

Helen Harnett

Überblick: In diesem Artikel wird das internationale Netzwerk für Elder Mediation (EMIN) beschrieben. EMIN fördert weltweite Qualitätsstandards in der Elder Mediation. Der EMIN Verhaltens-Kodex, das internationale Zertifizierungsprogramm von EMIN sowie die von EMIN organisierten Welt-Konferenzen sind die Säulen, auf denen sich die Praxis der Elder Mediation aufgebaut hat. Sie gelten auch als Qualitätssiegel für interessierte Familien und verweisende Institutionen.

Keywords: EMIN accreditation, age-related training, dementia, cultural sensitivity, ethical standards.



EMIN: the quality mark in elder mediation

Commitment to EMIN is already strong among German-speaking elder mediators. The 5th EMIN Elder Mediation World Summit took place in Bern, the 8th EMIN World Summit will take place in Linz this year. German-speaking elder mediators clearly believe that EMIN has something important to offer them.

They are not the only ones. What was born from a strong partnership between the Alzheimer Society Canada and a group of passionate mediators from Mediation Prince Edward Island in Atlantic Canada, has developed into a truly international network. Irish, Austrian and Australian members have joined their Canadian colleagues on the Board of Directors. EMIN now has members across three continents and interest in and respect for EMIN's Code of Ethics and International Certification are growing steadily.

Why does EMIN attract such interest internationally when mediators have their local accreditation bodies, mediation associations and also practice in very different cultural, social and legal contexts? How did it happen that the work of a small, committed group of elder mediators in Canada could attract such interest from North America to Europe and Australia? My own

journey towards EMIN may reflect the experience of others. As an experienced workplace and family mediator in Ireland, I remember the moment I first heard the term 'elder mediation'. Immediately, I thought 'of course, yes, what a brilliant idea!'. A myriad of possibilities came flooding into my mind but then my thoughts strayed to dementia, elder abuse and complex interactions with social care and legal systems. I quickly realised that I would not dare to venture into the field unprepared.

It was both comforting and exciting to discover that a group in Canada had been beavering away since the 1990s addressing ethical issues, designing a curriculum of specific training required for elder mediators as well as a robust assessment framework to certify elder mediators. EMIN offered my Irish colleagues and myself the opportunity to tap into the wisdom, insights and experience of this pioneering group led by the indefatigable visionary, Judy McCann Beranger. It also provided us with a road map to competent practice in elder mediation. It is worthy of note that the efforts of Judy and her colleagues were supported and promoted by Family Mediation Canada (FMC), the national organisation for family mediators in Canada.

Code of Ethics for Elder Mediators

»» **At the heart of EMIN is the Code of Ethics for Elder Mediators.**

It has a key role to play in educating people about elder mediation and ensuring the highest ethical and professional standards in our work.

»» **It provides an ethical compass for elder mediators who often find themselves on tricky ethical terrain.**

What are the guiding principles which underpin an elder mediation?

How should one deal with actual and/or suspected elder abuse?

How can an elder mediator ensure that the voice of a person with dementia is heard in the mediation?

What are the elder mediator's responsibilities in relation to referring clients to other professionals?

When is it appropriate to terminate an elder mediation?

If there is a tension between cultural sensitivity and ethical standards, how might a mediator handle this?

These are but a few of the issues addressed in the Code which is a living document constantly evolving in the light of the experience of an ever widening community of elder mediation practice. Feedback on the Code is sought not only from mediators, but also from referring agencies and families who have availed of elder mediation, a fact which highlights the genuinely interdisciplinary way in which EMIN works. The result is a very practical, hands-on tool. At the time of writing, further enrichments to the Code, inspired by submissions received, have been recommended by a hard-working Ethics Committee composed of Irish, Canadian, Swiss and German elder mediators.

