



social care  
institute for excellence

# Safeguarding adults: mediation and family group conferences: Information for people who use services



The Social Care Institute for Excellence (SCIE) was established by Government in 2001 to improve social care services for adults and children in the United Kingdom.

We achieve this by identifying good practice and helping to embed it in everyday social care provision.

SCIE works to:

- disseminate knowledge-based good practice guidance
- involve people who use services, carers, practitioners, providers and policy makers in advancing and promoting good practice in social care
- enhance the skills and professionalism of social care workers through our tailored, targeted and user-friendly resources.

# Contents

|  |   |
|--|---|
| Introduction.....                                      | 1 |
| 1. Mediation and family group conferences (FGCs) ..... | 2 |
| 1.1 How mediation and FGCs can help families .....     | 2 |
| 1.2 Who to invite to mediation and FGC .....           | 2 |
| 1.3 Where and when the meetings will take place .....  | 2 |
| 1.4 Extra support .....                                | 3 |
| 2. Family group conferences .....                      | 4 |
| 2.1 What is a family group conference (FGC)? .....     | 4 |
| 2.2 The benefits of an FGC.....                        | 4 |
| 2.3 How to arrange an FGC meeting .....                | 4 |
| 2.4 The role of the FGC coordinator .....              | 4 |
| 2.5 Preparing for an FGC meeting .....                 | 4 |
| 2.6 The FGC meeting .....                              | 4 |
| 3. Mediation.....                                      | 6 |
| 3.1 What is mediation? .....                           | 6 |
| 3.2 The benefits of mediation.....                     | 6 |
| 3.3 How to arrange mediation .....                     | 6 |
| 3.4 The role of the mediator.....                      | 7 |
| 3.5 Preparing for mediation.....                       | 7 |
| 3.6 The mediation meeting .....                        | 7 |



## Introduction

This section is for people who use services and people who support them. It explains the use of mediation and family group conferences (FGCs) for adult safeguarding. It provides information on what mediation and FGCs are, how they can be of benefit, and what to expect from the process. For background information, first read [Safeguarding adults: mediation and family group conferences](#).

# 1. Mediation and family group conferences (FGCs)

## 1.1 How mediation and FGCs can help families

Families often have many tough decisions to make about the care and support of an elderly relative, or an adult relative with disabilities – for example, decisions like helping them to choose the best place to live. These decisions can sometimes cause friction and lead to disagreements and strained relationships. Family members might feel overwhelmed and stressed by their responsibilities and not sure how to change their situation for the better.

When problems occur that need a solution, family members or close friends are usually the best people to make good decisions to solve these problems. However, they might need information and support from service providers and agency representatives to do this.

An FGC can help people to make these decisions by encouraging cooperation and communication between the person, their family and friends, and service professionals such as social workers and adult care providers.

Mediation is another way of helping families – especially where relationships are strained or have broken down – to reach an agreement about the future. It encourages understanding and direct communication in a situation where everyone taking part has the chance to speak, be heard and work together to solve their differences. It helps families to explore options and develop the best plan possible for them.

## 1.2 Who to invite to mediation and FGC

The mediator or FGC coordinator will ask the person and their family who should be invited to the mediation or FGC meeting. This might include extended family members and friends.

The mediator or FGC coordinator may also invite other workers who are involved with the family, or who can give information about resources, such as a doctor, or nursing home or community care representative. They will talk to them about the best way to invite people to the meeting.

## 1.3 Where and when the meetings will take place

After talking with the person, if everyone still wants to proceed and the mediator or FGC coordinator feels it is right to do so, they will arrange a time and place for the meeting that everyone is happy with. The meeting will be held somewhere where everyone feels comfortable and refreshments will be provided. It will always be in a place with disabled access and, whenever possible, the meeting will be in the language used at home.

The referring agency, such as social services, will usually be able to pay costs for people coming to the meeting – such as travel or accommodation – and may also be able to provide care for young children, so that as many invited people as possible can come. The people involved should check with their local authority for details.

