

# INTERGENERATIONAL MEDIATION WITH OLDER PEOPLE

AN EXPLORATORY STUDY



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# Introduction

**1**

Unión de Asociaciones Familiares (UNAF) is a state level, non-profit organisation, created in 1988 as a network of associations with the aim of promoting the rights and well-being of families. The great changes undergone by family models during the decade following the Franco dictatorship led to the appearance, pioneered by UNAF, of mediation services in Spain.

The struggle of the feminist movement, the sexual revolution, the incorporation of women into the world of work, among other phenomena, promoted the transformation of the hegemonic family model typical of the dictatorship, giving way to the diversity of new family models in accordance with a democratic society. At the legislative level, the adoption of the Constitution of 1978 should be highlighted, which, among many other things, recognised the rights of men and women to marry as legal equals. In 1981 the Civil Code was amended in order to bring it into alignment with the Constitution, and the legal principle of equality between husband and wife. During this historical period, the enactment of two laws should also be highlighted: one, Law 11/1981, On The Economic Regime of Marriage, Parental Authority And Filiation, which recognised the equality of all sons and daughters, whether born within wedlock, outside wedlock or adopted, and also the right of the mother to exercise parental authority which, until then, could only be exercised by the father. The other law is Law 30/1981 which reformed the Civil Code regarding the procedures to be followed in cases of separation, nullity, or divorce, and which allowed the Law on Divorce to be approved.

In addition, the year 1989 was a very significant one for children, because the General Assembly of the United Nations approved the final text of the Convention on the Rights of the Child.

The Convention introduces a new concept of child which meant that from then onwards, the child would not only be seen as an object of protection but also and, above all, as a subject with rights, capable of forming its own judgment and expressing its opinion, in all matters affecting it. Another important concept it introduced is that all measures regarding children must be based on the consideration of the “best interests of the child”, which constitutes the guiding principle that should direct all actions in favour of the well-being of children.

In this context, family mediation appears in Spain, mainly aimed at addressing situations of separation and divorce, and inspired by the guiding principle of the Convention on the Rights of the Child. Mediation thus provided an adequate space for exercising children’s rights to be heard and to take part in all matters concerning them. Furthermore, taking into account the huge existing gender gap and participation as a key component of mediation, the service also favoured the path of equality between men and women. The capacity to self-manage conflicts and the possibility of reaching negotiated solutions by mutual agreement are characteristics of mediation that allow people to recover prominence in matters concerning their own lives.

From the origins of family mediation to the present day, the world has changed. We are in a different scenario, where the needs and demands for mediation services extend from childhood to the other end of the lifecycle. Older people emerge as a population group that had been rendered invisible and that is beginning to be recognised as a subject of rights.

Demographic ageing is perceived as a source of conflict regarding social organisation, social security systems, the development of public policies or decisions regarding quality of life, among other issues (Aguirre and Ferrari, 2018: 13). However, on the other hand, this phenomenon is experienced as a triumph linked to human longevity and scientific advances. Ageing will offer enormous opportunities when older people begin to be included, not only as an object of care, but as a subject of change and a highly significant resource when facing the challenges of a complex world.

The answer to the need for an intergenerational mediation service with older people can be found in a framework that includes, at least, the following aspects: demographic changes that have an impact on situations of dependence and care; the role of families in social welfare policies, together with the care crisis and the need to respond to the changes that have taken place; the new models of old age, where the rights of older people to decide about their lives must be taken into account.

Once these new realities have been identified and recognised, a challenge arises, responsibility for which can be found, on the one hand, in generating scientific knowledge and, on the other, in designing inclusive, reflective, and participatory policies, where older people form part of an active citizenry. Promoting quality of life in old age is the most immediate challenge of intergenerational mediation with older people. Mediation is participation and the right to decide, it provides an appropriate context, in which those who take part in the process take charge of their life project, to the benefit of all parties concerned.

**The aim of this research is to conduct a diagnosis of intergenerational mediation with older people as a tool for managing change in old age and situations of dependence in the family environment.**



## The specific goals which have guided this study are to:

- Understand the context where intergenerational conflicts with older people occur.
- Promote a culture of intergenerational care with a gender perspective.
- Inquire about the awareness of intergenerational mediation resources among older people.
- Be aware of good practice in relation to the use of intergenerational mediation with older people to direct current and future strategies.



## This analysis has been based on:

- Seeking out, compiling, documenting, exploring and analysing content from documentary sources.
- Mapping of resources for intergenerational mediation services with older people in social or Public Administration bodies that serve families and the elderly.
- Mapping of experiences, resources and methodologies related to intergenerational mediation with older people in other societies in which there is a greater development of tools that can be transferred to our own.
- Fifteen in-depth interviews with key informants from different professional areas: law (two participants with training in family mediation); psychology (two participants with training in family mediation and one participant with gerontological experience); social education (two participants, with gerontological training and experience, one participant with experience in community mediation); social work (three participants with gerontological and gender training and experience); sociology (one participant); a former family general director of the Ministry of Labour and Social Affairs (one participant); representatives of older women's organisations (two participants).
- Ten interviews with potential service users: older women (6 participants); an older man (one participant); adult male (one participant); residence worker (one participant); domestic worker (one participant).





