

MEDIATION PRINCIPLES IN SOCIAL WORK

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Annotation

The article presents mediation concept and its expression in social work. Mediation principles applied in social work when solving family social problems have been analysed. Mediation is analysed as a procedure of dispute resolution when one or more mediators help the parties to settle the dispute amicably. The main family mediation principles applied in social work practice while implementing mediation process have been analysed.

Key words: mediation, social work, mediator, mediation principles.

Introduction

Trying to solve the conflict it is necessary to communicate, however, improper communication may provoke a conflict. Social worker working in a family can help families and their members to survive difficult periods by providing support. Social worker – mediator, who consults disagreeing and conflicting parties, intermediates resolving their disputes. This process is defined as mediation. One of the most relevant skills of conflict resolution – effective communication. Mediation concept emphasizes that proper communication can help to solve a conflict when family members make amicable decisions. Mediation is an alternative to court, voluntary, confidential procedure of dispute resolution where one or several third-party independent, impartial persons – mediator and/or mediators help the disputing parties to achieve acceptable dispute solution (Kaminskienė et al., 2013). According to Zaksaitė and Garalevičius (2009) family conflict mediation is the conflict solution process when the third neutral party (mediator) stimulates and helps the conflicting parties to reach a mutual agreement.

The topic of mediation is also actualized by practical context. According to the data of Lithuanian court information system, 483 judicial mediation processes were initiated in 2018, i.e. compared to 2017, there were 11% less of judicial mediation processes indicated in statistical reports (540 cases in 2017, 313 - in 2016, 123 - in 2015). In Lithuania mediation in social work is not yet widely applied. However, while analysing the order of the Minister of Justice of the Republic of Lithuania, “On the Approval of the Conception of Development of Applied Mediation System”, it is indicated that in Austria, Belgium, Latvia, Poland mediation is voluntary; in case of judicial mediation, the court may refer the dispute to mediation only upon the consent of the parties. If the party does not participate in mediation, there are not any negative consequences. In Finland mediation is not compulsory. The court may offer the parties to resolve the dispute in such a way however, it cannot oblige them. In Germany, Estonia mediation is voluntary, however, the court may suggest it. In France mediation is voluntary and may be applied in all disputes if this does not violate public order. In Croatia in many cases mediation is voluntary, however, the compulsory mediation cases are also foreseen. In Norway mediation is compulsory in some family cases (when the spouses or couples living together are getting divorced and have children under 16 years when the issue of parents' duties, child's place of residence, parental meetings with children are being solved).

In Lithuania Kaminskienė (2010; 2013) was the most interested in the topic of mediation. She investigated mediation process as an alternative solution of disputes in civil and commercial law, analysed the opportunities and challenges of compulsory mediation. Sondaitė (2004) performed a comparative analysis of mediation styles, later in 2006 she analysed the experiences of foreign countries in the sphere of family mediation. T. Milašius (2007) considered mediation as a reasonable way of dispute resolution. Zaksaitė, Garalevičius (2009) disclosed the opportunities of judicial and nonjudicial mediation of family disputes, Žukauskaitė (2012) analysed the opportunities of application of mediation in the process of adolescent crime interpretation, Mačiulienė, Venckevičienė (2016) laid emphasis on expression of mediation in probation, Čiuladienė, Lasinskas (2018) analysed conflict resolution through mediation at universities. The following foreign authors have researched mediation process in various aspects: Haynes, G. L. Haynes, Fong (2004) analysed mediation process as positive conflict management, Cremin (2007), Smithson et al (2017) – mediation in the family. Phillips (2001)

analysed mediation in business, organization, family life. Prūžinská (2013) emphasized social and educational mediation aspects. Having analysed theoretical and practical insights and aspects of various authors, it has been noticed that there is still little discussion in scientific literature about mediation in the context of social work. Therefore, in the article the following **problematic research** issues have been formulated:

1. How the concept of mediation is defined and analysed by various researchers?
2. What are the principles of mediation in social work practice?