## 1.4 Extra support

The person that mediation or an FGC is for has the right to make decisions that are suitable for them and they should feel able to give their opinion to the people around them, including their family and professionals.

The person, or their relative or friend, may need someone to give them additional support during mediation or the FGC meeting to help them understand everything that is being said, that they do not have to agree to anything they do not want to and to feel confident about giving their opinions, views and feelings.

The person may want a friend, family member or someone else they know to take on this role of supporter. However, they could also have an independent person – an ‘advocate’ – or a professional supporter such as a care worker.

## 2. Family group conferences

### 2.1 What is a family group conference (FGC)?

A family group conference (FGC) is a decision-making meeting to help the person and their family find their own solutions to problems. An FGC can be useful if an adult is at risk and people are concerned about their wellbeing.

### 2.2 The benefits of an FGC

An FGC can help the person:

- to plan the support they need to live independently (self-directed support)
- to agree the support they need from their family
- and their family cope better if they have mental health problems
- keep safe from domestic violence and other types of abuse.

### 2.3 How to arrange an FGC meeting

In most cases, the social worker will refer a case to an FGC provider if the person and their family agree. The FGC provider will decide whether an FGC could be helpful, and then appoint an independent, trained FGC coordinator to work with the person and their family. If the FGC provider does not think that an FGC is suitable, they will tell the social worker, who will try to help solve the problems in another way.

### 2.4 The role of the FGC coordinator

The FGC coordinator is independent, neutral and should have no connection with social services or any other statutory service. Their role is to make sure that everyone has a chance to have their say, and to help the FGC meeting run smoothly.

### 2.5 Preparing for an FGC meeting

The FGC coordinator will meet the person and their family before an FGC meeting is arranged to help them to prepare for the meeting and to talk about who should be invited.

### 2.6 The FGC meeting

There are three parts to an FGC meeting.

#### **Part 1: Information sharing**

This is when the person will get the information they need to make a plan. The service professional that most closely works with them and their family – for example, the social worker – will explain their concerns and talk about the sort of help they can offer. There will be lots of opportunities to ask questions so that they can understand their options.

### **Part 2: Private family time**

The FGC coordinator and all service providers will leave the room while the person and their family and friends talk about the issues that concern them, make decisions and develop a plan of action that will ensure their safety and wellbeing. This will include deciding who will do what, what support they will need and how they can check that the plan is working. The meeting does not have to be hurried, and if more information is needed the FGC coordinator is always on hand to help.

### **Part 3: Agreement**

The third and final part of the meeting is to make sure that everyone is clear about what has been agreed. When the person and their family have worked out their decisions and plans, the FGC coordinator will help them write them down on paper and present them to their social worker. The social worker will then agree what services and resources are needed to make the plan successful.

### **Review**

Towards the end of the meeting, when the plan has been agreed by the family and approved by the social worker, a date will be agreed for a review meeting in approximately three months' time. This is important to check what is going right, celebrate success, address problems and make further plans.

## 3. Mediation

### 3.1 What is mediation?

Mediation is a process where people who disagree about something meet with an independent, trained mediator to help them to settle their differences. Mediation is used in a wide range of settings – including helping families to find solutions during separation and divorce.

Elder mediation is a specialised area of mediation that helps older people to talk about problems and disagreements and to make decisions with their family and other interested people – such as paid carers, healthcare staff, nursing home and community care staff. It is a family decision-making process that tends to focus on issues that are important to older people, such as health and care arrangements, financial planning and decision-making, and personal choices about daily living.

### 3.2 The benefits of mediation

Mediation can help if a professional working with the family is concerned about their wellbeing, particularly if there is conflict within the family. This can include issues that are affected by things that have happened in the past and have made family relationships difficult. Mediation works best when everyone involved genuinely wants to find a way to solve the problem.