**Aging in a  
Changing  
Society**

**2**

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**That a population can age is an expression of a human achievement: living longer and living better. It constitutes one of the most important social transformations produced over the last third of the last century. But it is, at the same time, a challenge demanding a response. It is a complex challenge, since an increase in the number of older people and, within that group, that of people of an advanced age, and the growing needs for care deriving from this growth, coincides over time with a crisis in the informal support systems that have been responding to these needs, caused by two other major social end of century transformations: changes in the family model and the growing incorporation of women into the world of work.**

”

*(White Paper on Care for People in Situations of Dependency, 2004:30).*

This quote from the White Paper, a key document prior to the Law on Dependency, marks the first steps of this investigation. When we address any type of conflict, it is essential to identify and specify the characteristics of the context in which they occur. Therefore, the first section will be dedicated to outlining an analysis of the reality necessary to shed some light on these issues, prior to delving into the more technical aspects of intergenerational mediation with older people.

To this end, we will begin by reviewing the state of the art focusing on analysing demographic changes and their impact on situations of dependency. Next, we will attempt to clarify the main changes produced in the family structure and we will investigate the implications that this has had on the social organisation of care. Finally, we will conclude this section by referring to the new models of old age and the rights of older people. We will thus build a suitable starting point for approaching the object of our review.

## **Consequences of demographic changes**

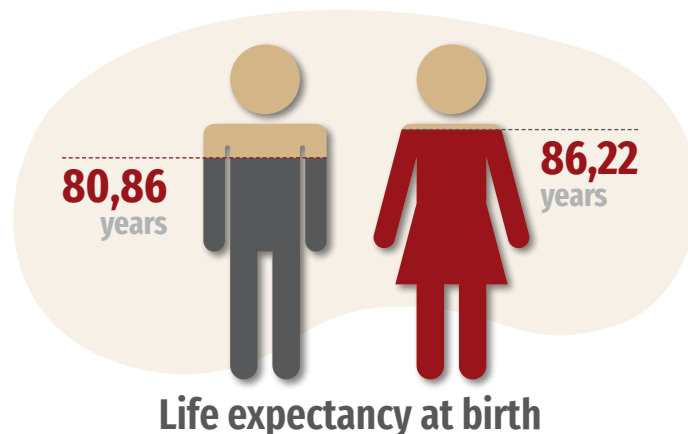
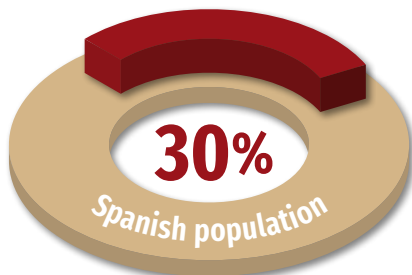
When it comes to referring to older people, one of the dominant discourses is demographic order. The demographic revolution of the twentieth century consisted of the following: for the first time in the history of humanity, most people born lived to see old age. Consequently, the increase in the number of older people in the total population represents an unprecedented historical event. It is interesting to review the statistics, since they offer us very revealing information about interrelated social changes, in this case, changes to lifestyles and family relationships.

However, first it should be recalled that many of the discussions around the effects of this phenomenon have encouraged a very negative view of older people that is often expressed in terms of “intergenerational conflict” (Arber and Ginn, 1996: 23). These attitudes raise fears of a possible economic collapse or the overburdening of health and welfare services and, therefore, set to one side the contributions that older people have made and continue to make to society.

Now, if we look at the figures, the reality is that we are in a moment of very rapid demographic change, characterised by the increase in the proportion of older people regarding the total population. According to data from INE, the Spanish National Institute for Statistics, (2020), people over 65 years of age represent 19.58% of the Spanish population. Very briefly: in 1999 the percentage of older people stood at 16.3%; it was 13.1% in 1989; and 10.9% in 1979. These data show the exponential growth in the proportion of older people. In this sense, according to the projections made by INE, this percentage is expected to increase. Low birth rates and high life expectancy blur the population pyramid transforming it into a population tower (Durán, 2018: 92). In Spain, projections indicate that by 2050 people over the age of sixty-five will represent more than 30% of the total population.

Population  
by 2050

+65  
years



In addition, if we look at the gender variable and observe the sociodemographic data of this section of the population, according to sex and different age ranges, it can be observed that the percentage of women is higher than that of men. As people age, this proportion increases, due to the higher life expectancy at birth of women, set at 86.22 years, while for men it is estimated to be 80.86 years (INE, 2020). We could refer to the feminisation of old age, which has its own characteristics and consequences. Although women live longer, they do so in worse conditions (Durán, 2018; Ramos, 2017; Sanchez Moro, 2013).

Critical feminist gerontology analyses the way in which aging affects men and women unequally, since throughout their lives they adopted different gender roles (Ramos, 2017: 89). As revealed by the DAPHNE study “Stop Violence Against Elderly Women”, in which UNAF took part, both the weight of patriarchal culture and the rigidity of the male and female stereotypes of previous generations, contribute to creating risk factors which entail greater vulnerability and violence against older women (Sánchez Moro, 2013: 96).

The inclusion of a gender perspective is of great importance in highlighting the specific aspects of ageing and the inequalities that exist between men and women throughout their life cycles and which have an impact on their old age.