The object of the research – principles of mediation in social work.

The aim of the research – **to analyse the principles of mediation in social work practice.**

The tasks of the research:

1. To conceptualize the concept of mediation referring to the scientific information sources.
2. To determine the expression of mediation principles applied in social work when solving social problems of a family.

Research methods: **scientific literature analysis, semi-structured interview, qualitative content analysis.**

Expression and regulation of mediation

The European Code of Conduct for Mediators (2004) mentions that mediation in a family is a valuable alternative means of family dispute resolution under certain circumstances considering that it is not the only means for resolving all family problems.

Mediation – the court alternative, voluntary, confidential procedure of dispute resolution where one or several third independent and impartial persons – mediator or mediators – assist in reaching acceptable solution of the dispute for the disputing parties (Čiuladienė, Lasinskas, 2018, p. 81). Therefore, first of all mediation should be considered as an alternative phenomenon that helps to resolve a conflict situation of dispute out of the court. Tvaronavičienė and Kaminskienė (2019) also emphasize that mediation is one of the fastest developing method of dispute resolution in the world. This process is suitable and perfectly applied in various cultures and jurisdictions. In some countries mediation consolidates naturally and is widely applied as an inseparable part of juridical culture (many countries in Africa, as well as Japan, China, Vietnam, Australia). In other countries it is necessary to consider additional means so that this alternative method of dispute resolution would become more popular and would be widely applied. Lithuania also belongs to the group of these countries (p. 53). Referring to these aspects, we may presume that application of mediation in Lithuania in practice is still at the initial stage. In Lithuania from 1 January, 2020 the Provision of the Law on Mediation on **mandatory mediation** in family disputes entered into force. According to it, it is mandatory to contact the other dispute party with a proposal to solve the conflict through mediation before going to court.

According to Tvaronavičienė and Kaminskienė (2019), mandatory mediation in Lithuanian Law appeared as the means stimulating application of mediation in emotionally sensitive disputes among the persons who are related by long-term relationships and when it is necessary to ensure children's interests. This change has been determined by inefficiency of previous legal regulation, because before the adoption of the Law on Mediation on 29 June, 2017 out-of-court mediation was not developed and unlike in other countries it did not provide actual benefits to the society. In methodical publication of mediator's guide (2019) the question what constitutes mediation is usually answered following the definition provided in Part 3, Chapter 2 of the Law on Mediation stating that mediation is the procedure of dispute resolution when one or several mediators assist the parties to resolve the dispute amicably. Mediation is a professional activity excluding the judicial mediation implemented by the judges⁷.

While analysing mediation and its position in social work, it is necessary to define the term "conflict". Conflict is a state of persons' relationships occurring as psychological tension, it is a struggle of resistance between principles and aims, feelings and interests (Budeva, 2019). Routine work of social workers involves various conflict types between the clients and their social environment. An important part of professional responsibility of a social worker is to productively manage conflicts. Mediation and social work have a similar aim: to help to solve person's problems (Budeva, 2019). Thus, mediation between the conflicting parties is essential and may help to find a way out of a conflict situation.

Osmuk (2014) emphasizes that interpersonal conflicts usually are solved by one out of the three processes: negotiations, arbitration or mediation: a) *negotiations* are a process when

⁷ The Law on Mediation of the Republic of Lithuania. 2008. The current consolidated version came into force on 1 January, 2020. Internet access <https://e- January, seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.325294/asr>

the parties themselves try to resolve the conflict through the direct discussion with each other; b) in case of *arbitrage* the third party (court, supervisory or other institutions) control not only the process but also the end of the process. The arbitrator(s) sets the result of the process; c) *mediation* is a form of conflict resolution with the help of the third, neutral, impartial party whose aim is to help the two parties to resolve conflict situation. Mediation is a “peaceful” means of dispute resolution. The mediator motivates the parties to look for a constructive dispute resolution acceptable to both parties. Each mediation process contains two aspects: managing the process of dynamics and understanding the essence of the conflict. When analysing the main practical principles of Family Mediation Council⁸ the following family *mediation principles* have been distinguished:

The *principle of impartiality* shows that the duty of a mediator is to ensure impartial treatment of a family and not to violate family’s interests with his/her conduct. It means that a mediator should not be bound by personal benefits of the outcomes of the conflict. While solving family’s situation it is very important to remain impartial because it is one of the most important requirements for a mediator. Hence, while analysing family’s situation and resolving a conflict it is essential not to support one of the parties or distinguish the right and wrong family members, but to consider the essence of the situation. When making decisions it is purposeful to formulate them for the whole family not distinguishing one member whose fault or responsibility can be less or bigger.

The *principle of voluntary participation* shows that mediation is a voluntary process and conflict parties can withdraw from this mediation process at any time.

The *principle of neutrality* shows that a mediator must always remain neutral as to the outcome of the conflict. In the process of mediation it is not necessary to offer a result but one should seek that conflict parties themselves would find the most acceptable decision.

The *principle of confidentiality* is very important. Following it, the mediators may not reveal any information to the third parties except the cases when dispute resolution reaches the court. Moreover, in case of a risk to child’s safety, the mediator may send the information to the children’s rights enforcement services. The confidentiality of client’s information and data is necessary because mediation is applied to resolve very delicate situations and the facts that appear in public may cause difficulties in communication with the family and the outcomes may be unfavorable due to mediator’s fault. The CEPEJ document of assurance of implementation of mediation guidelines (2018) emphasizes that all information related to mediation is confidential, the providers of mediation services are to take all necessary reasonable measures to preserve confidentiality determined by appropriate laws and rules and (or) agreed by the parties (Mediation Development Toolkit, 2018).

The mediator also has to follow such principles like *children’s welfare* that must be given special attention during the process of mediation. In addition, mediators have to be careful about the disbalance of power in the family. In all cases mediators must try to ensure that all participants would participate in mediation willingly without fear of violence or any harm.

Mediation practice in foreign countries

In foreign countries mediation process in social work is not a usual form of work of social workers. However, mediation process actively entrenches in social work when solving family problems and every country emphasizes similar principles. Mediation and social work have many methods, similar aims, for instance to provide more opportunities to people regarding the principles of equality, justice and social welfare as well as pursue consensus and comprehension of people, groups and communities. In mediation and social work confidentiality is the fundamental value.

In foreign countries mediation is applied in various ways: in some countries it is a well-known process whereas in other – only the first attempts to implement it. P., Th. Kalliath, Xi and Ch. Chan (2019) state that when working with families social workers often experience stress what negatively affects their satisfaction with work. Therefore, mediation while solving family disputes may be considered as one of the aspects of social workers’ satisfaction with work. The research carried out by the above-mentioned authors has revealed that social workers’ experience satisfaction with performed activity when the dispute is solved in a family-friendly way.

Fan and Lu (2019) analysed the influence of social workers’ mediation on children left by their parents. The results of this study revealed that mediation of social workers when they help

⁸ General Principles for mediators and mediator. Internet access: <https://www.familymediationcouncil.org.uk/us/code-practice/general-principles/>

children abandoned by their parents to communicate with their peers and adults has a favourable impact on children's psychological condition and welfare. Hence, mediation process can occur not only in the family but also outside it, but the essential issue is that a mediator has to help to solve various conflicts.

Zhou, da, Zhang (2016) researched the conflicts in the families of working and non-working women raising their children. The mediators of social work analysed the reasons of conflicts in the families. Their research has revealed that women raising children are more likely to have conflicts in the family if they work because job issues influence their psychological welfare and health. Therefore, mediator's help is necessary trying to distinguish work and family problems, to help conflicting parties to understand that work problems do not have to cause problems at home. Mediator's help is essential when realizing the essence of the problem, providing opportunities for both conflicting parties to perceive the origin of the problem and solve it.