Reading the Code is the single best way to get a sense of what elder mediation is about. You will find an excerpt in this pm edition and the whole document on our website at www.elder-mediation-international.net

EMIN Certification

The Code of Ethics was first published in 2006. During the discussions on the drafting of the Code, the need

for a network of elder mediators and a certification programme became clear. Leader of the group, Judy McCann Beranger, was contacted by Alzheimer Society Canada to lead a pilot certification process.

Judy McCann Beranger describes the evolution thus: 'In the early 1990's The Alzheimer Society in Prince Edward Island offered in house mediation, with their Board of Directors adding mediation as a core service in the late 1990's. By that time, requests and inquiries had been received from across Canada and the United States for more information about how the service was delivered. In 1994 the Alzheimer Society of Canada brought this innovative service to the national agenda by hosting training on the subject at their National Convention. In 2007 Alzheimer Disease International hosted further training at their convention in Caracas, Venezuela. Other like-minded organizations were challenged to consider promoting mediation as a valuable service to be utilized by families and professionals addressing age related issues. The need for professionally trained mediators with sensitivity to these issues was identified along with the need to develop a plan for a pilot certification process. As there was no elder mediation certification process in place, organizations reported being hesitant to refer for fear that the mediators would not be adequately trained or sensitive to the issues that might arise – especially with chronic illnesses and progressive dementias.'

Referring agencies such as health charities, seniors' organisations, government and non-government organisations needed to know that they were referring to qualified, informed professionals. The newly formed Elder Mediation International Network recognized the need for both a national and international standard for certification of mediators specialising in issues of ageing. EMIN committed to the goal of promoting both a consistent standard and an ethical compass for elder mediators through accreditation and continuing education. The specific age-related training required for elder mediators was defined and a certification process was put in place. The first EMIN certified elder mediators received their certification in 2009. The standard is now an international quality mark which provides assurance for referring agencies and families alike.

Specific age-related training for elder mediators

The definition of the specific knowledge, skills and sensitivities required for elder mediators is a very useful resource for all mediators who are embarking on the

journey to become an elder mediator. It is one of the reasons why

»» **EMIN attracts so much attention from mediators across the world. The syllabus is the outcome of decades of professional sharing and reflection by mediators.**

Professional cross-fertilisation, facilitated by Summits and ongoing dialogue about the Code of Ethics and International Certification, also broadens its scope. Training requirements will continue to evolve as elder mediation develops because they are a vital component of the EMIN 'gold standard'. I can honestly say that the syllabus outlined below turned out to be a perfect fit for the gaps in my own knowledge and awareness as I moved from workplace and family mediation to elder mediation. It includes:

- current and future profiles of seniors in your country/region; family life cycle; family dynamics; intergenerational dynamics.
- recognising and responding to elder abuse & neglect
- knowledge of legislation in your country relevant to elder mediation, capacity and elder abuse
- identifying and dealing with power dynamics involving and affecting older people with and without capacity
- the nature and impact of bereavement, grief and loss
- the impact of ageism, sexism and cultural diversity
- understanding dementia & age-related diseases and how to assess, manage and accommodate capacity issues
- financial & estate issues for identifying areas of concern and referral
- ethics and ethical issues relevant to elder mediation
- facilitating and writing agreements in elder mediation
- Advance Care Directives – Power of Attorney & Guardianship – relevant to your country/region/state
- A minimum of 100 hours of specific training is required to cover these topics.

EMIN International Certification Committee

In the light of an increasing number of international applications for EMIN accreditation, an International Certification Committee was set up in 2014. Registrar and Chair of the Committee, Greg McCann Beranger and EMIN founder, Judy McCann Beranger, joined Dale Bags-

haw from Australia, Martina Pruckner from Austria and myself from Ireland to review the application form, age-related training requirements and the assessment process. The aim of this Committee is to make necessary adaptations for candidates presenting from other cultures while at the same time ensuring that EMIN accreditation retains its standard of excellence. Adaptations in the application process rendered it fit for purpose internationally and adjustments in the assessment process ensured international acceptability while maintaining existing standards.