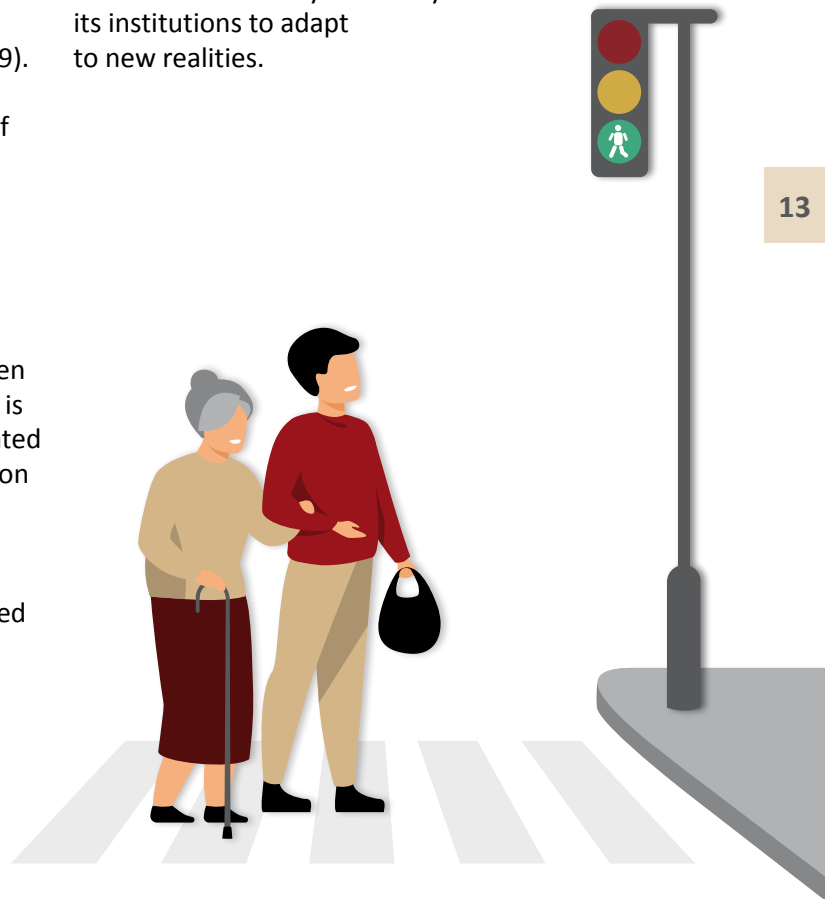
The figures not only reveal a transformation in the demographic structure, but they also imply changes in social dynamics which constitute an important challenge. Recently, efforts have been made to distinguish different stages of old age, understanding that the criterion of chronological age tended to homogenise a population group from the age of 65 upwards. Differentiating between different stages of old age assigns different characteristics to each age group and each gender (Arriagada in Aguirre, 2018:9). The population over the age of eighty is of most concern, due to a greater probability of situations of dependence and invisibility.

The Council of Europe defines dependence as “a state in which persons, by reason of lack or loss of physical psychological or intellectual autonomy, require significant assistance or help in carrying out their usual day-to-day activities” and adds that, “Even though dependence tends to increase with age and is characterised in old age by the frequency of associated multiple health problems, age is not the only criterion of this state.”

The data show us that the demand for care for elderly people in a state of dependency has increased significantly in recent years. The Observatorio de Dependencia (Dependency Observatory), according to the data of the SISAAD (Information System of the System for Autonomy and the Attention to Dependency), states in the

“XXI Opinion of the Dependency Observatory” (2021) that in Spain 71.8% of recognised dependents are over 65 years old and those over eighty form 53.7% of the total. Furthermore, it adds that, although until 2019 the calculation of the potentially dependent population included people over 65 years of age and under 65 with disabilities, from the year 2020 onwards people over 65 years of age ceased to be considered potentially dependent, although 100% of people over 80 years of age continued to be considered as such (2021:64).

In this regard, an increase in dependency rates tests the ability of society and its institutions to adapt to new realities.



In addition to the causes and effects of aging on the person themselves, it is necessary to take into account their impact on society in general and on their immediate environment in particular. Although the need for assistance or care arising from situations of dependency has always existed, what has changed today has been, in the first place, its aspect as a consequence of a higher life expectancy; its social significance, whereas previously it was a private or family matter, it has now begun to be seen as an issue affecting society as a whole; and its nature, since it implies a reformulation of the aims and the role of the Welfare State and implies new commitments to protection and financing.

In short, the first challenge facing the future of society today is to meet the needs for care and attention which, in the various stages of the life cycle, are required to a varying degree. In addition to any other aspects of social protection and health care measures necessary to improve the current expectations of the families and caregivers of these older people. Due to this, four main goals have been set at a European and a global level:

- ◉ Manage the provision of appropriate care by developing a continuous care system.
- ◉ Improve support for family members providing care.
- ◉ Provide palliative care to achieve a more dignified end of life.
- ◉ Achieve greater integration of older people in society through promoting active attitudes and creating friendly spaces for them.

## New times, new families, and new care models

Caring has become a key concept for analysis and research regarding social protection policies. As far as older persons are concerned, we can talk about two areas of care: the family, whether it constitutes a space of daily coexistence or not; and extra-family or institutional care, such as residences or day centres for older people.