Martingo (2018) states that in Portugal family mediation is just an alternative method of conflict resolution which has only recently been introduced. However, according to the author, mediation may help families to carefully evaluate motives and provisions of the conflicting parties. When implementing mediation, resolution of family problems is performed avoiding the court, finding the solutions. According to the mentioned author, mediation process should be applied more often especially when solving conflicts in the families where there is no high social risk and it is possible to find the ways and opportunities to search for real solutions of the problems.

Trenczek and Loode (2012) emphasise that mediation in Germany is based on the practice of Australia and other countries, however, it is distinguished by originality since in many cases mediation processes are completed by signed peaceful treaties and an implemented peaceful social dialogue. In Germany mediators look for a closer relationship with conflicting parties by organising meetings so called "parties". Such meetings allow a mediator to get a better view of both parties and help them to understand each other better. In Germany social mediators try to create the atmosphere of trust. When communicating separately with each conflicting party, a mediator has an opportunity to clarify the situation and present personal insights.

Presenting the mediation in France Grima and Paile (2012) state that first of all mediation is emphasised in work relations. However, recently social problems are started to be solved. With the help of mediation initial surveys are carried out, opportunities of peaceful negotiations are sought. If a mediator fails, all collected material is sent to the court.

Research results and their analysis

Semi-structured interview has been selected for the research. In the survey we used a targeted convenient sampling with eight mediators who have a degree in social work and apply mediation in the practice of social work. Research participants have been coded (I1-I8), trying to preserve the principles of ethics, confidentiality and anonymity. The obtained data was analysed using qualitative content analysis.

While analysing the experiences of respondents, it has been noticed that the clients participate in mediation process only voluntarily since the main principle of mediation is volunteering. Sometimes doubting clients are persuaded to select participation in mediation process when they find out the benefits, there is no forced mediation. Having analysed the participants' responses, it became obvious that in case at least one participant refuses to participate in mediation process, mediation is not implemented. According to the informants, in case of voluntary process there is an opportunity to withdraw from it. Therefore, mediation is not an established procedure where participation is inevitable, it is a kind of a process that conflicting parties should voluntarily ask for themselves or select from suggested options.

Mediation is usually applied in conflict situations, therefore, we tried to analyse in what situations mediation is effective (see Table 1).

Table 1

Situations when mediation is effective

Category	Subcategory	Number of statements	Confirmative statements
Effectiveness of mediation	The start of the dispute	3	<i><.while solving the problems of family relationships when the crisis in the family does not yet have negative consequences for family's future..> [I1]; <.conflicts of the parties appear not because of certain facts, but because of parties' principles..>[I6].</i>
	The beginning of mediation	1	<i><.there are various techniques how to get out of</i>

Category	Subcategory	Number of statements	Confirmative statements
	after overcoming the crisis		<i>a crisis situation so the mediation can take place..>[12].</i>
	Dispute parties' respect to each other	1	<i><..in which persons are related by personal relations and these relations are tried to be preserved..>[14].</i>
	Compliance with the taken decisions	1	<i><..when all participants of a crisis situation willingly accept help and follow the agreements ..>[17].</i>
	Dispute parties are not able to solve the conflict	1	<i><..where the conflict prevails and conflict parties are unable to resolve the conflict themselves..>[15].</i>
	Agreements regarding communication with children	1	<i><..they have to communicate because of children, so they have to make agreements acceptable to both parties..>[18].</i>

According to the informants, the effectiveness of mediation process might be expected when the help is sought at the very beginning of the conflict. It means that as long as the conflict among family members is not old enough there is still an opportunity to find the solutions: "For instance, a family experiences crisis when both parents who had jobs lost them not because of their fault. The family had the loan, the debts for utilities occurred, they were unable to buy necessary items, sometimes they ran out of food. The family had two children. Parents who were in a crisis situation began arguing more often directing their anger towards insulting each other, sometimes towards alcohol. In this situation mediation was extremely effective. When we prepared a plan/agreement who has to do what and how in order to change the situation, everything was resolved" [11]. Thus, help provided on time, the foreseen action plan and its implementation can lead to an effective outcome of the conflict. The informants have noticed that mediation is not applied in a crisis situation. First of all, crisis solution methods are to be applied and then a decision regarding mediation has to be done.

