

MEDIATION SCREENING AND ASSESSMENT RESOURCE (MSAR)

To assist in assessing the safety and suitability of mediation in the context of domestic abuse

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Introduction

This resource is designed to assist the mediator to:

1. Ascertain whether the participant has been or is in a relationship with an abuser
2. Understand and evaluate the impact of abuse on that participant and their children in the context of mediation safety and suitability
3. Assess whether mediation can proceed safely for all participants and if not, what the next steps should be
4. If mediation proceeds, to assist in on-going safety and suitability monitoring during the mediation process
5. Signpost to other support and services where this would benefit the participant whether or not mediation proceeds
6. Use this resource alongside other non domestic abuse factors relating to the suitability of mediation

This resource is different to the DASH checklist, which is designed to assess the risk of death or serious injury from domestic abuse and is intended to inform the creation of a safety plan.

The aim of this resource is to assist mediators in considering whether it is safe to mediate and ensure they have a good understanding of the dynamics, as far as they can, of the participants

in mediation, explore behaviours and assess risk in relation to mediation suitability and safety. It does not replace the need for specific training in understanding domestic abuse and its impact on victim/survivors.

This resource is intended to be used alongside the mediator's professional judgement, and it recognises that each participant will present differently. It is important that mediators respond appropriately to the needs of each participant, whilst simultaneously ensuring that they are assessing risk correctly.

The resource is divided into different sections. Section A relates to the initial assessment of safety and suitability of mediation, as well as providing the mediator with key behaviour information that will also be relevant to the ongoing risk assessment if mediation proceeds. Section B covers the additional areas that mediators will need to consider with the participant that are not directly related to domestic abuse issues. Section C highlights indicators for mediators to assist in ongoing assessment of risk following the initial assessment, and once the mediation has started.

Appendix A is the practical 'toolkit' for mediators to use with each client. It has been included as a separate document for ease of use and reference. This resource includes the content of the 'toolkit' together with additional guidance notes and information.

Assumptions

The use of this toolkit assumes that the mediator has:

- 1 Obtained preliminary basic information about the participant and family prior to the MIAM. This resource recognises that mediator practice is varied in relation to the extent to which preliminary information is gathered. This resource does not proscribe how the mediator should obtain basic information required.
- 2 Explained the main principles of mediation to the participant (i.e. at the start of the MIAM) including in relation to the principle of confidentiality and the exceptions to that confidentiality
- 3 Opened a conversation with the participant by inviting them to share what is happening/going on for them at the moment.... (e.g. "I would really like to hear now what is happening for you at the moment?" or similar...)
- 4 Had appropriate domestic abuse training both in relation to how to use this resource and more specific training to ensure an in depth understanding of domestic abuse and the impact on victims/survivors and children.

Section A

Nb: This section should be worked through in order

Notes:

This part is relevant to screening and assessment as it helps the mediator understand the dynamics of the relationship before, during and after separation. It will help the mediator ascertain whether domestic abuse is or has been present, as well as helping the mediator assess whether the participants are likely to be able to negotiate on a relatively level playing field.

Many of these questions might already have been answered by the participant as a result of your initial question... “what is happening for you at the moment?” Or factual details (such as dates) might have been provided in the preliminary information form. If so, you do not need to repeat these (but you should keep a record of main points set out below so that they are on file.)

Wherever possible, these questions should be worked through in conversation. Under each question are a series of prompts to help you get more information about the dynamics within the relationship. It is expected that the mediator will retain notes in answer to these questions and prompts. Space for this is included in this resource, but the mediator may wish to retain notes in an alternative format.

In many instances, the participant will have made clear to the mediator whether they are hoping to use mediation to explore children and/ or financial arrangements. There will not be a ‘one size fits all’ approach. The mediator will need to remain flexible as to **when** they feel it is a suitable time within the assessment meeting, to provide relevant information to the participant, for example, about supporting children following separation, the impact of conflict and how finances are dealt with within the mediation process.

A recommended approach is to discuss the questions in part one before the mediator provides general information to the participant.

If nothing in the conversation has raised any concerns about abuse at this point, it is still important to ask the questions in parts 2 and 3.