The XXI Opinion of the Dependency Observatory (2021: 35) defines the profile of the caregiver in terms of age, sex and kinship as follows:

“

**74.4% are women. 45.7% are between 50 and 66 years of age and 28.8% are between 16 and 49 years of age, 7.5% of caregivers are over 80 years old. As for kinship, 35.6 are children, 23.2 mothers, 19.7 spouses, 4.7 siblings and 3.1 fathers.**

”



The data confirm that care, whether paid or unpaid, is a women's job. The feminisation of care has an impact on women's lives which become apparent in their old age in different ways:

The position of women as caregivers means that, in many cases, they continue to provide care to other people throughout their life cycle, even when they are the ones who have conditions requiring some form of care. Older women may find themselves at the intersection of different inequalities due to their sex, age, deteriorating health or dependence, placing them in a position of greater vulnerability and at risk of suffering abuse.

Furthermore, as we have seen, demographic changes have an impact on care situations and lead women to spend more of their life cycles providing care. The coexistence of several generations in a single household intensifies the demand for long-term care. It is older women, outside the employment market, who provide care for children. Meanwhile the middle-aged population bears the burden of paid and unpaid work (Durán, 2018: 95).

Likewise, the work of caring for people in situations of dependence requires long-term caring and is time intensive, possibly giving rise to a series of significant problems due to the care overload of those performing it. This care overload has been defined as the set of physical, psychological, or financial problems that persons providing care may experience.

The care crisis reflects that the sexual division of labour which traditionally assigned to women the duty to care for others throughout their lives, has been curtailed today due to the incorporation of women into the world of work. Women are no longer available for full-time care. Moreover, to this must be added the changes in family structures. The White Paper (2004: 33) states:

- ◉ The disappearance of the extended family.
- ◉ The blurring of the profile of the family as a permanent institution, which translates into an increase in separation and divorce.
- ◉ Increased geographical mobility and, as a consequence, the weakening of family solidarity networks.
- ◉ The variety of family models, increasing amounts of people live alone, or as a part of single-parent families.
- ◉ The democratisation of intergenerational relationships and relationships between partners.
- ◉ Children who remain at home in their thirties.
- ◉ Changes in the social position of women and, therefore, changes in the role of the family.

This set of circumstances has subjected families to significant tensions to adapt, leading to the emergence of conflicts that, in most cases, have negative repercussions on the distribution of

family obligations and the quality of relationships. Poor management of the evolutionary changes of the family can lead to the best interests of the person in a situation of dependence not being taken into account or being subject to neglect. Therefore, developing mediation strategies which prioritise family negotiation for conflict resolution is recommended in order to facilitate confronting care responsibilities.

The new family models, added to the incorporation of women into the world of work, are causing a crisis in the informal support that sustained care. Thus, while the demand for care increases, the possibility of responding to that demand within the family context decreases. In this sense, it is important to take into account the major role migrant women are playing in delivering care. This global dynamic of transferring people caring roles, from the countries of the global South towards the countries of the North is known as the global chain of care. In these cases, again, care work is undervalued. Furthermore, inequality becomes more intense in this field taking into account that it is usually poorly regulated work, poorly paid and based on a hierarchical relationship. Migration studies also include in this analysis the transnational kinship networks arising in these cases.

Responsibility for care is considered a moral obligation derived from kinship ties (Comas, 2017: 23). Anthropologist Dolores Comas reflects on debt as the ethical foundation of care which, however, is unevenly distributed. Quoting Margaret Mead, she argues that commitment is the result of prioritising some options over others. However, she maintains that so long as care is provided non-freely through family obligation, is unpaid and assigned to

women but not to men, equality between the sexes will not be achieved, and neither will it be possible to build a sustainable care system. Commitment is necessary, both at an individual and a social level. Social justice demands that this social debt should be a responsibility shared between the sexes and generations, as well as between the individual, the family, the State, and the community.

From different points of view, the need has been raised for a political agenda which considers care as a cornerstone of the way in which societies work, which is sensitive to conflicts of interest within the family and distributes care more equitably. Approaching care as a right promotes empowerment, setting up care as a field for bargaining. In this sense, the empowerment bestowed on us as subjects of the right to care, to be cared for and self-care, generates new transformative frameworks in relationships.

Legislation is a tool, as much as the interpretative approach delivered through court rulings. It is not the same thing to resolve a family conflict only by agreeing on visiting hours than by recognising a right to care which has a much broader and negotiable system in relation to situations that are usually extremely conflicted. On this issue, one of the aims of the Sustainable Development Goals of the United Nations demands that we should “Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.” However, reality shows that legislative reform is not enough, but rather it is also necessary to promote social co-responsibility for caring. Mediation achieves certain changes,



reformulating behaviours and meanings associated with a story, which are required to address reality as a solution to conflict. The mediation model with older people is aimed at changing those perceptions that hinder the decision-making capacity of people as they get older, at the same time as those ideas about what parental behaviour should entail (Bernal, 2012: 200), giving rise to an absolute dedication towards sons and daughters.

