

GUIDELINES ON SUPERVISION FOR MEDIATORS

Background and purpose of guidelines

These guidelines recommend specific professional conduct for mediators to educate and inform their practice. They are recommendations rather than mandatory standards and support quality services for the benefit of clients and to protect the public. FDR providers appointed by the NZLS must have arrangements in place for regular professional supervision.

What is professional supervision?

Professional supervision is a contractually agreed working relationship between a supervisor (professionally trained and accredited) and a client supervisee (mediator). Within this confidential relationship, the supervisor meets with the supervisee for the purpose of conducting a self-reflective review of practice, to discuss professional issues and to receive feedback on all elements of practice, with the objective of ensuring quality of service, improving practice and managing stress. The supervisory framework provides a safe and confidential space for such reflection and is a collaborative process. The primary focus of supervision is on the client of the supervisee and to maximise the competence of the supervisee in the provision of services to their clients – such as mediation services.

The distinction between supervision and mentoring

The concepts of supervision and mentoring are often misunderstood. The primary focus for each is quite distinct, although they do involve some common skills and strategies. Professional supervision has a *focus on practice*. It recognises and confirms good practice while challenging and changing beliefs and practices that do not deliver what they should for the client of the supervisee. The *focus is on the client* of the supervisee. In contrast, mentoring takes place when a more experienced mediator provides guidance to the individual development of another mediator in doing their job more effectively and/or developing their career. The *focus is on individual development of the supervisee*.

The process of supervision

A trusting and collaborative relationship between supervisor and supervisee is an essential component of effective supervision. The supervisor should be mindful of the initial implicit power imbalance in the relationship. Careful attention to discussing expectations in order to form an agreement, transparency on any constraints to confidentiality and a respectful relationship are helpful to managing this issue. The initial task in establishing a supervision process maybe for the supervisor to conduct a needs assessment to establish or reinforce the strengths, values, cultural and professional development needs of the supervisee. The key component of supervision is the

opportunity to self-reflect and review one's professional practice with an informed and respected colleague with the object of improving the provision of service.

Functions of supervision

The overarching goals of supervision are the promotion and maintenance of high professional and ethical standards in the assessment, conceptualisation, planning and service delivered to the supervisee's clients. Supervision has the following functions:

- it promotes the ongoing professional development of the supervisee;
- it offers a form of accountability for supervisees in order to ensure that the service they provide is both professional and appropriate; and
- it provides a restorative function where, in the course of the supervision process, the supervisor will focus on the emotional demands of the work and the well being of the supervisee.

Competencies for the supervisor

Supervisors should have strong relationship management and interpersonal skills and demonstrate an interest in and commitment to the supervisee's professional development. Effective supervisors are able to:

- create a safe environment so that supervisees can openly discuss their work, acknowledge any difficulties and have the freedom to experiment or try new strategies;
- respond to the individual supervisee's style of adult learning and development;
- offer constructive feedback while maintaining empathy and respect;
- be non-judgmental validate and normalize the supervisee's experience;
- model ethical and professional conduct, including maintaining appropriate boundaries and practicing/supervising within their competence;
- promote awareness of personal wellness issues with the supervisee that may impair effectiveness;
- pay appropriate attention to diversity issues;
- increase the supervisee's awareness of their impact on others and any biases they may have; and
- evaluate the progress of supervision regularly to adjust the process accordingly.

A supervisor should be professionally trained in the provision of supervision. Generally, it is not considered essential for the supervisor to be an expert in the professional area of the supervisee. For example, a mediator or lawyer may receive supervision from a clinical psychotherapist who is also trained in supervision, but is not trained as a mediator or lawyer.

The supervision relationship

In order to fulfil the functions of supervision, supervisees must present their professional work with openness and honesty to their supervisor. The supervisor's role will involve assisting the supervisee to gain a critical awareness of their strengths, weaknesses and what might be required to address the latter aspects of their work. Supervisors should also highlight any issues of stress that the supervisee may not have considered.

The structure and frequency of supervision

Supervision will usually involve a one-to-one meeting between a supervisor and supervisee. It is regular and on-going and the frequency and duration should be set at a level to allow all aspects of the supervisee's work to be discussed and to enable the development of a beneficial supervision relationship. Most supervision sessions last for around one hour and typically take place somewhere between once a fortnight to once a month, according to the needs of the supervisee. Initially often weekly sessions can help to build the rapport between the supervisor and supervisee. The agenda for each session is based on the material brought to the supervision by the supervisee. The following topics are examples of what might be discussed in a supervision session:

- Best practice standards and guidelines
- Case analysis and management
- Ethical issues
- Parallel process (how what is happening in your life and other relationships relates to your work)
- Role clarity and boundaries
- Interventions, strategies, skill development
- Ideas, insights, thinking, planning
- Relating theory to practice
- Letting off steam, celebrating successes, stress management
- Issues around resource availability and management
- Opportunities for professional development
- Any professional situation of interest or concern

Supervision is based on a negotiated agreement and is a shared co-created responsibility. The supervisor and supervisee should review the effectiveness of their supervision regularly and at least annually.

Record keeping

It is recommended that records of supervision are kept including the date and duration of each session, the main points of discussion and agreed actions. The supervisor and the supervisee should both retain records and these should be kept for a period of 6 years.

Choice of supervisor

It is the responsibility of each individual to find a suitable supervisor and negotiate their own arrangements. The Family Law Section has partnered with *ThinkWell Ltd*, an organisation that specialises in providing and promoting supervision services. *ThinkWell* can work with you to locate a supervisor to meet your needs and to help you to maintain a supervision relationship

Setting up supervision

An agreement between the supervisee and the supervisor should be developed and signed. It should be a written document that specifies the goals of supervision and the process to be used. A typical agreement should contain the following information:

- Name of the parties
- Duration of the agreement
- Frequency of the supervision sessions
- Relationship – how the parties will work together and the responsibility of each party
- Timelines – the length of the sessions and the protocol for cancellation and rescheduling
- Preparation – what each party has to do to prepare for the supervision session
- Procedure – how the session will be run, the venue, and date
- Confidentiality
- Fees – the amount of the supervisor’s fee and process for payment
- Signatures

The contract should be reviewed regularly as part of the ongoing evaluation of the supervision process. If it is not possible to arrange a suitable supervisor within the same geographical area, supervision sessions can be conducted by skype or telephone, however it is recommended that some face-to-face meetings are also held.

Confidentiality

Any expectations and obligations of the supervisor should be clarified and expressed in the supervision contract. The supervisee has a clear responsibility to the supervisor in terms of openly and honestly presenting material to the supervisor. The contents of the supervisory relationship will normally be confidential and any constraints on confidentiality should be explicitly stated.