1. Are you and your ex-partner separated but still living together?
 - a. If yes, how was this decision made? If no, how was this decision made?
 - b. How does your ex-partner seem to feel about this – for example were you able to leave but took the decision not to leave, or was it a mutual agreement due to finances? Or were you prevented from leaving?
 - c. How long ago did you separate?
2. What led to the separation?
 - a. Who made the decision?
 - b. Was there a key incident which led to the separation?
3. How do you feel about the separation?

- a. Do you feel relieved?
 - b. Did it come as a shock?
 - c. Has your ex-partner's behaviour changed since you separated?
4. Can you tell me a little about the relationship before the separation?
- a. How would you describe the relationship?
 - b. Were you ever scared of your ex-partner during the relationship?
 - c. What did they do which scared you?
5. Did you have choices and options during the relationship?
- a. Did you feel that you were allowed to have opinions?
 - b. Were you able to disagree with your partner?
 - c. If not – what would happen if you did have an opinion or expressed a different opinion?
 - d. Have you ever had to change your behaviour to keep yourself or the children safe?
 - e. Was responsibility shared when things went wrong?
6. Thinking about the time before the relationship with your ex-partner started, can you tell me how you may have changed since being with them?
- a. Do you think your social and support network has changed?
 - i. Who did you have to support you and who do you have to support you now?
 - b. How has your employment status changed?
 - c. Do you think your physical and/or mental health has changed since before the relationship with your ex-partner?
7. How are the children coping with the separation or the situation at present?
- a. Are there arrangements in place for them to spend time with you both?
 - i. What are the arrangements?
 - b. How were these arrangements arrived at?
 - c. How do the children feel about spending time with each of you?
 - d. Do you have any concerns about their safety or well-being?
8. Are you hoping that mediation will help you sort out financial arrangements?
- a. Can you tell me a little more about this?
 - b. How were your finances arranged?
 - c. Did you feel you were financially independent?
 - d. Do you have debts that didn't agree to or know about before?
 - e. Do you have your own bank account?

Mediator notes:

Notes:

The questions in the table below are included to assist the mediator in highlighting the behaviours that the participant has experienced, so that risk and the level of risk can be better understood. These questions are designed to help the mediator understand whether coercive control is a risk factor for the mediation. The answers to these questions will also help the mediator assess whether mediation can take place safely or on a sufficiently level playing field. The behaviours given below are not intended to be an exhaustive list of behaviours, but rather common examples.

Some of this information might already have been provided in the conversation above and so the mediator does not need to ask the question if they have already been provided with the information, but the mediator must ensure that the information is recorded. The mediator must understand how these behaviours make/made the participant feel, in order to understand the impact of the abuse on the participant. This is important in helping the mediator assess whether mediation can proceed safely.

The mediator may want to introduce these questions with a sentence such as “You mentioned that...” if issues of abusive behaviour have been raised.

If nothing has been mentioned to flag up that there are any issues of domestic abuse, the mediator should still ask the questions in the table below. The mediator may want to introduce this to the participant as follows: “There is nothing that you have mentioned so far, that makes me feel that these might be relevant, but I have a duty as a mediator to go through this checklist with everyone, to ensure that mediation is suitable/safe.”

The frequencies used are:

- Always or often = daily or weekly
- Sometimes = every so often, every few months or on specific dates or days
- Never

The mediator should use a common-sense approach and think about patterns of behaviour.

If any of the answers to the questions in the table below are “red” or “amber” - the mediator must discuss with the participant that this indicates a risk of harm, that these behaviours are abusive, and that the abusive behaviours may indicate it is unsafe to proceed with the mediation. The questions set out in the safety planning can be used to help the mediator with the decision of suitability. If it is decided that mediation is not suitable, the participant must be offered support with next steps and signposting.