The study has shown that mediation process is effective when the issues regarding the family member's communication with children are being solved. In these situations it is very important to make decisions that would help parents to preserve good relationships not only with children but with each other as well (see Table 2).

Table 2

The change of crisis situation with the involvement of a mediator

Category	Subcategory	Number of statements	Confirmative statements
Support provided by mediators in case of a dispute	Possibility to figure out the problem	5	<i><..the parties have an opportunity to present their position, to be heard, listened to what often influences their further actions to avoid the repetition of conflicts..>[14]; <..the parties may start to understand each other better what results in a more effective conflict resolution..>[16]; they express how they feel, what they expect from other people, what irritates them and start to hear each other..> [17]; the person emotionally "ventilates" oneself as if leaving a tunnel, starts seeing more widely..> [18]; it helps the clients to see crisis situations from a different side [11].</i>
	Reduced dispute risk	2	<i>The first aim is to ensure that the situation does not worsen [12]; Mediator's actions facilitate, help the parties to overcome crisis situations [12].</i>
	Cooperation with other institutions is important	1	<i><..close cooperation of various institutions such as Child's rights, school representatives, officers, doctors, dependency consultants is essential..>[13].</i>
	The process is simplified	1	<i>The process is simplified [5].</i>
	Offered help	1	<i>Received help..> [15].</i>

Referring to the respondents' experience it is possible to state that when a mediator is involved in a conflict resolution, family members may speak up with an impartial person, hear each other, emphasize the problems what helps them to understand each other better and even to perceive why they argue: "*<..parties have an opportunity to express their positions, to be heard what influences further actions to avoid the repetitions of conflicts..>[14]; <..the parties may understand each other better what leads to a better conflict resolution..>[16]; they express how they feel, what they expect from other people, what irritates them and start to hear each other..> [17]; the person emotionally "ventilates" oneself as if leaving a tunnel, starts seeing more widely..> [18]; it helps the clients to see crisis situations from a different side [11]*". When

family members speak with each other in presence of a mediator, it leads to an easier conflict resolution and more effective steps to be taken to resolve the conflict.

Mediation processes end differently therefore, we tried to find out what factors lead to a successful mediation process (see Table 3).

Table 3

Factors that help to succeed in the mediation process

Category	Subcategory	Number of statements	Confirmative statements
Factors determining successful mediation process	Competences and abilities of a mediator	3	<i><..an ability to create relationships of trust and trust of dispute parties...>[13]; Mediator's ability to create a relationship with the parties of a conflict...> [15]; Mediator's competence [16].</i>
	Consistent implementation of the process	2	<i><..it is important to follow consistency, specificity, transparency, confidentiality, empathy of mediation...>[11]; friendliness, empathy, respect, attention, sincere care about parties' concerns and interests are essential [12].</i>
	Benevolence of the parties	2	<i>Benevolence of the parties, their wish for a fast, mutual and beneficial resolution of a conflict [14]; Involvement of conflict parties [15].</i>
	Understanding of the client	1	<i>Recognition of a person, his/her feelings, fears, worries...>[12].</i>
	Influence of impartial parties	1	<i>Influence of other individuals on the parties...>[17].</i>

According to the respondents, competence and abilities of a mediator are important factors: “<.. an ability to create relationships of trust and trust of dispute parties...>[13]; Mediator's ability to create a relationship with the parties of a conflict...> [15]; Mediator's competence [16]”. Thus, if a mediator is competent, possessing all necessary abilities (discussed in Table 3) it is possible to expect a successful completion of the process. If a mediator creates the atmosphere of trust between him and family members, a favourable completion of resolution may be expected. As the analysis of scientific literature and respondents' answers have revealed, mediation process is implemented in stages. Therefore, the success of the process may be determined by purposeful planning of activities and consistent implementation of planned steps. Understanding of dispute parties and ability to feel the situation may help a mediator to successfully complete mediation process. Sometimes the help of external participants may also influence a successful completion of the process. Therefore, the success of mediation process is determined by the majority of the above-mentioned factors and mediator's competence.

