

Mediation in social work

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Abstract

The article deals with interconnection of mediation and social work, more precisely completing mediation in social work. In addition to the basic definition of mediation, approaches to it and its principles, the article deals with the similarities and differences of mediation and social work. Subsequently, we apply this interconnection in individual areas of use of mediation in social work.

Key words: social work; mediation; school mediation; health mediation; family mediation

The article is part of the solution of the VEGA project no. 1/0692/18 Addiction of elementary school students to the internet in the conditions of the Slovak Republic and the Czech Republic.

Right at the outset, we could say that mediation is the way to successfully resolve conflicts and resolve various disputes in a rational way. And it doesn't matter if it is intrapsychic conflicts (that is, those that take place within a person – conflicts with themselves), interpersonal conflicts (between two people), group conflicts (conflicts between members of one group, including conflicts of an individual with his own group), or intergroup conflicts (conflicts between two or more groups, including conflicts of an individual with another group than his own). That is why we can look at the issue of mediation from several perspectives. On the one hand, we can look at it as an approach, ie activities leading to

any non-violent resolution of the conflict, while this concept of mediation can be used in everyday life. On the other hand, we can look at it as an out-of-court solving of conflicts between persons in different legal relationships. This second concept is in Slovakia defined, for example, in Act no. 420/2004 Coll. about Mediation, where it is defined as “an out-of-court activity in which persons participating in mediation through a mediator resolve a dispute arising from their contractual relationship or other legal relationship.” (§2 / 1) In any case, mediation has several principles which are important for its successful course. Holá (2003) includes among them voluntariness (ie we cannot force anyone to mediate and this method must be decided by everyone), confidentiality (ie that all information that is revealed in mediation will not be passed on, which is also captured in § 5 of the said Mediation Act), trust (in order for an agreement to be reached, it is necessary for the persons involved in mediation to trust that they will abide by the agreement, while such trust is often the result of mediation and it is necessary to work on it), change of competition to cooperation (this change is often the result of mediation, but also its precondition), orientation to the future (when we want to reach an agreement, we cannot go back to the past, it is only here to learn from it and we must always look at into the future), understanding the differences (ie understanding that everyone has the right to their opinion and their perception of the facts and that not only my own perception must be the only true one), the principle of finding new possibilities (closely related to the previous principle and means that we often have to reconsider our position and look for new possibilities and perspectives on the disputed fact), impartiality (ie that the person of the mediator intervenes only in such disputes in which he is able to be equally balanced with both parties), freedom of decision (the parties to the dispute must have the right to freely decide on one of the possible alternatives to resolve it) and the principle of assuming responsibility (closely linked to the previous one, ie when they freely decide on an alternative, they must be able to take responsibility for this decision).

Mediation is used in Slovakia in various areas of social life and can be helpful to several professions, especially helping ones. We also include social work here. If we wanted to identify the parallelizing elements between mediation and social work, they would be the following: Mediation, like social work, shares many techniques, values and approaches. Mediation, like social work, has similar goals and both apply many of the same skills. In addition, the goal of any social work and mediation intervention is to deepen clients' self-sufficiency. Both mediation and social work have a common goal - to empower people on the basis of the principles of equality, justice and social well-being, as well as to seek consensus and understanding between people, groups and communities. Mediation also, like social work, intervenes in a conflict situation, but with a significant

share of client participation. And last but not least, both in mediation and in the implementation of social work measures, it is extremely important to maintain the confidentiality of information that appears in the process of assistance. (Barsky, 2001) However, there are also significant differences in the roles of mediator and social worker. The aim of the mediator is a clear agreement between the participants on how they will solve specific problems. The social worker tries harder to make clients better understand their individual and social behavior. The mediator also tries to perceive the feelings of the individual, but does not examine them in depth. On the contrary, the social worker is more interested in how clients feel about their life situations. There is also a significant difference in the fact that the mediator must always be neutral. The social worker should also be neutral, but within empathy he can stand more on the client's side if the situation requires it. Mediators are therefore impartial and neutral experts who, with the appropriate skills, can facilitate communication and negotiation between the parties to the dispute through a procedure designed for that purpose. In the case of social workers, their function is largely to create a close bond and support to accompany individual clients in the processes of social integration and to increase their level of well-being. This means that the interventions of social workers do not necessarily have to be neutral and impartial, as we have said above. Mediation also requires that both parties be prepared to negotiate together. Social work, on the other hand, can in some cases only work with one party, even if the other party is not ready to cooperate or does not want to change the current situation. Another difference is in fulfilling the principle of focusing on the future, which we described above. The role of the mediator is focused on how people would like to see things in the future, rather than on a comprehensive analysis of past events. Social workers, on the other hand, often have to examine clients' pasts in detail to identify the origins and causes of the problem and the persistence of the problem in their lives. Mediation is also not as complex as social work. Prioritization is primarily a matter of resolving the dispute. For example, such counseling in social work is usually more complicated than just providing basic information. It provides more depth and a broader view of solving specific problems. Another difference is that although the mediator controls the mediation process, he does not try to openly influence the participants in the mediation or its outcome. On the contrary, the social worker often plays this role in the process by trying to influence the client to move in a certain direction or to focus on certain problems. And the main difference lies in the methods used. When a social worker resolves a conflict, he can use mediation as another activity (if he is competent to do so, or can mediate it). However, mediation does not use the methodology of social work, but adopts its own specific approach to achieving its only goal, which is to resolve the conflict. (Blanco Carrasco, 2016)