### ***Autonomy, participation, and the rights of older people***

In order to enable older people to enjoy their rights and autonomy and allow them to play a part in society to the fullest extent possible, situations of vulnerability should be taken into account and, if necessary, specifically addressed by policy makers at all levels. In the care and attention process, regardless of who performs them - whether they are a family member or a professional - and of the place where they are carried out - at home or in a residential centre - the focus of attention should be on capabilities rather than deficits, as well as setting goals related to minimising dependence and reinforcing personal autonomy.



There are three situations in which older people are dependent upon their environment:

- 1 Those who live alone in normal houses or flats.**
- 2 People discharged from hospital, with long-term care needs and suffering from geriatric and/or gerontic-psychiatric illnesses.**
- 3 People suffering from chronic-degenerative diseases who are at risk of losing their autonomy.**

The growing demand for care services coupled with a continuous shift of disclosed preferences from residential care to outpatient and home care, or community-based care, in general places care needs at the centre of the current and future well-being of older persons. The demand for care will be medical, but, above all, non-medical in nature, with services that include social care, from nursing to domestic help, from informal family care to community care, from prevention and rehabilitation to palliative care. However, as far as long-term care is concerned, both financial allocations and personal services appear to fall short of meeting the needs of dependent older people and their families.


As stated in the European Commission's *Green Paper on Ageing* (2021: 25) "Addressing the challenges and opportunities of ageing is therefore an individual and collective responsibility... there are many ways of preventing or limiting the negative consequences of ageing on our society. These include promoting healthy and active ageing, improving the resilience of our health and care systems, improving labour market performance, modernising social protection," and especially fostering solidarity and responsibility between generations.

The trajectory of people has changed and, therefore, today's older people want to play a part in society. The World Health Organization introduced the concept of active ageing as the foundation of satisfactory ageing to overcome how people aged in the recent past, where physical immobility and passivity predominated. Subjects do not age independently of other social phenomena, although the way they age is also not fully determined by the culture, sex, ethnic-racial group, or the class to which they belong, as structural positions. Each era generates its own subjectivity based on the different social institutions, which varies according to the dimensions previously proposed (Aguirre, 2018: 23).

The pandemic we are experiencing has shown that we are all vulnerable, however, the disproportionate impact of the pandemic on older people has highlighted some of the challenges posed by an ageing population to health and social care. In the context of COVID-19, an analysis of its impact on long-term care and the guidance offered on managing the pandemic in the field of long-term care highlight structural weaknesses (Green Paper, 2021: 20).

The situation of older people is very heterogeneous and is based on their age, sex, socioeconomic status, place of residence, etc. This lack of homogeneity in turn leads to a diversity of situations regarding health, well-being, limitations, and dependence levels. Most older people are independent, disability-free, autonomous, and socially integrated. The new models of old age dismantle previous practices and discourses regarding the elderly. Ageing is not only a demographic issue, but also the result of a specific form of economic, political, and cultural interaction among all age groups.

Currently, and for the first time in history, the coexistence of four generations of the same family is common. However, the growth in the number of older people has not gone hand-in-hand with social appreciation, but, rather to the contrary, their influence has decreased. Ageism continues to be very present in our society. We talk about ageism to refer to the ways in which we think about, perceive and act regarding another person due to their age. People are more vulnerable to suffering the consequences of ageism if they are older or if they are in a situation of dependence. But it is also a collective issue that breaches intergenerational solidarity. Strategies that could be used to combat it could include taking advantage of laws protecting the rights of older persons, education and promoting intergenerational encounters and relationships, three aspects that would be included in a mediation service.

A photograph of two women sitting on a grassy hill overlooking the ocean. The woman on the left is wearing a white wide-brimmed hat and a light blue ribbed top. The woman on the right is wearing sunglasses and a light blue and white striped top. The background is a vast, calm blue ocean under a clear sky.

**Intergenerational  
mediation with  
older people: a  
tool for quality of  
life in old age**

**3**

Intergenerational mediation with older people is a form of mediation taking place in the course of any conflict involving older people, their family members, or other persons of importance in their lives. This approach offers a space for participation where older people can express their own way of feeling and thinking, so that decisions are made in accordance with their wishes and needs. Mediation is a form of conflict resolution in which the parties involved, with the help of a third-party external to the conflict, who is impartial, neutral, and specifically trained in mediation, will attempt to reach agreements without having to resort to enforcing solutions or judicial proceedings.

**“**  
**The purpose of mediation is resolving a conflict collaboratively, that is, that the parties that who are in conflict seek, between themselves, a solution. It is understood that no one better than the parties can reach agreements, because no one knows their life or their relationships better than themselves.**  
**”**



It is about people looking for their own means to resolve conflicts, in order to restore their own desired life project and their future prospects. The aims of mediation include an opportunity for the parties to express themselves, define and clarify problems, understand the different perspectives from which the conflict may be viewed, identify interests, explore, and assess possible solutions and, when desired, reach agreements which satisfy all parties.