The research has revealed that not only mediator's competence and other abilities are important in mediation process but also the principle of clients' benevolence. Therefore, we tried to analyse the expression of volunteering principle of mediators' clients (see Table 4).

Table 4

Expression of volunteering principle among the participants

Category	Subcategory	Number of statements	Confirmative statements
Expression of volunteering principle	Positive benefits of mediation are perceived	2	<i><..when clients find out positive solutions of a problem through mediation...>[11]; they believe in the benefits of mediation process [14].</i>
	Written agreement is presented	2	<i><..written agreement regarding mediation implementation...> [12]; <.. they come voluntarily without being forced by anyone...>[15].</i>
	Using the opportunity, making decision regarding mediation	2	<i>Clients may decide if they want to solve their conflict situation through mediation...>[13]; <...parties themselves decide whether they want to participate in mediation process or not...>[14].</i>
	Favourable communication and collaboration	1	<i><..carry out the obligations during the implementation of a plan, willingly communicate and cooperate[17].</i>

The expression of volunteering principle occurs when the participants themselves choose an opportunity to participate in mediation process. Volunteering principle is confirmed in a written form, i.e. the parties who agree to participate in mediation process sign the consent. The mediator may help the dispute parties to make the decision about participation in mediation

process by explaining what benefits the parties will receive participating in this process. Therefore, favourable and appropriate communication help the dispute parties to decide, but the final decision to participate in mediation process is made voluntarily.

Research revealed one more important principle of mediation in mediators' practice – impartiality. The aim was to find out how the principle of impartiality is important in mediation practice. The principle of impartiality does not allow to evaluate the situation through emotions and feelings therefore, it is necessary to collect facts, analyse them and to provide the court with actual information not mediator's personal attitude. This is based on the experience of one of the research participants.

"Impartiality is one of the basic mediation principles, therefore, it is important that the mediator does not give preference to one of the parties. It is essential to work with ourselves in order not to be hostile to the clients but to treat them equally and with respect. It is recommended to withdraw from mediations if the mediator feels that he/she cannot manage negative emotions towards one of the parties, for instance, there are mediators who cannot work with individuals who have committed crimes such as freedom of sexual choice or murders" [13].

Each dispute party has to be assessed objectively, not on the basis of mediator's attitude or opinion. This shows that impartiality is gathering of facts and evaluation of the situation.

"In all the situations a mediator has to follow the principle of impartiality, I could not distinguish one situation. If after reading the case I understood that I would not be able to follow the principle of impartiality due to certain reasons, I would refer the parties to another mediator" [14].

Referring to the practice of this respondent, we may presume that impartiality is related to honesty because the cases when mediators cannot find facts and refer only to emotions and feelings have to be abandoned.

"I am impartial in all mediations. Problems that sometimes arise when trying to ensure this principle are as follows: Men's perception that all women are in solidarity and children's attitude towards me as one more specialist condemning their behaviour" [16].

Another important research aspect was to analyse the practice of implementation of mediation stages where the volunteering principle is highlighted. Therefore, the informants revealed their experiences how the clients voluntarily get involved in mediation process (see Table 5).

Table 5

Stages of implementation of mediation activities

Category	Subcategory	Number of statements	Confirmative statements
Stages of mediation process	Volunteering is the main mediation principle	5	<i>Some are brave and show more initiative while resolving a dispute..>[11]; One of the main principles of mediation – volunteering..>[12]; Only voluntarily, no other options..> [14]; Always [16]; One of mediation principles is volunteering..> [18].</i>
	Mediation is not implemented	2	<i><.if one of the parties refuses to participate in mediation, mediation is terminated...> [13];<.due to the absence of volunteering mediation cannot be implemented [15].</i>
	Participate after being persuaded about the benefits of the process	2	<i><..others – do not want..> [11]; A very little part because emotions are strong..>[17].</i>
	Opportunity to withdraw from the process	1	<i><..may withdraw from it at any time..> [12].</i>

Considering respondents' answers, we may state that the lack of mediators is the main drawback of mediation process in social work. Consequently, purposeful training of mediators is not yet implemented. The mediation process itself is being initiated but there is a lack of human resources. When implementing quality mediation in social work, cooperation with other specialists who could provide the family with more psychological help is necessary. Therefore, solving social problems which are usually related to families at social risk multidirectional help is necessary.

