



From left to right: Rachel Chisholm, Christine Plews, Jacqueline Marks and Susan Baldock

The Mediation Space

A fresh approach to family disputes

The Mediation Space LLP in conversation: The Mediation Space LLP ('The Mediation Space') is a multi-disciplinary approach to resolution of family conflict. This new service blends mediation with therapeutic principles to help couples better understand and think about what it is that they are really arguing about. The broad skill set of the four Partners at The Mediation Space allows the service to offer early neutral evaluation and parenting consultation alongside supported mediation in relation to all types of family disputes including financial and children issues.

The four Partners at The Mediation Space are Jacqueline Marks of Coram Chambers, Christine Plews consultant at Blake Morgan LLP, Rachel Chisholm of 4 Paper Buildings and Susan Baldock, formerly of 4 Paper Buildings. Here the Partners from The Mediation Space talk about their unique venture, the ideas behind it and the support that they offer their clients throughout the mediation process.

First of all, what is The Mediation Space?

Jacqueline: Shall I take the lead? We provide a bespoke service for dispute resolution, which utilises a supported mediation approach. What distinguishes The Mediation Space is that each of our partners has dual training in Family Law and in psychotherapy. We all bring and apply a therapeutic

approach to the services that we offer to our clients and this is hardwired into the approach we take as a group. We use our therapeutic stance to support and guide the mediation itself, helping clients to identify and think about the difficulties they are facing and why there may be emotional obstacles to agreement and communication. We also offer early neutral evaluation and parenting consultation services which are designed to narrow the issues further and aid progression within the mediation, without having to incur delays consequent on waiting outside input.

Christine: We identified from our collective experiences that separating couples often need more targeted support than can be offered within the court system or traditional mediation services. It seemed to each of us that a different approach was needed in order to ease the process for all couples as well as to break the cycle of often intractable disputes. We offer alternative ways of approaching separation and this is at the heart of the model we apply at The Mediation Space. We believe that merely having an expectation of constructive and solutions focused discussions is not in itself sufficient for some couples to put their differences aside.

Susan: Whatever their conscious thoughts and beliefs might be about the need for and value of



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mediation, clients will bring their past experiences and their ways of relating to the mediation process and these things can exert a powerful influence, which can hinder their best intentions. Our understanding of psychotherapeutic processes enables us to identify and speak to the emotional conflicts that are always present in disputes, whether acknowledged -or more often not. Our insights allow us to provide a space for clients to recognise and separate these emotional experiences from the more practical, factual aspects of their legal dispute.

How does it work in practice?

Rachel: We are a bespoke service. We assess the individual and joint requirements of the clients at the start of the process in order to tailor our services in a way that best suits their needs. At the beginning, after initial consultations and safeguarding, we will organise individual meetings with one of our mediators (MIAM) and our therapist. In those meetings, we will explore and identify what aspects of our service are required going forward, which will include consideration of continuing therapeutic support of the mediation.

Jacqueline: We are a multi-disciplinary team, which reduces the need for the involvement of a series of external professionals. In the first instance we offer mediation sessions during which we will facilitate communication using our multi-disciplinary skillsets. We may also provide written legal advice or consultation through our early neutral evaluation service on issues which have arisen within the mediation. We also identify the need for and input from independent financial

advisers or other relevant experts required to progress the discussions in mediation. This multi-disciplinary approach is important to us because we have greatly benefited from coming together as a business from our diverse professional backgrounds and believe this has given us a broader and deeper perspective on meeting the needs of family law clients.

Christine: Our approach is also very effective in helping with implementation of orders and of agreements that have already been reached. Part of our service is dedicated to working with people to put into place the intended arrangements by identifying the issues that are getting in the way of complying with that order or agreement and might lead the parties to return to court.

And who are The Mediation Space?

Jacqueline: The four Partners at The Mediation Space know each other either from working together as lawyers in the Family Justice system or through their studies in psychotherapy at the Tavistock and Portman NHS Foundation Trust. Each of us has long felt that what has been missing is a therapeutic approach to dispute resolution to facilitate and provide longer term, sustainable outcomes for those involved in separation. Certainly I have observed a need for this whilst sitting as a Deputy District Judge, which I have been doing now for over 15 years. As well as practicing as a Family Law barrister, I started mediating in 2010. I found myself becoming increasingly interested in why some



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clients were unable to agree and what often caused parties at the Family Court to remain so entrenched in conflict for so long. I then began my training at The Tavistock where I obtained my Post Graduate Diploma in Psychodynamic Psychotherapy, which has been invaluable in informing my approach as a barrister, Resolution trained mediator and a Judge.

Rachel: That's where Jackie and I properly met, at The Tavistock. I saw her sitting in one of the introductory lectures and recognised her as opposing counsel in our day jobs. I think we were both surprised to see each other and quickly realised our mutual curiosity in finding another tool to understand and assist our Family Law clients in reaching enduring outcomes for themselves and their families. I have been practicing as a family barrister for 11 years now, and like Jackie I specialise in both financial and children disputes. I am also a mediator, having trained through Resolution. I obtained my Masters in Psychodynamic Psychotherapy from the Tavistock and I am completing my training there as a Couple's Psychotherapist. Susan has also trained and worked at The Tavistock, which provided an important link between us in our approach.