**“**  
**For families, managing these processes, of which they are frequently unaware, becomes a source of difficulty and conflict: they usually act with a sense of urgency, without an overview of the processes and even denying them because these processes question, and in many cases, pull apart, the network of balances woven for many years around fatherhood/motherhood and sibling relationships.**  
**”**

“

**Mediation helps families, minimises the intensity and duration of conflicts, and optimises resources. Often the blame or damage that we cannot resolve within the family is shifted to the administration. Because it may be good or bad, but it is the default in our society, because the world of family throughout the Mediterranean arc is very important and remains the central location where such issues are settled.**

”

The mediation process is based on a nonconfrontational approach, appealing to a win-win strategy, as compared to the win-lose strategy, more typical of judicial processes. Under this principle, all parties benefit since it provides the opportunity to restore relationships where people feel recognised and valued. Its restorative nature is an added value, since it allows the social support network to be kept in place, which results in quality of life and subjective well-being, not only for the older person, but those belonging to any age group (Pinazo, 2005: 221).

Mediation helps keep communication open, during which conflict management skills are acquired, so that a negotiated solution can be reached. The process presents the opportunity to learn more about others, as well as the possibility for greater self-knowledge (Cendrero, 2006: 167). Therefore, we can say that it is also a learning process whereby people become aware of different points of view, their insight is broadened, and responsibilities are assumed, an understanding being reached of both their role in the conflict and the solution.

The mediation service also offers a safe and trustworthy space where any situation of elder abuse can be communicated by any of the parties and, from there, any abuse or neglect in future situations (Braun, 2019) can be prevented. Although, as we will see later, it is necessary to ensure a professional approach, as well as the good quality of the programme based on a correct interpretation of rights.

Within the framework of the “National Strategy for Older Persons for Active Ageing and for Their Good Treatment” (2017), approved by the State Council of Older Persons, family mediation is demanded as one of the action points (6.3.6.) related to the prevention of ill-treatment and abuse of the elderly: “Create as a rule, implement, and extend free family mediation services available for the resolution of family conflicts. Develop and extend awareness of the figure of the family mediator”.

The aims of the intergenerational mediation process with older people are:

- ◉ Optimise quality of life and relationships for all participants, including older people.
- ◉ Help participants communicate openly and gain a better understanding of the situation or situations with which they are dealing.
- ◉ Encourage older people to be the main subject of changes affecting them.
- ◉ Promote joint decisions to strengthen family bonds.
- ◉ Recognise the responsibility of all participants in order to respect their agreements/commitments.
- ◉ Hold discussions via mediation leading to fair agreements taking into account the participants' shared needs.
- ◉ Respond to immediate concerns.
- ◉ Adopt a proactive attitude regarding prevention to promote well-being.
- ◉ Separate physical growth from psychological growth.
- ◉ Recognise the emotions of older people.
- ◉ Recognise that not all mediations will lead to mutually agreed and mutually acceptable outcomes.



Intergenerational mediation can reduce stress in families. It has proven benefits for health and well-being: it improves the functionality of the family support network, strengthens interpersonal communication, and often delays or prevents the need for institutionalised care.

“

Keep people in their usual environment as much as possible, to do this we must help the family access mediation regarding the conflict, providing the services that implies, and the older person themselves (...) When entering residential care is the last resort, or as the case may be, an informed choice of the person concerned, because in that case, we will be confronting a different situation. But right now, there's residential care, and that's why there's a long waiting list, because we're using residential care to address things that could be addressed through other options, you know? In any case, considering these options the family gets lost, because this is where the real arguments break out, relationships with parents, relationships with children, all of which have been in a fragile balance throughout adulthood, at this point in time begin to topple. Then of course, all those conflicts which had been set aside begin to come out. Families then tend to get lost in those conflicts, because they are very extreme conflicts, and very significant ones, on an emotional level they have long-standing implications, so it is very difficult for them to step outside the conflict.”

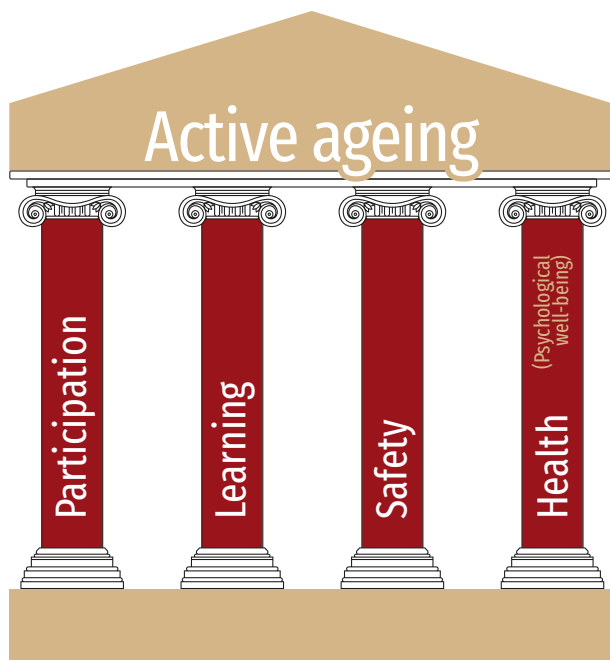
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Nobody wants to enter residential care, so this is a very hot topic in society, and there it is (...) We are asking that there be a sort of parents' association in residences, I don't know whether it would be connected to mediation, so that it is formed by female workers, relatives and the resident herself, the user, and people with hands-on experience, and then, that everything is discussed and managed there, an association, let's say, a residential parents' association (...) I believe mediation should take place when the decision is taken, if she is living at home, why should she go into residential care? Why? Mediation should start at that point, at what point? Why? Can we fix it in any way? Because often you crunch the numbers, and then you say, well, may be, a person can come here for a few hours and stay. How much does the residence cost us? The flat belongs to her, the financial part, mediation would be there, at the point at which numbers are crunched. Of course, often, we put that bit to one side, the bit where, well, we evict her from her flat, and I keep the flat, we are going to ignore that part, which is what happens sometimes. But one of the rights of people is decision-making, I want to stay in my home, how can I stay? (...) That's what mediation is for, to see how the issue can be addressed. Because may be the family itself doesn't know about those resources, and often it's purely a matter of convenience, the time has come, and I just put her into a home.”