Ask the participant the following questions:

Behaviours			
<p>1.Has your ex-partner ever harassed you or been intimidating?</p> <p>For example:</p> <ul style="list-style-type: none"> • Threatened to harm you or the children • Threatened to harm themselves if you leave • Made you feel afraid by their actions or body language • Turned up where you are • Turned up at your workplace • Called or messaged you constantly • Been angry if you did not answer the phone • Have much say in your daily routines • Monitor your movements, social media, emails, texts <p>Has this got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediation notes:			

<p>2.Has your ex-partner ever been physically abusive?</p> <p>For example:</p> <ul style="list-style-type: none"> • Hitting, kicking, pushing • Strangling or suffocating <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			

<p>3.Has your ex-partner ever been sexually violent?</p> <p>For example:</p> <ul style="list-style-type: none"> • Rape • Enforced pregnancies and/or terminations • Unwanted touching/groping <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
<p>Mediator notes:</p>			
<p>4.Has your ex-partner ever been emotionally abusive?</p> <p>For example:</p> <ul style="list-style-type: none"> • Belittling you • Calling you names • Humiliating you • Withholding affection • Sulking/ignoring you • Shouting • Playing mind games/lying to you • Mood swings <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
<p>Mediator notes:</p>			
<p>5.Has your ex-partner ever isolated you?</p>			

For example:

- Stopping you from seeing family or friends
- Moving you away
- Locking you in the house
- Manipulating you to stay home
- Making you lose your job

Has it got worse lately?

Risk indicator (circle as appropriate)

Always or often

Sometimes

Never

Mediator notes:

6. Have you ever felt that your ex-partner has been financially abusive?

For example:

- Reducing or completely taking away your financial independence
- Having control over your finances
- Making you spend money you did not want to
- Not letting you spend on something that you did want to spend money on

Has it got worse lately?

Risk indicator (circle as appropriate)

Always or often

Sometimes

Never

Mediator notes:

Part three – High Risk

Notes:

These three questions below are indicators of a high risk of harm.

If the answers to all 3 questions are 'yes', mediation would not be suitable. If the answers to 1 and 2 are 'yes' but the answer to 3 is 'no', this is a big red flag and would be a grey area needing further consideration. The decision as to whether mediation proceeds

would then need to be informed by the rest of the discussion and answers to the questions in the safety planning section.

The 'fear' element must be discussed in more detail. For example, if the fear is of further violence, this would be an indicator that mediation is not safe at this time.

It might be helpful in this case for mediators to discuss further with a domestic abuse specialist/IDVA/support worker. Mediators need to understand that the participant might have 'normalised' the fear which has become their everyday life and therefore may need support from a specialist in exploring the level of risk.

If the answers to any of these questions have already been answered during your conversation above, you do not need to ask them again but must keep a record of the answers on file.

If no concerns about safety have arisen at this point, **the mediator must still ask these questions.** In this case, the mediator may wish to introduce these questions by saying: "There is nothing that you have mentioned so far, that makes me feel that these might be relevant, but I have a duty as a mediator to ask these questions to everyone that I speak to, to ensure that mediation is suitable/safe."

Mediator to complete this checklist, from information already shared. However, if the mediator is not able to answer them all, these questions should be directly asked:

1	Has their ex-partner ever intentionally physically harmed them?	Yes/No
Mediator notes:		
2	Has their ex-partner ever threatened to kill them, and they believed them?	Yes/No
Mediator notes:		
3	Are they currently afraid of their ex-partner physically harming them or their children?	Yes/No
Mediator notes:		

Part four – Safety Planning

Notes:

Once the mediator feels that they have all the relevant information from the participant, and they are considering with the participant whether to proceed with mediation, notwithstanding that issues of abuse have been discussed, the following questions will assist the mediator in making the final assessment of safety, suitability for mediation and signposting.

It is important that if the mediator is discussing shuttle mediation, they must explain that this does not eliminate all potential risks for the participant. The participant must understand any ongoing risks.

It is also vital that the mediator never puts pressure on a participant to go into a joint session where they have requested shuttle.

1	Does anything worry you about mediating with your ex-partner?
Mediator notes:	
2	Are you scared of how your ex-partner may behave if you disagree?
Mediator notes:	
3	How would you feel if you were in the same room or on the same screen as your ex-partner?
Mediator notes:	
4	Do you think that you can share what matters to you and what you feel is important in the mediation? If no, would this feel differently if you were in a shuttle/ separate space mediation?
Mediator notes:	
5	Do you feel like you have no choice but to do the mediation?
Mediator notes:	

6	How would you feel if you were unable to mediate? What would your next steps be?
Mediator notes:	
7	Do you consider that mediation may increase your risk of harm?
Mediator notes:	
8	If you are still living with your partner, have you considered what it might be like in the home once mediation has started?
Mediator notes:	
9	What support do you have in place during mediation?
Mediator notes:	
10	Mediator to discuss what model would best ensure the participant's safety? Do they feel that would ensure their safety?
Mediator notes:	

Part five – Suitability Assessment – Outcome

Notes: It is recommended that the mediator records at this stage their assessment of mediation suitability so far. The information recorded will vary depending on whether the mediator has seen 1 or both clients. It will be useful to keep a record of any safety measures that might be needed, if a decision to proceed with mediation is being made where domestic abuse issues have been recorded.