However, as we have mentioned, mediation can be used in social work in several areas. It is most often used in social work **with the family**. Family mediation is used here. In family mediation, the mediator acts as an independent third party and provides support to parties (family members) who cannot find common ground. The emphasis is, as we have said several times, on solving problems in the future, not on identifying the fault of a party or analyzing the past. However, family mediation is not suitable in all situations. For example, it is not appropriate in the case of conflicts arising from domestic violence, where one of the parties has become a victim of emotional, sexual or physical violence and the other party has a dominant position. Family mediation means equality of participants who seek answers to questions leading to an agreement through a mediator. Within family mediation, divorce mediation is specific. It has various goals, one of the most important being to improve communication between spouses. Mediation can bring about a friendlier relationship between spouses, as this process should be blameless and focused on cooperation and problem solving. Another goal is a compromise that allows the parties to understand the interests of the other party and try to find the best solution for both parties. Mediation thus helps to build and maintain the dignity and respect of clients. It is important that each party respects the other. Such mediation is also an opportunity for parents to discuss how they will care for their children after divorce or separation. During mediation, parents can work to reach an agreement that is in the best interests of their children and learn to communicate and work with their children in this difficult situation. Mediation helps ex-partners to reach an agreement in areas such as where the children will live after separation, child support, finances, maintenance, children's health, education, religious issues, etc. (Budeva, 2018) Mediation can also be used to solve problems in **foster care**. Children in foster care often have biological parents, as well as people to whom they have been entrusted. Mediation can help both biological parents and those to whom children have been entrusted to foster care to determine how to maintain communication after starting or ending foster care, discussing the possibilities and aspects of meeting a child, exchanging information with each other, etc. Mediation can also be useful in conflicts between those who have been placed in foster care and the Office of Labor, Social Affairs and Family, the Department of Social Protection of Children, as well as in conflicts between those who have been placed in foster care and the children themselves. For example, mediation between a surrogate and a biological family can help resolve conflicts and disputes between them, thus reducing the potential traumatic consequences for the child. Surrogate parents are also often unprepared for a child's problematic behavior, especially during adolescence. This increases the risk of conflicts and tensions between them, which can lead either to a rotation of surrogate families or to a child's transition to institutional care. In such situations, the mediator is invaluable. (Rondón García,

2013; Budeva, 2018) Mediation in social work can also be used in the so-called **medical mediation**. This should facilitate access to health and social services for disadvantaged groups (eg refugees, people living in spatially segregated localities with the presence of concentrated and generationally reproduced poverty, etc.). Such „mediation” provides health information, discusses about health awareness, provides information related to solving social problems, helps with the presence of doctors and nurses in the field, people with disabilities are accompanied to medical and social facilities, assistance is provided in completing the necessary documentation, psychological support is provided, various preventive programs are implemented and mediated, families with chronically ill or disabled family members are assisted, etc. We could therefore describe the health mediator as a coordinator who connects vulnerable minorities with health and social services, helps to overcome cultural barriers in communication, maintains dialogue with institutions, participates in the optimization of prevention programs and health information campaigns (for example among Roma communities), accompanies socially excluded communities to health and social care facilities, protects patients’ rights, etc. (<https://www.medicalmediation.org.uk/medical-mediation/#what>; Zernova-Ganeva, 2011; Silva, 2011) In this case, mediation is used mainly as an approach, which we described at the beginning of our article. As the last example of the use of mediation in social work, we will mention **school mediation**. Especially due to the fact that there is an increasing need in Slovakia to introduce school social workers in schools. School mediation is used in case of disagreement between the school and parents, pupils and teachers or pupils and their classmates. It involves consultations with each of the parties to the dispute, assesses the potential for conflict resolution and organizes mediation to improve mutual communication. There can be several disputed areas. These can be, for example, special educational needs, disabilities, access, social exclusion, harassment, violence, discrimination, etc. School mediation has three basic goals. Creating a secure environment conducive to the development of a person who can make decisions and take responsibility for their actions, promoting a culture of constructive behavior in conflict based on recognition of the value of human life, the uniqueness of each individual, accepting and respecting each person’s right to meet their own needs and defend their interests without harming others and improving the quality of life of all participants in the educational process (family, educators, teachers, administrative staff, psychologists, social workers, social educators, children, adolescents) through mediation based on positive communication, respect, mutual acceptance within the group adults or children, as well as between these groups. (Zernova 2017; Budeva, 2018; Mic, Mic, Radulescu, 2013) It is the application of mediation in the above cases that can help create a safe environment for all in schools, thus preventing the emergence of undesirable situations that must subsequently address social work.

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