Using elder mediation is particularly suitable when the issues are related to the person being older – for example, a person diagnosed with dementia and suspected of suffering domestic violence – and when there are complicated issues that need to be resolved, or when specialist knowledge is needed from several professionals.

For example, elder mediation can help with:

- health and personal care arrangements – at home, in the community or in a hospital
- long-term care
- housing and living arrangements
- end-of-life planning and decision-making
- abuse and neglect
- financial decision-making and estate planning.

### 3.3 How to arrange mediation

Many local authorities have introduced mediation schemes. In cases involving a vulnerable adult, a social worker may refer a case to mediation if the family agrees, a family can also ask a local authority for referral to mediation.

The mediation provider will decide whether mediation could be helpful and then appoint an independent, trained mediator (not a social worker) to work with the family. If the mediation provider does not think that mediation is suitable, they will tell the local

authority. The local authority should then explore other ways to support the family to resolve the issues.

### 3.4 The role of the mediator

A mediator is neutral, non-judgemental and has no connection with social services or any other statutory service. Their role is to help everyone taking part to communicate with each other to find their own solutions. Mediators will not tell participants what to do and will not try to persuade them to do something they do not want.

Although mediators can give information about the law and how the legal system works, they are not there to give legal advice. They can give information on how to get legal advice or other support. They may also give information about resources or options that might be suitable for participants. The mediator can help people to work out whether the solutions agreed are practical and realistic.

### 3.5 Preparing for mediation

The mediation provider will get in touch with the family to offer an initial information and assessment meeting called a 'pre-mediation meeting'. If the family has asked for the referral, the mediator will also carry out a financial assessment to see if the family is eligible for free mediation.

#### **The pre-mediation meeting**

The mediator will meet with each person separately. Participants will have the chance to explain the background to their dispute and the issues they would like to talk about. The mediator will explain how mediation can help, answer questions and listen to any concerns they may have.

### 3.6 The mediation meeting

There are several stages to mediation.

#### **Talking about concerns**

Each person has an opportunity to talk about why they have come to mediation and the issues that are important to them. Their feelings and concerns will be acknowledged and the mediator will ensure that they have understood the issues correctly.

#### **Thinking about the agenda**

Each person will help to decide what should be discussed (creating an agenda) and help to choose the most important issues for discussion (prioritising agenda items).

#### **Discussing issues and exploring options**

The people attending will discuss the issues on the agenda in the agreed order of priority. The mediator will listen carefully for areas of agreement and try to find ways to bring people together on important issues. The mediator will encourage everyone to think about what they need rather than what they want. They will look at all possible ways to deal with the issues, exploring all the possible options. Sometimes, creative solutions are needed to meet everyone's interests.

### **External expertise and separate meetings**

The mediator is not there to tell people what to do but they can help to identify the issues. Where the family might need external expertise to make a decision, the mediator will make sure this is included within the process.

The mediator may decide to hold individual meetings with each person, and this type of meeting is called a 'caucus'.

### **Creating a solution and agreeing it**

Mediation is often successful because it helps everyone to find solutions for themselves that will really work and meet everyone's needs. The mediator can help to test whether the solutions developed are workable and find out whether the people taking part would like their solution to be written down.

### **The mediation agreement**

At the end of the mediation session, the family should be offered a written record of the issues discussed and any agreements made. This is called an Outcome Statement, Mediation Summary or Memorandum of Understanding. This is important because it records the progress that everyone has made towards settling their differences.

If the mediation meeting is in the context of court proceedings, the mediator can also let the family know whether the agreement they have made is likely to be acceptable to a court.

### **Follow-up and review**

A follow-up meeting or review may not be needed, but it should be considered. This can be useful if some part of the agreement is not working as intended.

**Social Care Institute for Excellence**

Fifth Floor

2–4 Cockspur Street

London SW1Y 5BH

tel 020 7024 7650

fax 020 7024 7651

[www.scie.org.uk](http://www.scie.org.uk)

© SCIE 2012

All rights reserved