

# The naked and the dead end: training in screening for power imbalance

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Attending Hilary Linton's recent seminar provided a useful reminder that domestic abuse is not a thing but a continuum.

I worry that we are too binary about our screening, saying to ourselves that either this is a case involving domestic abuse, whereupon we go into a new mode, or (more usually) we fail to spot the whole issue of power entirely, and stride off into "business as usual", guiding problem-solving.

If, instead, we recognised that in every case the two people in front of us have, say, seven chapters to go through before they can move on, then we might start to address with greater sensitivity the challenges that each client may face at each step along the way; and our approaches might be more

fit for purpose even if we have failed to be alert to/ identify some fundamental imbalance (from which unfairness will inevitably flow) in our intake.

My seven chapters would be as follows:

## 1. Recognition

In stage one, there is potential for danger as one or perhaps both parties in the relationship becomes increasingly dissatisfied within it and looks for a way out. In coercive relationships there is a particular danger to be managed as increased dissatisfaction raises tension and puts the victim and children at risk.

## 2. Exit

This might be the point of physical separation into two homes or it might be a longer-term stage, where there is an earlier and growing separation within the home and a final departure into two homes at a later stage. The safe management of this stage (and maintaining appropriate separation afterwards) may be particularly challenging if there is coercion involved.

*"In every case the two people in front of us have, say, seven chapters to go through before they can move on"*

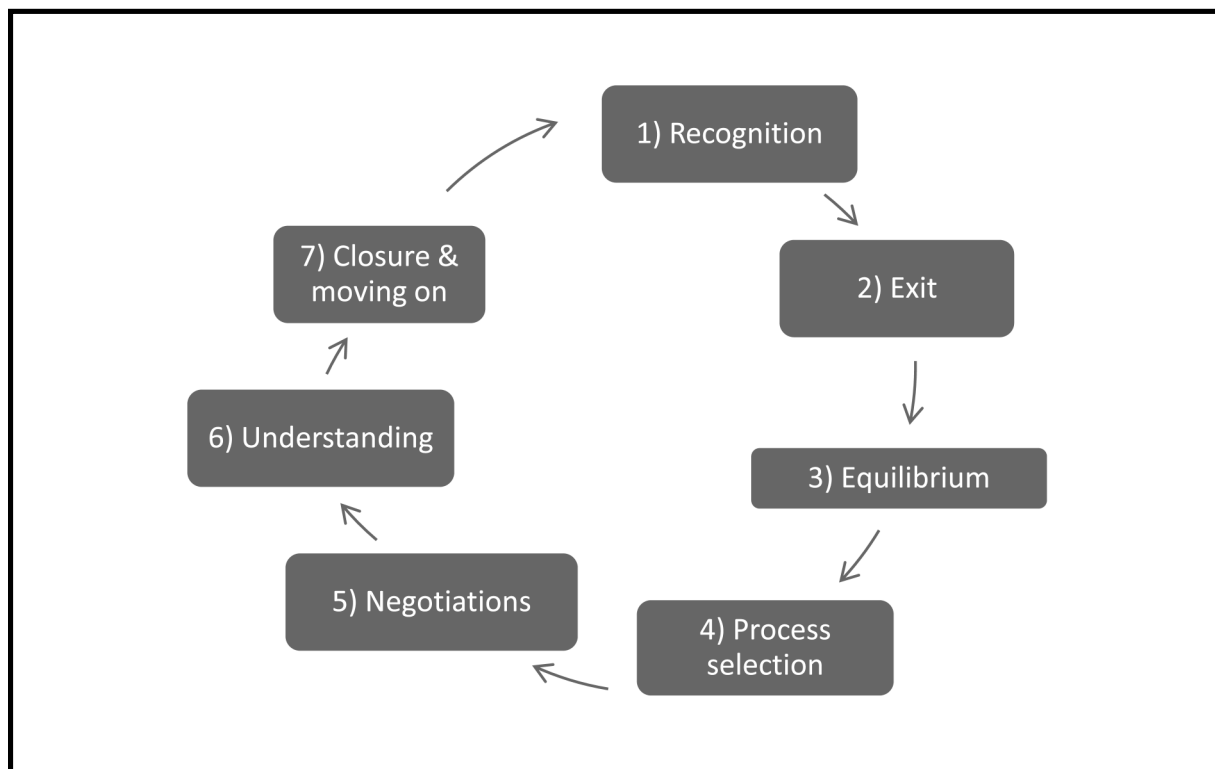
## 3. Equilibrium

Again this is a messy chapter that may start earlier and run on later. It refers to the idea that each party must acquire a perspective from which they are able to identify the issues, their interests and aspirations; and they can think long-term. They learn to engage with the other side in a balanced way, hearing their interests but being prepared to advocate for their own. This is obviously easier to manage with support, and too often the professional is a lawyer without the skills to help the client make good progress, especially if there is a power imbalance involved.