EMIN International Certification Process

»» **Mediators who wish to gain EMIN accreditation are required to have completed the specific age-related training**

outlined above. (If candidates have already covered these areas, they will not be asked to re-do them but they are requested to provide evidence of their training.) Before embarking on the assessment process, candidates must also have completed at least 5 live cases or role plays and written up the learning from these.

The assessment involves two elements:

1. A Role Play Video to assess skills – the applicant is required to present a role play or live demonstration that is evaluated by an approved assessor. This can be done by submitting a role play video of an elder mediation for evaluation. A self-evaluation of the segment is requested.
2. After the skills assessment has been successfully completed a written, three hour exam is required. The written examination tests candidates' knowledge base and also their ability to analyse and manage case scenarios.

Full details about accreditation are on the website.

Elder Mediation World Summits

Elder Mediation World Summits provide a forum where elder mediators and the wider community can network, share research and questions. As we head into the 8th World Summit organised by Judy McCann Beranger, it is interesting to hear Judy's perspective on the Summits: 'Summits have been held in Canada, Ireland, United States, Switzerland and Scotland and Australia connecting hundreds of people from more than 15 coun-

tries – mediators, lawyers, gerontologists, social workers, physicians, health care professionals, volunteers, family members, caregivers, academics, students, service clubs and professionals considering entering this new field of practice – coming together to share their knowledge, vision and questions.

The Summits are a testimony of the support and collegiality of numerous individuals and organisations who have supported the goals of EMIN. Such collaboration has enabled elder mediators from different parts of the world, and often from different disciplines and backgrounds, to work together. What they share, along with their knowledge, is a recognition of the uniqueness of Elder Mediation wherein those who can incorporate a legal perspective and a social sciences perspective together with a family mediation approach will enthusiastically welcome the presence and collaborative involvement of participants at the Elder Mediation table.

» Past Summits have called for much needed advocacy, high standards through certification, continued learning opportunities and continued research – both quantitative and qualitative – to provide concrete knowledge regarding the effects of elder mediation with families.

This will lead to the development of further knowledge and programs driven by evidence-based practice. Steadily people are becoming aware of, and participating in, elder mediation services; pilot programs are increasing and outcomes are encouraging. Future world summits will continue to be a venue where interested and invested parties will be present for a conversation around how to best strengthen the elder mediation service. By taking an international approach and reviewing what people have learned, as well as heightening our awareness of what needs to be learned, the profession of elder mediation is coming to be understood and utilized.'

Online Learning

Given the global reach of EMIN, it is important to provide training and professional development opportunities online so that people can benefit from expertise within and beyond the organisation in a cost effective and flexible manner. Our new website offers facilities for payment for live webinars and easy access to pre-recorded 60 minute webinars. Members will have free access to power points from previous Summits and an opportunity to share information about publications and

research relevant to the field of elder mediation. The News feed will provide updates on training and general items of interest. This is an exciting development and we look forward to the enhanced opportunities for learning and sharing which the website will enable.

Commitment to Cultural Diversity

To date the Code of Ethics for Elder Mediators has been translated into French, German and Mandarin. That a Mandarin translation exists is clear evidence that EMIN's outreach stretches far beyond largely individualist, Western cultures. EMIN's goal is to have the Code translated into as many languages as possible so that families and organisations throughout the world can find out about and benefit from elder mediation.

» The need for cultural sensitivity in elder mediation is highlighted in the training for elder mediators and in the Code of Ethics.

EMIN has proved its commitment to cultural diversity through the composition of its Board, Ethics and International Certification Committees. Accredited mediators from different backgrounds and perspectives will certainly enrich and deepen the practice of elder mediation which will, in turn, improve quality of life for families worldwide. This is our goal.

Bibliography

EMIN Code of Ethics and EMIN Training and Certification requirements can be found on our website at www.elder-mediation-international.net.



