

Understanding the parties interests

A recent case involved some parents who had a dispute about whether to send a child to the local state school or to a church-based school. It seemed on the face of it, unlikely that this matter could be resolved at mediation.

In this case the mediator spent a lot of time revealing the parties interests.

This revealed that the source of the conflict was really about what had happened in the relationship with one parent becoming very involved with a church which the other parent believed lead to the ending of the relationship. That parent had the responsibility for most of the care of the child. The school was very close to the house of that parent.

The mediator's questioning revealed the following interests:

- The child should be able to have both parents involved in school-based activities.
- Both parents had an interest in being involved in school-based activities.
- The child had an interest in having exposure to and knowledge of both parents' views in respect of their religion.
- The child had an interest in not being the subject of conflict between her parents.
- The child had an interest in being at school with friends she had made at preschool as well as the opportunity to make new friends.
- Both parents had an interest in having financial responsibility for the child.
- The parents had an interest in supporting each other as parents so that each of them could pursue new interests

By allowing time for the parents to attend to the hurt that had occurred in the separation and receive affirmation that neither was attempting to control the other's life, the parents were freed up to focus on the child's interests and agreement was reached that the child would attend a state school and the non-religious parent would support the child attending church based education programmes and church on the Sunday when the child was in that parent's care.

The parents' decision was based on their shared interest that the child does well and not be in the middle of conflict.

About FairWay

FairWay is a nationwide provider of Family Dispute Resolution.

Please get in touch with the Family Dispute Resolution team to find out more.

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