

Mediation Magic

Reflections on a mediation during the COVID-19 lockdown.

During the unprecedented world of COVID-19, we all must adapt in innumerable ways. Mediation can and does do this. I was asked to mediate on an urgent basis on day two of lockdown. It was a moment when I was able to directly observe the magic of mediation in practice and the agility of FairWay Resolution Limited.

Mediation

These parties had [initiated mediation](#) and with weeks of lockdown ahead, had no plans in place. They were in chaos mode as the mother had moved out of the family home the day before, having agreed to separate prior.

I called the parties immediately and it became clear that they both had different ideas of how the lockdown care arrangements might go. They both wanted a [Voice of Child Specialist](#) (VOCS) appointed before the main joint mediation meeting for their two children. There were different ideas on what the children wanted, and what the long-term and short-term care arrangements should be.

They did have an arrangement that the children would go to dad's care that afternoon for two nights. Mum however wanted the kids back in her care to sleep each night. Dad wanted them to stay with him for a few days.

I immediately convened a teleconference. We weren't able to conduct a video conference as the mum had to go into the garden to talk as the children were in the house and the internet wouldn't reach that far. I conducted a 90-minute mediation by phone, and we achieved an agreement on how the care arrangements would go for lockdown. We also got a plan for the next stage of the mediation after lockdown. I wrote it all down for them and emailed it to them half an hour before the children were due to changeover.

There was a concern around how the children would react to the arrangement because this was done without the Voice Of Child Specialist's involvement. Therefore, I wrote the agreement in a way that could be shown to the children. This way the children could see it was an 'official' arrangement, just for lockdown, and they would be getting their own say in a few weeks.

The parties can now begin to recover from their recent physical separation, and focus on the children and their wellbeing while knowing that there is a plan in place. There is some certainty for them in the current state of limbo which they find themselves living.

Reflections

I kept in mind the situation of immense pressure, anxiety and uncertainty in which the parties were functioning. They had lived in a high conflict environment for the several months having agreed to separate but not physically having done so. The lack of certainty around their financial situations was worrying - both with the relationship property arrangements still to be agreed and the impact on their jobs from COVID-19. The very recent physical separation and the unfamiliar intense lockdown environment were two new pressures.

Add to that the children's needs, who had only very recently been exposed to the reality of separation. Separation often doesn't mean anything much for children until they must start going between houses. The first few weeks or months, of doing that are the toughest on children. Change is hard.

Because of all these pressures that the parties were facing, it was important that they weren't making any big or long-lasting decisions. We all know that our brains don't function completely effectively when we are under pressure or feeling anxiety or fear. Therefore, short term arrangements to get out of that danger zone, are effective. If 'big' decisions are made at such times parties are more likely to recant or feel dissatisfied when the situation calms.

This situation highlights the agility needed by dispute resolution practitioners and organisations. Because we are assisting families in pressure filled and ever-changing environments, we need to be able to react specifically to the needs we identify. We also need to be reactive to those needs changing and morphing. Mediation and FairWay can do this.

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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