Kontakt

Helen Harnett, Chair, EMIN, Director of Later Life Mediation. On gaining accreditation by EMIN in 2012, Helen and four other elder mediators founded Later Life Mediation (www.laterlifemediation.com) to promote and practise elder mediation in Ireland. Helen lectures in Dublin City University on Intercultural Communication on the Master's in Intercultural Studies and European Business Programme. Helen is a member of the Third Age Advisory Group and the Stakeholder Group for the Dublin City University Dementia Elevator Project. Helen holds a Master's Degree from the University of Nancy in France, an Advanced Diploma in European Studies from the European University Centre in Nancy and a Higher Diploma in Education from TCD. She trains and mediates through French as well as English.
helen@laterlifemediation.com

Auszug aus dem EMIN Code of Ethics

1. Introduction

Elder Mediation is based on a wellness model that promotes a person-centred care approach for all participants; it is mindful of the older person(s) while respecting the rights of each person participating. Regardless of the numbers present, each person is unique with his or her own narrative, intrinsic value, strengths and weaknesses. Through the Elder Mediation lens, aging is viewed as part of a continuing process of development and change, rather than just a period of physical and cognitive decline.

The specialty of Elder Mediation has a preventive component. Where people know about the service and are referred early enough, conflict can be prevented or minimized. Elder Mediation can also enable participants and families to plan in advance – for example in relation to potential care requirements – thereby ensuring the voice of the older person in future decisions. As this process reduces the overall stress in family systems, Elder Mediation has been shown to have health and wellness implications, enhancing the functionality of the family support network, heightening interpersonal communications and often delaying the need for institutional care. Where institutional care is involved, Elder Mediation can facilitate conversations between the older person, family members and care/service providers.
(...)

2. Scope of the Code

This Code is a set of standards of professional behaviour for Elder Mediators. It is intended to complement developed work in related fields – for example mediation involving issues arising in relation to disability – and, as such, only applies to mediation involving issues of aging and challenges that may arise in relation to aging (for example, cognitive impairment). (...)

3. Definitions and Descriptions

3.4 Elder Abuse

The World Health Organization defines elder abuse as a single or repeated act, or lack of appropriate action,

occurring in any relationship where there is an expectation of trust that causes harm or distress to an older person.

3.5 Elder Mediation

Elder Mediation is a focused, respectful process – usually multi-party, multi-issue and intergenerational – whereby a trained Elder Mediator ensures, as much as possible, that all who need to be are present in the mediation. The mediator facilitates discussions focusing on present strengths and assists participants in exploring any issues or concerns. This form of mediation often involves the many people related to the issues, such as family members, caregivers, organizations, agencies and a variety of service providers and networks.

3.6 Elder Mediator

An Elder Mediator is a person who is professionally trained in Elder Mediation practices along with its preventive and wellness aspects. The Elder Mediator facilitates communication among multiple participants and assists them toward mutually beneficial outcomes.

3.7 Elder Mediator Training

Elder Mediator training is defined as a process through which a person acquires the knowledge and skills required for carrying out the best practices of Elder Mediation.
(...)

4. Goals of the Elder Mediation Process

4.1 To maximize the quality of life and the quality of relationships for all participants, including the older person;

4.2 To be person-centred;

4.3 To have conversations in mediation that result in fair and workable agreements that consider the participants' shared needs while addressing immediate concerns;

4.4 To be preventive in nature while promoting wellness;

(...)

5. Guiding Principles

5.1 Person-centred

Supporting and honouring the people and partnerships amongst all concerned participants (individual, family, family support systems, care providers) while ensuring the preservation of self-determination, dignity and quality of life at all times.

5.2 Respect

Ensuring integrity and fairness and that all participants are respected and valued during the mediation process. Mediators are committed to using respectful, inclusive language.

5.3 Wellness and Prevention

Promoting overall wellness through preventative interventions.
(...)

6. Professional Responsibility

6.1 Relationship with Participants

6.1.1 Elder Mediators will have an arms-length relationship with all participants. (...)

6.2 Impartiality

6.2.1 The Elder Mediator has a duty to maintain impartiality with respect to the participants and their issues.

6.2.2 Notwithstanding the above, the Elder Mediator's responsibility is to ensure, as far as possible, that all participants' needs and positions are clearly and fairly presented so that participants appreciate the circumstances of all those involved.