Susan: Yes, I qualified as an Adult Psychodynamic Psychotherapist at the Tavistock. I am continuing my qualification towards becoming a Psychoanalytic Psychotherapist. I work with patients at the Tavistock and elsewhere and I am involved in teaching and lecturing at the Tavistock. Before retraining as a psychotherapist, I was at the Bar for 20 years specialising in children and



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complex care cases and I also sat as a Deputy District Judge hearing children and financial cases. I had stayed in contact with Jackie after leaving the Bar and I was excited to be involved in setting up this project given our shared family law and therapeutic perspectives. It was Jackie who introduced Rachel and I to Christine.

Christine: My background is as a solicitor and Partner in a Family Law Firm, specialising in complex financial disputes. I started my work as a mediator in 2012 and didn't look back. I began to focus on building up my mediation practice, becoming accredited in 2016. It was my work with mediation clients that made me appreciate the complexities of family dynamics and how much these present themselves in mediation and can be a block to reaching a proposal. I obtained my Post Graduate Certificate in Psychodynamic Counselling and completed further training in order to give me the skills to widen the pool of people who can progress in mediation and therefore avoid the court process. I have worked closely with Jackie as an instructing solicitor for many years and when she asked me to get involved with this project, I jumped at it. It has been great to meet and work with likeminded practitioners who can apply their dual training to conflict resolution in the way that I think provides the basis for successful mediation.

How did the idea behind The Mediation Space LLP come about?

Susan: Relationships are complex. There is so much involved in why people get together in the first place and then why they stay together. People invest so much of themselves in their relationships that the ending of a marriage or partnership is emotionally very difficult indeed. The issues that link people can stem from their childhoods and past experiences as well as the ways that they have related to each other during the relationship itself and the added impact that children create. Breakups often cause even more complexity within the relationship dynamic. As individuals, clients have to deal with the hurt, anger, guilt and loneliness associated with the act of separating.

They also have to deal with the ending of the couple relationship and the feelings this brings up in them, which are often deep-rooted insecurities and fears associated with childhood and their upbringings. Then added to this, separating couples need to sort out the practicalities of separation: splitting finances, arrangements for any children and making lives for themselves after the divorce. In this way divorce can be like a bereavement as it represents a significant loss. Unlike a bereavement these losses have to be faced with the knowledge that their partner will continue their lives without them. They may have to forge a new relationship as parents to their children. When a decision to separate is not mutual this only exacerbates these emotional challenges.

Rachel: It seemed to us that it was asking a lot of people to act rationally and reasonably at this emotionally heightened time of separation without the right support to do so. Even much later after separation, if these conflicts and feelings have not been acknowledged or worked through, it is just as difficult to see the other person as an individual who has their own views and feelings rather than as a bully or a victim. We recognised, and it is commonly acknowledged, that a lot of the time the real issues behind the arguments we see in the family courts are based on emotions and fears rather than the practicalities and facts presented to the court.

Christine: The idea behind The Mediation Space is to offer the clients that recognition and support whilst still keeping the focus on resolution of the more practical problems of separation. We offer a safe space where the underlying feelings and conflict can be explored in a way that then makes room for the ability to agree and resolve disagreement. The experience can then be applied between the separated parties going forward, should it be needed, for instance in circumstances of co-parenting.

Jacqueline: That's the meaning behind our name. We offer a 'Space' in which thinking and



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reflection as well as mediation can take place. We do this through the way we mediate, which addresses both the factual disputes and the underlying emotional issues using a reflective and emotionally intelligent approach. We also provide this through Susan's input, which is to assist the clients with their difficult feelings, which may have arisen during the mediation and may have caused a block to moving forward constructively. Our approach aims to tackle the persistent returns to court and difficulties in implementing orders that are rife in our experience of the Family Justice system. We believe this happens because, although a court order provides a necessary structure for the separated family to work within, this will be undermined if the couple themselves have not been helped to identify what is going on emotionally between them.

Rachel: Also, understanding the underlying issues enables us to put in place a more robust system against the power imbalances that we often see in separating couples, either in court or in mediation. We undertake risk assessments at the MIAM stage before commencing any work. As matters continue, we also seek to identify and mitigate any harmful power imbalances that may impact on the fairness and progression of the mediation.

What feedback have you had?

Christine: The response from the Family Law community has been overwhelmingly positive. We were very pleased to have received endorsement of our service by His Honour Judge Hess, Deputy National Lead Judge Financial Remedies Court and by Jonathan Lloyd-Jones, Distinguished Fellow of the International Academy of Mediators.



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There is a real thirst and appetite for new and innovative ways to address family disputes. I think practitioners and the Judiciary are recognising and welcoming the need for alternative approaches to managing particularly entrenched disputes, which is what The Mediation Space's approach can do. The ideas underpinning our service have become more widely recognised and accepted. In turn clients are increasingly seeking out different ways to resolve the issues that they are facing as a family, which has led to more interest in alternatives to the court process.

What's next?

Susan: We are excited to carry on growing The Mediation Space. There is so much need for the work that we do and a real shift in focus within the Family Law system to utilising more supportive forms of dispute resolution. There are lots of initiatives being introduced at the moment through charities and other institutions that are focusing on improving outcomes for separating couples and families in dispute that we are keen to get involved in and to support. We see The Mediation Space as firmly positioned within this movement for change whilst offering something distinctive and innovative. Please find us at www.themediationspace.co.uk