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Therefore, it can be said that mediation with older people covers the four pillars of the active aging model, promoted by WHO in order to improve the quality of life of people as they age:



## Mediation with older people

The application of mediation in the field of older people offers a necessary alternative for the peaceful management of conflicts in relationships between people living together. Within the framework of psychosocial intervention, mediation can supplement prevention, promotion, and health education, while at the same time preventing escalation and the effects of unresolved conflicts (abuse, violence, etc.).

## *The Comprehensive, Person-Centred Care (CPCC) Model*

This is the theoretical starting point of intergenerational mediation with older people. Comprehensive person-centred care is aimed at achieving improvements in all areas of the person's quality of life and well-being, based on fully respecting their dignity and rights, their interests and preferences and counting on their effective participation.

The process explores those solutions which, in accordance with the rights of the older person, promote the well-being and quality of life of all parties concerned (McCann-Beranger, 2010).

Following the classification proposed by Pilar Rodríguez (2013), the principles and criteria of the CPCC model are:

### ***Principle of Autonomy:*** *Criteria of diversity and empowerment*

People have the right to control their own lives, therefore, in order for the person to be able to put into practice their rights and autonomy, the range of available possibilities must be broad. Furthermore, the process and the decisions made will have the aim of recognising and stimulating their capacities, empowering the person.



**Principle of Individuality:**  
*Customisation and flexibility criteria*

Every person has their own singularity, decisions must be adapted to their specific needs, and be flexible according to the changes that may take place in their lives.

**Principle of participation:**  
*Accessibility and interdisciplinary criteria*

Persons in a situation of dependency with disabilities have the right to fully access and take part in social life. To do this, planning is required to reduce the risks of social isolation.

**Principle of Independence:**  
*Prevention and visibility of capacities criteria*

The capacities of the elderly person must be recognised and stimulated, that is, attention should not be paid to limitations, but their abilities should be stimulated with the aim of increasing their self-esteem and well-being.

**Principle of social inclusion:**  
*Proximity criterion and community approach*

Older people have the same rights as any other member of the community, their participation, and the resources available to them in their closest environment will be enhanced.

**Principle of Integrity:**  
*Criterion of globality*

The person is a multidimensional being in which biological, social, and psychological aspects interact. Thus, planning demands a global overview of the person.

**Principle of continuity of care:**  
*Coordination and convergence criteria*

People in situations of dependency must have access to the supports that are required, for which all available resources must be considered.

Concepts such as autonomy to direct one's life, provision of support to promote independence, and the integrity of policies and actions are key aspects to take into account in a model whereby safeguarding the fundamental rights of older persons, as the best guarantee for preserving their dignity, becomes the central axis of any intervention.

Mediation is based on a wellness model promoting this person-centred approach for everybody involved in the process, exploring how quality of life for everybody involved can be improved. The role of the mediator is not to impose solutions but, rather, to facilitate dialogue between those taking part, so that the parties themselves devise the solutions that best suit their circumstances.

**Professionals like us, accompany the person; obviously with aims that must be agreed by both parties, and we place our knowledge at the service of others to create a safe environment from which to examine, query and test new alternatives to their situation, relying on their own capabilities, placing their autonomy above our knowledge and the organisation's needs.**

This model emphasises the needs of older people while respecting the rights of every participant. The specialist area of intergenerational mediation with older people has a preventive component and allows members of the family to plan ahead, for example,

based on potential care needs, thus ensuring that the will of older people is included in future decisions.

“

**What I see as important is that families should not engage in mediation without considering older people. At some point, the older person or persons must play an active role in that process, because, if they don't, in the end you are objectifying and infantilising them. In other words, at some point they must be able to express their opinion regarding what is being decided and then, you must reach agreements taking that into account, and that has to be on the table from the beginning, that is, none of your agreements are going to be valid if your parents don't agree with them, that's one of the most difficult things (...) That's when you're really mediating, when you help the children realise that their father is the one who takes decisions about their own life, and they must accompany them throughout that process.**

The comprehensive, person-centred (CPCC) intergenerational care model with older people presupposes an intervention ethic which implies that the person subject to the intervention has the right to exercise their autonomy to carry out, as best they deem appropriate, strategies aimed at managing their life project.

Ethics is responsible for reflecting on the most appropriate way in which to carry out activities regulating the actions of people, working from the field of interpersonal relationships to take decisions

binding different members of a family who, due to the support needs of another member, are in a state of need or conflict. In this sense, it would be responsible for ensuring the quality of the mediation process, as well as serving as a reference point to resolve the possible ethical dilemmas that may arise in professional practice (Asensio and Góngora: 2016).