Is mediation suitable to proceed to next stage at this point?	
If yes, next steps:	

If no, next steps:	
If both participants have been seen, and mediator has assessed it is safe to proceed, are any safety measures required to ensure safety of participants and what model of mediation is to be adopted?	
Mediator notes:	

Part six - Signposting

If the mediator has highlighted issues of domestic abuse, the mediator must check with the participant:

	Have you had any support now or in the past from a domestic abuse specialist?	Yes/No
Mediator action:		
a	Suggest to the participant that they get in touch with their local DA professionals and ideally have a list of useful organisations, numbers, details to hand, so that these can be shared these with the participant before the end of the meeting	
b	Consider speaking to a DA professional, with the participant's consent, whilst they are in the meeting together	
c	Consider a direct referral to police, legal advisor, adult social care or DA specialist if high risk of serious harm is identified	

Section B - Assessing for suitability linked to the MIAM Standards- other areas

1	Has there been any previous or current Children's Social Care involvement?	Yes/No	Referral made?
Mediator notes:			
2	Has there been any previous or current Police involvement?	Yes/No	Referral made?
Mediator notes:			

3	Has there been any previous or current alcohol or drug issues?	Yes/No	Referral made?
Mediator notes:			
4	Does the mediator feel that the participant is 'emotionally ready' to take part in mediation and negotiate with their ex-partner?	Yes/No	Referral made?
Mediator notes:			
5	Have there been or are there any concerns in relation to mental health issues?	Yes/No	Referral made?
Mediator notes:			
6	Have there been any prior court orders or court involvement?	Yes/No	Referral made?
Mediator notes:			
7	Has there been any previous or current Adult social care involvement?	Yes/No	Referral made?
Mediator notes:			

Section C - Ongoing Screening and Assessing

<p>Notes:</p> <p>Mediators will be aware that risk is fluid and can change for many reasons. Therefore, all of the risk behaviours and indicators that are listed above need to be kept in mind by the mediator as ongoing risk monitoring. The mediator is not expected to ask all the above questions again during the process but should be alert to the potential need to re assess risk after the mediation has started.</p> <p>It is recommended that the mediator check at the start of each mediation, whether anything has happened since the previous session, that would make mediation more difficult or unsafe and do they still wish to continue.</p>
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The following provides some examples of behaviours that might indicate a change of risk.

This is not an exhaustive list.

If the mediator notices any of the following, they should consider whether mediation is still safe to continue:

- Uneven power dynamics, which might manifest in the following ways:
 - A participant seems as though they do not have a voice
 - A participant seems afraid
 - A participant seems withdrawn
 - A participant seems unusually nervous
 - A participant seems to have agreed to something very suddenly and very quickly
 - A shift of opinion or initial ideal outcome from a participant seems unusual or extreme
 - The presence of the other person (direct or indirect) seems to impact the other's emotional well being
- That the discussions in mediation are causing emotional distress to a participant

If the mediator notices any unusual changes, such as those mentioned above, they should check with the participant whether:

- they or their children have been physically harmed since the session
- any threats of violence have been made since the last session
- if yes, mediation must come to an end
- if no, the mediator should consider whether they can use their skills in the session to redress any power imbalance and if not, they should consider bringing the mediation to an end

If the mediation is brought to a premature end, the mediator should speak to the participant about signposting and referrals to specialist services to support with ongoing risks of harm. The mediator must ensure that the mediation is brought to an end as safely as possible for all participants.