6.2.3 The Elder Mediator must ensure that, as far as possible, a vulnerable person has an equal voice and a fair hearing. This may require an advocate and/or agreement as to who will represent the vulnerable person.
(...)

6.4 Ability to Participate

6.4.1 Elder Mediators must recognize the ethical and human right of each person to make choices for themselves where possible.

6.4.2 Elder Mediators need to recognize each participant's capacity to give consent or agreement to mediation services and maximise opportunities for people to participate by making appropriate modifications to the process. When providing mediation servi-

ces to people who have been assessed by an expert as having diminished capacity or as being unable to give voluntary consent, Elder Mediators must find appropriate ways to include their voice in decision-making or indirectly via their representatives or advocates.
(...)

6.5 Cultural Sensitivity

Elder Mediators must communicate information in ways that are both developmentally and culturally appropriate through the use of clear and understandable language. When discussing issues where participants have difficulty understanding the language used by the mediator, the necessary services should be arranged (e.g., a qualified interpreter or translator) to ensure comprehension by participants. In collaboration with participants, Elder Mediators must consider cultural implications on the proceedings and, where possible, adjust their practices accordingly.
(...)

6.7 Where Abuse is Identified or Suspected

6.7.1 When in doubt, the proper course of action is always to assume that face-to-face, facilitated Elder Mediation will be inappropriate in cases involving past or present abuse. Alternatives to mediation such as shuttle mediation may be offered in serious abuse cases, but only by practitioners who have specialized education and training in this area.

6.7.2 Elder Mediators should inform all participants that mediators are not neutral in issues of abuse or safety and have a legislative duty to report past and present abuse, (if relevant that a vulnerable person is in need of protection under relevant legislation) and threats of future abuse or harm.

6.7.3 Elder Mediators have a duty to step out of a neutral role and to act to protect the vulnerable if a formerly abusive partner engages in intimidation or abuse during a mediation or shuttle negotiation process. Usually such behaviours will result in ending the mediation and referral to a service or process that offers additional protection.

6.7.4 The Elder Mediator must take special care to ensure that any agreements reached in a case involving abuse are products of genuine agreement and not merely the product of financial or psychological vulnerability.

6.13 Suspension or Termination of Mediation

6.13.1 It is the duty of the Elder Mediator to suspend or terminate mediation whenever continuation of the process is likely to harm one or more of the participants, such as when mediation is being misused:

to dissipate or conceal assets; or

where, in the opinion of the Elder Mediator, one or more participants are acting in bad faith.

(...)

6.16 Advocacy

Advocacy refers to speaking or acting on behalf of an individual or a group of persons to ensure their rights are protected.

An elder mediator may not act as an advocate to a party in a case that they themselves are mediating. Where there is a need for an advocate(s) to ensure that the rights of all are protected or to enable a vulnerable person a voice, it is the responsibility of the mediator to identify this need and to modify the process to allow for the inclusion of an appointed advocate.

(...)

7. Training Requirements and Components

Mediators who are trained in the specialty of Elder Mediation are sensitized and oriented to helping families navigate the intricate life issues facing older people and their families.

Elder Mediators require specific knowledge and training to enable them to sensitively and skilfully support families and individuals in these important conversations. For information in relation to the EMIN Certified Elder Mediator training and accreditation requirements see <http://elder-mediation-international.net/become-elder-mediator/>.

Elder Mediators are entitled to use the Cert.EM designation and the EMIN logo, indicating to those who use their service that they are knowledgeable in aging and age-related issues, have highly developed competencies, are sensitive and empathic and that their practice is informed and underpinned by an appropriate range of model.

Literatur

Der vollständige Ethikkodex ist unter <http://elder-mediation-international.net/code-professional-conduct/> abrufbar.