The establishment of mediation in social work's practice is hindered by the fact that very little information is provided to the society. If receiving more favourable information about positive benefits of mediation process people themselves would start looking for opportunities to meet and communicate with mediators.

Usually, mediation services are paid. Hence, in social work when the clients are financially deprived persons this procedure is not really accessible. Consequently, municipalities should provide mediation services to the individuals who are at social risk.

Generalising the research results we may state that mediation is the role of social help where the planning of professional activities is very important. The respondents highlight that legal and psychological knowledge is the most necessary to the mediator and volunteering is the main principle of mediation. The model of mediation process consists of stages that exist not only in theory but are implemented in practice of social work. Research results have revealed that the need for mediation in social work is necessary in resolution of family disputes and quarrels and in everyday social work providing social services to the family. The respondents indicated that their biggest practical mediation experience is in resolution of family conflicts and investigation of divorces. It is worth to mention that at the beginning of the conflict mediation is very effective, it is the biggest opportunity to resolve the problems. The participants of the research indicated mediator's competence and abilities as the factors that help to succeed in mediation process. Inappropriate training of a mediator and unfavourable behaviour of dispute parties disturb the mediation process.

Conclusions

1. Scientific literature analysis revealed that mediation process that helps to resolve the conflicts has been known for many years. Earlier the term "intermediating" was used to indicate mediation. Since 2000 this process has been called "mediation" and was firstly emphasised in the court practice. However, during the recent years it covers more spheres of society's activities including social work.

2. The study revealed that principles of volunteering and impartiality are the most important in mediation process. Application of these principles in mediation process reveals the essence of mediation process, helps the parties to understand and clarify conflict's reasons and to make decisions. The principle of volunteering is followed by conflict parties when they decide to participate in mediation process. The principle of impartiality is followed by the mediators when resolving the conflict situation.

References

1. Budeva, S. (2019). Mediation and social work. *Forum on Studies of Society - Second edition*, 39-48. Retrieved from: <https://fssconference.ro/wp-content/uploads/2019/04/4.-Mediation-and-social-work.pdf>
2. Čiuladienė G., Lasinskas D. (2018). Konfliktų universitete sprendimas taikant mediaciją: pamokos Lietuvai. *Acta paedagogica Vilnensi*, 40; 58 – 69.
3. Grima F., Paile P. (2011). Mediation in professional relationships in France: tactics and outcomes. *Industrial Relations Journal*, Vol. 42(5), 428 – 452.
4. Fan X., Lu M. (2019). Testing the effect of perceived social support on left-behind children's mental well-being in mainland China: The mediation role of resilience. *Journal Children and Youth Services Review*, No. 109.
5. Haynes, J. M., Haynes, G. L., Fong, L. S. (2004). *Mediation. Positive Conflict Management*. State University of New York Press.
6. Kalliath P., Kalliath T., Chan Xi. W., Chan C. (2019). Linking Work-Family Enrichment to Job Satisfaction through Job Well-Being and Family Support Mediation Analysis of Social Workers across India. *Social Work*, No. 49(1), 234 – 255.
7. Kaminskienė, N. [et al.]. (2013). *Mediacija: vadovėlis*. Vilnius: MRU. Retrieved from: https://wdn.ipublishcentral.com/association_lithuania_serials/viewinsidehtml/56122251603583
8. Kaminskienė N., Tvaronavičienė A., Čiuladienė G., Žalėnienė I. (2016). Lietuvos advokatų požiūris į taikų ginčių sprendimą ir mediaciją tyrimas. *Socialinių mokslų studijos*, 8910; 44-62.
9. Kaminskienė, N. (2019). *Mediatoriaus vadovas*. Metodinis leidinys. Klaipėda: UAB „Baltic Printing House“. Retrieved from: [https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20\(pdf\)\(1\).pdf](https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20(pdf)(1).pdf)
10. Mačiulienė R., Venckevičienė J. (2016). Mediacijos įgyvendinimas probacijos tarnybose Lietuvoje. *Teisės problemos*, 2(62); 69-87.
11. Martingo C. R. (2018). Family mediation: Portuguese experience. Retrieved from: <https://repositorium.sdum.uminho.pt/browse?type=publisher&authority=17583>
12. *Mediatoriaus vadovas* (2019). Lietuvos teisingumo ministerija. Retrieved from: [https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20\(pdf\)\(1\).pdf](https://tm.lrv.lt/uploads/tm/documents/files/Mediatoriaus%20vadovas_%20Metodinis%20leidinys%20TM%20(pdf)(1).pdf)