MEDIATION SCREENING AND ASSESSMENT TOOLKIT (MSAT)
APPENDIX A

Client name:	
Date of assessment meeting:	
Mediator:	

Section A

NB: This section should be worked through in order

Part one – Dynamics

1. Are you and your ex-partner separated but still living together?
 - a. If yes, how was this decision made? If no, how was this decision made?
 - b. How does your ex-partner seem to feel about this – for example were you able to leave but took the decision not to leave, or was it a mutual agreement due to finances? Or were you prevented from leaving?
 - c. How long ago did you separate?
2. What led to the separation?
 - a. Who made the decision?
 - b. Was there a key incident which led to the separation?
3. How do you feel about the separation?
 - a. Do you feel relieved?
 - b. Did it come as a shock?
 - c. Has your ex-partner's behaviour changed since you separated?
4. Can you tell me a little about the relationship before the separation?
 - a. How would you describe the relationship?
 - b. Were you ever scared of your ex-partner during the relationship?
 - c. What did they do which scared you?
5. Did you have choices and options during the relationship?
 - a. Did you feel that you were allowed to have opinions?
 - b. Were you able to disagree with your partner?
 - c. If not – what would happen if you did have an opinion or expressed a different opinion?
 - d. Have you ever had to change your behaviour to keep yourself or the children safe?
 - e. Was responsibility shared when things went wrong?

6. Thinking about the time before the relationship with your ex-partner started, can you tell me how you may have changed since being with them?
 - a. Do you think your social and support network has changed?
 - i. Who did you have to support you and who do you have to support you now?
 - b. How has your employment status changed?
 - c. Do you think your physical and/or mental health has changed since before the relationship with your ex-partner?
7. How are the children coping with the separation or the situation at present?
 - a. Are there arrangements in place for them to spend time with you both?
 - i. What are the arrangements?
 - b. How were these arrangements arrived at?
 - c. How do the children feel about spending time with each of you?
 - d. Do you have any concerns about their safety or well-being?
8. Are you hoping that mediation will help you sort out financial arrangements?
 - a. Can you tell me a little more about this?
 - b. How were your finances arranged?
 - c. Did you feel you were financially independent?
 - d. Do you have debts that didn't agree to or know about before?
 - e. Do you have your own bank account?

Mediator notes:

Part two – Behaviours and Escalation

Ask the participant the following questions:

Behaviours			
<p>1.Has your ex-partner ever harassed you or been intimidating?</p> <p>For example:</p> <ul style="list-style-type: none">• Threatened to harm you or the children• Threatened to harm themselves if you leave• Made you feel afraid by their actions or body language• Turned up where you are• Turned up at your workplace• Called or messaged you constantly• Been angry if you did not answer the phone• Have much say in your daily routines• Monitor your movements, social media, emails, texts <p>Has this got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediation notes:			

<p>2.Has your ex-partner ever been physically abusive?</p> <p>For example:</p> <ul style="list-style-type: none">• Hitting, kicking, pushing• Strangling or suffocating <p>Has it got worse lately?</p>
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Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			
<p>3.Has your ex-partner ever been sexually violent?</p> <p>For example:</p> <ul style="list-style-type: none"> • Rape • Enforced pregnancies and/or terminations • Unwanted touching/groping <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			
<p>4.Has your ex-partner ever been emotionally abusive?</p> <p>For example:</p> <ul style="list-style-type: none"> • Belittling you • Calling you names • Humiliating you • Withholding affection • Sulking/ignoring you • Shouting • Playing mind games/lying to you • Mood swings <p>Has it got worse lately?</p>			

Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			
<p>5.Has your ex-partner ever isolated you?</p> <p>For example:</p> <ul style="list-style-type: none"> • Stopping you from seeing family or friends • Moving you away • Locking you in the house • Manipulating you to stay home • Making you lose your job <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			
<p>6.Have you ever felt that your ex-partner has been financially abusive?</p> <p>For example:</p> <ul style="list-style-type: none"> • Reducing or completely taking away your financial independence • Having control over your finances • Making you spend money you did not want to • or not letting you spend on something that you did want to spend money on <p>Has it got worse lately?</p>			
Risk indicator (circle as appropriate)	Always or often	Sometimes	Never
Mediator notes:			

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Part three – High Risk

Mediator to complete this checklist, from information already shared. However, if the mediator is not able to answer them all, these questions should be directly asked:

1	Has their ex-partner ever intentionally physically harmed them?	Yes/No
Mediator notes:		
2	Has their ex-partner ever threatened to kill them, and they believed them?	Yes/No
Mediator notes:		
3	Are they currently afraid of their ex-partner physically harming them or their children?	Yes/No
Mediator notes:		

Part four – Safety Planning

1	Does anything worry you about mediating with your ex-partner?
Mediator notes:	
2	Are you scared of how your ex-partner may behave if you disagree?
Mediator notes:	
3	How would you feel if you were in the same room or on the same screen as your ex-partner?
Mediator notes:	

4	<p>Do you think that you can share what matters to you and what you feel is important in the mediation?</p> <p>If no, would this feel differently if you were in a shuttle/ separate space mediation?</p>
Mediator notes:	
5	Do you feel like you have no choice but to do the mediation?
Mediator notes:	
6	<p>How would you feel if you were unable to mediate?</p> <p>What would your next steps be?</p>
Mediator notes:	
7	Do you consider that mediation may increase your risk of harm?
Mediator notes:	
8	If you are still living with your partner, have you considered what it might be like in the home once mediation has started?
Mediator notes:	
9	What support do you have in place during mediation?
Mediator notes:	
10	Mediator to discuss what model would best ensure the participant's safety? Do they feel that would ensure their safety?

Mediator notes:

Part five – Suitability Assessment – Outcome

Is mediation suitable to proceed to next stage at this point?	
If yes, next steps:	
If no, next steps:	
If both participants have been seen, and mediator has assessed it is safe to proceed, are any safety measures required to ensure safety of participants and what model of mediation is to be adopted?	
Mediator notes:	

Part six - Signposting

If the mediator has highlighted issues of domestic abuse, the mediator must check with the participant:

	Have you had any support now or in the past from a domestic abuse specialist?
Mediator action:	
a	Suggest to the participant that they get in touch with their local DA professionals and ideally have a list of useful organisations, numbers, details to hand, so that these can be shared these with the participant before the end of the meeting
b	Consider speaking to a DA professional, with the participant's consent, whilst they are in the meeting together
c	Consider a direct referral to police, legal advisor, adult social care or DA specialist if high risk of serious harm identified

Section B - Assessing for suitability linked to the MIAM Standards – other areas

1	Has there been any previous or current Children's Social Care involvement?	Yes/No	Referral made?
Mediator notes:			

2	Has there been any previous or current Police involvement?	Yes/No	Referral made?
Mediator notes:			
3	Has there been any previous or current Alcohol or drug issues?	Yes/No	Referral made?
Mediator notes:			
4	Does the mediator feel that the participant is 'emotionally ready' to take part in mediation and negotiate with their ex-partner?	Yes/No	Referral made?
Mediator notes:			
5	Have there been or are there any concerns in relation to mental health issues?	Yes/No	Referral made?
Mediator notes:			
6	Have there been any prior court orders or court involvement?	Yes/No	Referral made?
Mediator notes:			
7	Has there been any previous or current Adult social care involvement?	Yes/No	Referral made?
Mediator notes:			

Section C - Ongoing Screening and Assessing

The following provides some examples of behaviours that might indicate a change of risk.

This is not an exhaustive list.

If the mediator notices any of the following, they should consider whether mediation is still safe to continue:

- Uneven power dynamics, which might manifest in the following ways:
 - A participant seems as though they do not have a voice
 - A participant seems afraid
 - A participant seems withdrawn
 - A participant seems unusually nervous
 - A participant seems to have agreed to something very suddenly and very quickly
 - A shift of opinion or initial ideal outcome from a participant seems unusual or extreme
 - The presence of the other person (direct or indirect) seems to impact the other's emotional well being
- That the discussions in mediation are causing emotional distress to a participant

If the mediator notices any unusual changes, such as those mentioned above, they should check with the participant whether:

- they or their children have been physically harmed since the session
- any threats of violence have been made since the last session
- if yes, mediation must come to an end
- if no, the mediator should consider whether they can use their skills in the session to redress any power imbalance and if not, they should consider bringing the mediation to an end

If the mediation is brought to a premature end, the mediator should speak to the participant about signposting and referrals to specialist services to support with ongoing risks of harm. The mediation should also consider whether they need to offer support to the other participant. The mediator must ensure that the mediation is brought to an end as safely as possible for all participants.