the relationship between mediator and party can influence the outcome of the mediation process.

At all stages both the supervisor and supervisee need to feel valued.

Some important issues in supervision

Confidentiality is always important and supervisors also have professional obligations to act in certain circumstances. Clear agreements, or a contractual arrangement, between supervisor and supervisee establish the context in which the supervisory activity takes place.

Caution needs to be applied, as only intellectualising about the mediator's work can become a limitation in the supervisory discourse. In any reflective process there needs to be a balance between the cognitive and affective dimension of learning.¹⁰ However, security needs to be provided to ensure that the expression of emotion and attitudinal beliefs is safe and does not encourage inappropriate disclosure and potential negative consequences for the professional image of the mediator.

The exchange of learning, information, knowledge and skills, and the exposure to different insights, views and perceptions, is also part of the focus of supervision. Access to literature, methodologies and approaches, together with discussions and evaluation of the mediator's practice philosophy, are important to be included.

Supervision should be focused on the unique learning style of the supervisee and should therefore be varied in response to the learning processes which best fit, and attention should be given to extending the mediator.

The mediator and supervisor may also review videotape of an actual mediation in supervision; alternatively, a supervisor may sit in on a live session. Such 'live' supervision can help to discriminate between identifiable components of the mediator's role and function, such as assessing the mediator's conceptualisation of the dispute, their knowledge and skills, and their planning and management of the sessions, including administrative responsibilities.

The area of what is the object of reflection needs to be agreed, so that professional and personal boundaries can be established.

Supervision is *never* a personal counselling session!

Systemic theory has helped professionals understand how, in the broader context, relationships are



reciprocally influential. The National Alternative Dispute Resolution Advisory Council (NADRAC)¹¹ describes this as the 'dynamics' between the parties and mediator — the delineation of professional and personal boundaries and personal feelings, interpersonal communication styles and responses to the dispute and its emotional content.

It is vital that supervisors also help mediators understand the interlocking feelings of transference and counter-transference, as any difficulties or impasse in the work with parties may create difficulties in the supervisory relationship or visa versa. Freeing the transference from one relationship provides insight for handling the other differently. Unresolved issues in the supervisory relationship can impede the work of the mediator with the parties.¹²

Informal supervision

Mediators who do not have access to regular supervision should be motivated to develop 'critical' reflective skills by themselves. The mediator uses the 'critical' aspect of the process of reflection in their re-evaluation of the experience. This can be done by asking themselves challenging questions about underlying assumptions, intentions and prejudices and by placing the experience within the existing framework of the mediator's knowledge (including self-knowledge), skills, attitude and ethics in their practice.¹³

This type of review assists the mediator to self-monitor their development in response to constructive feedback from colleagues. By revisiting the experience the mediator will also be able 'to let go' of the experience and ideally not take any unresolved concerns home or into any subsequent sessions. In an effort to try to understand the motives for actions the mediator can facilitate continuing learning about their work with disputing parties.

Such an informal way of self-reflection can be done through completion of some type of questionnaire, through peer discussion, by giving and receiving feedback, in particular in a co-mediation

situation, or by reviewing one's work on a video recording.

Mediators can learn to self reflect by simply linking their thoughts, feelings (including physical reactions) and actions in response to what the parties were doing or not doing, either within a session or after a session. The effectiveness of the mediator's procedural or verbal and non-verbal actions in response to the parties can thus be evaluated.

Mediators also need to reflect on how self is used by developing the ability to evaluate values, attitudes and patterns of behaviour of their own and the groups they belong to, and endeavour to accept imperfections, to motivate change and question their own contributions to relationships. Post-modernists and social constructionists describe the concept of self as changing through our language and the stories being told while making sense of the world around us.¹⁴

Conclusion

Formal and informal supervision offers reflexive practice which monitors what mediators say about their practice and how they actually work. As mediators reflect on their control over the process and their interventions, which may or may not demonstrate control over the content and outcome, it will become more clear how their professional identity and style has become more or less evaluative, therapeutic, facilitative or settlement focused, as the case may be.

Such a reflection also monitors the mediator's learning edges such as their 'deaf, dumb and blind spots', for example particular interventions or skills, knowledge or attitudes that may need further developing. ●

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