13. Phillips, B. A. (2001). *The Mediation Field Guide*. Transcending Litigation and Resolving Conflicts in Your Business or Organization. San Francisco: John Wiley & Sons, Inc.
14. Pružinská, J. (2013). Social and educational aspects of family mediation. *Socialinis ugdymas*. 2013. Nr. 3, 167-180. Retrieved from: <http://socialinisugdymas.leu.lt/index.php/socialinisugdymas/article/view/75/69>
15. Osmuk, L. A., (2014). The Functionality of Mediation in Family Policy and the System of Social Work with Families in the Region. *Journal of Siberian Federal University, Humanities & Social Sciences* 1 (2014, 7), 136-144. Retrieved from: <https://cyberleninka.ru/article/n/the-functionality-of-mediation-in-family-policy-and-the-system-of-social-work-with-families-in-the-region/viewer>
16. Sondaitė, J. (2006). Šeimos mediacija: užsienio šalių patirtis. *Socialinis darbas*. Nr. 5(2), 24-28. Retrieved from: <https://repository.mruni.eu/bitstream/handle/007/13249/2085-8561-1-PB.pdf?sequence=1&isAllowed=y>
17. Smithson, J., Barlow, A., Hunterand, R., Ewing, J. (2017). The moral order in family mediation: negotiating competing values. *Conflict Resolution Quarterly*, 2017. Retrieved from: https://www.academia.edu/38652119/The_moral_order_in_family_mediation_negotiating_competing_values?auto=download
18. Trenczek T., Looode S. (2012). Mediation „made in Germany“ – a quality product. *Journal ADRJ*. Vol. 61, 60-70.
19. Tvaronavičienė A., Kaminskienė N. (2019). *Privalomoji mediacija šeimos ginčiuose*. Retrieved from: https://repository.mruni.eu/bitstream/handle/007/16251/2019%20Teise_2.2._Tvaronavic%20iene%20,%20Kaminskiene%20.pdf?sequence=1
20. Zaksaitė, S., Garalevičius, Z. (2009). Teisminės ir neteisminės šeimos ginčų mediacijos galimybės. *Teisės problemos*. Nr. 4 (66), 70-108. Retrieved from: <https://www.arbitrazoteismas.lt/wp-content/uploads/2014/08/8-Teismin-s-ir-neteismin-s-eimos-gin-mediacijos-galimyb-s.pdf>
21. Zhou S., Da S., Zhang X. (2018). Work-Family Conflict and Mental Health Among Female Enplouees: A Sequential Mediation Model via Negative Affect and perceived Stress. *Journal Frontirs in Psychology*. 9; 544.
22. Žukauskaitė J. (2012). Nepilnamečių nusikalstamas elgesys: psichologiniai mediacijos taikymo aspektai. *Teisės problemos*, 2(76); 96-110.

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