## 4. Process selection

This meshes with equilibrium. Adopting the guidance of Hilary Linton, our task as a professional is to help the client identify the process that will enable the client to engage in fair, informed, balanced and safe negotiation. As a professional we have a two-stage function –

- first, to identify whether a process option can even be made available to the client (we may feel that we cannot



offer safe mediation, for example); and

- secondly, to help the client identify what skills and assistance are needed to make progress, and distinguish between the processes and their relative abilities to harness together these skills.

Our role is to identify the best (or the least bad) option from the choices that the client has to enable them to progress through the remainder of the stages to the good outcome.

This is where perhaps we have traditionally seen our screening skills as located – the (until now) brief assessment for tell-tale signs as regards whether this process will be safe for the client.

### 5. Negotiations

The client is helped to negotiate the good outcome of the issues (parenting arrangements/finances etc).

### 6. Understanding

The roots of this chapter reach all the way back to chapter 1: when the client first became certain that change was needed. That first chapter may have been about knowing what was *not* wanted. But how many clients have we seen move from one failed relationship to the next, strikingly similar one, with the same flaws and dangers?

This penultimate chapter involve the more mature reflection: perhaps grasping more about the failed relationship and the client's part in its flaws and break-down, perhaps grasping the dangers created by the idealistic view of the partner, but certainly growing in personal understanding.

Each client has significant work to do here but the victim and perpetrator relationship is a much more tangled one, likely to involve far greater work if they are to avoid a relationship that builds to the same ending.

### 7. Closure

Closure is unlikely to be a clearly defined chapter – the divorce (where married) is part; finalising the financial split is part of it too. But there is something internal: clients talk about how, suddenly, two years later, they realised that this great lead weight was no longer there, even on the bad days.

Physically and financially free of the dysfunctional relationship, the perpetrator and victim move forward with a level of understanding that provides a significantly brighter future.

### Transparency and dead ends

I am sure that I was taught that screening is a swift thing, because the real work is done all together at the table and the

risk of a longer intake is that we are lured into some form of triangulated relationship.

So the result of this is that we rush to the table with clients who are blinking and bewildered at their proximity to their ex and struggling to find a negotiating position over issues that they have barely formulated, let alone thought through.

Of course experienced mediators make this work, but I have always been much more interested in models that the rest of us can make work safely and well for clients.

*"I suspect that the more dangerous the stuff is, the deeper it will be hidden and the longer it will take to uncover"*

Now I know that this is going to get wails of "we never said that and we certainly don't do that" from all of our trainers, but if I feel this way then maybe others do too, where mediation practices (mine anyway) have inched their way down a dead-end street called "transparency". It is in direct consequence that this is stressful work for us, a more stressful process for the clients than it needs to be, our chances of success are consequently reduced and we feel more comfortable doing this work through the collaborative model.

(I appreciate that "transparency" may not be a great term because it means different things to each of us – but I am using it here to refer to the insistence on nakedness – that all things are visible to all those involved at all times.)

All of us have been learning about other models to reach out to (for example Henry Brown's commercial model training or the equally excellent Lisa Parkinson and Angela Lake-Carroll's direct consultation with children training). And it has sometimes seemed a strained fit with our mediation instincts... there seems to be stuff that we are "carrying" and we feel sure that we should not be.

Well screening is just one more thing which does not work with this fundamental of nakedness that I am referring to, which has convinced me that we need to get down into the foundations (of my training anyway) and carry out some underpinning. It simply is not possible to do screening with a

few slick questions (in effect as an aside as one walks down the corridor towards the first mediation meeting.)

We can't create the relationship quickly enough so as to be trusted to explore the relationships of power and abuse. I suspect that the more dangerous the stuff is (and so the more important it is that we find it), the deeper it will be hidden and the longer it will take to uncover, making it doubly likely that our screening approaches are dangerous and likely to fail.

So if that is what we shouldn't be doing – what is it that we can? The answer is that it is ok to have an individuated relationship of trust with each of the parties to the mediation – so what we now see is that the role of the mediator is a very different one.

In our training with Hilary, we were treated to a masterclass of a mediator exploring with Gillian Bishop (as traumatised Chrissy) just how to go forward. Hilary's screening was not two or three deft questions but a long session:

- It was about building trust and helping Chrissy to really understand her options and assess herself whether she was ready to deal with these issues (much as we would with our law clients).
- There were no explanations of the law and no advice but kind and persistent curiosity, an exploration of where Chrissy was and what she was trying to achieve and then gentle guidance towards the support that was needed (counselling and legal advice).
- Things that were explored with Chrissy would also have been explored with her partner, Dave. The mediator was not going to find herself in the role of being advocate for Chrissy's arguments and concerns, but she was creating a relationship of trust and support with Chrissy that she was going to replicate with Dave.

Of course the risk of masterclasses is that we don't see the well of experience and insight and training that lies behind it. It is so seamless that it all looks *so doable*.

Oh and what did we learn in the Hilary Linton training? You will just have to hope that she comes back and you get on her course next time. I will certainly be in the front row if she does.

STOP PRESS: Hilary anticipates returning for a further round of training in the 2nd/ 3rd week of March. To register your interest, please write to James at [jp@flip.co.uk](mailto:jp@flip.co.uk)