The basic and universal principles guiding the appropriate performance of professionals, and which can be used as an analytical tool to resolve conflicts can be expressed as follows:

**Respect for autonomy:** the principle of respect for the decision-making capacity of autonomous persons.

**No harm:** the principle based on avoiding causing harm.

**Beneficence:** the principle that ensures benefits are provided, as well as balancing those benefits against possible risks and costs.

**Justice:** the principle covering the distribution of benefits, risks, and costs in a fair and balanced way.

In addition to these basic and universal principles, it is appropriate to bear in mind other values which, considering different cultures and jurisdictions, must also guide the mediation process with older people. In this sense, the Elder Mediation International Network (EMIN) has established an ethical code setting out the principles and good practice that define ethical behaviour and values. An ethical code that has been built and continues to be built from the knowledge and experience of mediators, individuals and organisations working on ageing issues in different legal systems and cultures, and which, additionally, has been approved by intergenerational mediation associations from different countries (Canada, Ireland, Switzerland, and the Australian Network of Mediators with Older People).



## **The ethical criteria are as follows:**

### ***Person-centred intervention***

Support interested individuals and participants (individuals, families, family support systems, caregivers), while at the same time guaranteeing to uphold the self-determination, dignity, and quality of life of the older person.

### ***Respect***

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

### ***Wellness and Prevention***

Promote general well-being through preventive interventions.

### ***Responsibility***

To achieve a viable outcome in the mediation process.

### ***Equity***

Promote the equity of all participants in the mediation process regardless of sex, age, culture, religion, or socioeconomic status.

### ***Cooperation***

Mediation seeks the parties' cooperation to resolve their dispute, rather than confront each other. It involves working in partnership with all stakeholders to achieve an optimal outcome as determined by those taking part in it.

### ***Quality***

Ensure that the mediation process is based on researched results based on empirical evidence.

### ***Completion time***

Conduct the mediation process in an efficient and timely manner.

On the other hand, there are a number of ***Normative Principles*** based on which mediation is configured and developed:

## **1 Voluntarism:**

This is mediation's starting point, characterised by the will of the parties involved in the conflict to initiate, continue, or abandon the mediation process at any time they may wish or decide to. Mediators should recognise each participant's ability to consent or agree to the mediation services and maximise opportunities for individuals to take part by making the appropriate modifications to the process.

Where mediation services are being provided to older people who cannot give their voluntary consent, mediators will need to find appropriate ways for including their voice in the decision-making process through their representatives.

Mediation is voluntary and self-directed in nature, giving the parties full decision-making power; the parties who go to mediation are the real protagonists of this process from start to finish. The essence of mediation is the belief that the individual has the capacity to solve their problems for themselves, but, at certain times, professional assistance is required to help regain trust in and communicate with others, in order to unlock the situation and find a way to resolve issues concerning them and which generate disagreements.

“

**Yes, bear in mind that a mediation service is a voluntary service which families access because they want to. The type of families we work with are very different to those families served by social services, because we do not usually work with challenging families or families, I don't know... What I'm saying is that they are not social service clients because those families do not go to voluntary services. So, the families we work with tend to be families who worry a lot, where there is an excess of overprotection, that is also a bias for the type of families that we work with in mediation.**

”

## 2 Confidentiality:

Mediation service sessions are always covered by professional secrecy. This ensures that people can express themselves with total freedom, which will be useful when building a relationship of trust with the mediator.

The mediator will not disclose to anyone who is not involved in the mediation any information obtained through the mediation process except:

- ◉ **Where the information discloses an actual or potential threat to human life or safety, or actual or potential abuse.**
- ◉ **With the consent of those taking part in it, the mediator may discuss the mediation with the participants' lawyers and other people.**

## 3 Flexibility:

The mediation process should adapt to the needs of the people it is working with. Every person taking part, as far as possible, must have the opportunity to speak, be heard and articulate their own needs, interests and concerns.

The mediator must ensure that all the needs and positions of the participants are presented clearly and fairly, so that those taking part can appreciate the circumstances of all those involved.

Likewise, it must be ensured that an older person in a situation of vulnerability is heard equitably. This may require an agreement as to who will represent this person's views and interests.

“

In the course of an older person's life conditions can change a lot in a very short time, cognitive state, physical autonomy, there are many variables, which could affect a disease getting worse, there are many factors that make it very complex.

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“

You must differentiate when the person is autonomous and when they are not, because of course, if you have a cognitive impairment even if as an older person you have many rights, there are limitations. Cognitive limitations affect the abstraction of reaching agreements and stable commitments over time. Furthermore, in addition, to what I have said before, these things can frequently happen over a very short time in older people. Therefore, of course, they must discriminate well. That is, imagine you belong to a family in which everyone can see the cognitive decline except the mediator. Imagine they're trying to come to an agreement, well, it's a bit silly, isn't it? But in order to see things as they are, you must have an evolving vision.

”

#### 4 Neutrality:

Neutrality is intimately linked to the mediator's attitude towards the possible mediation outcome and the fact that their values, feelings, and prejudices should not condition the process.

The person mediating the process must retain a neutral posture and mindset, without giving in to their own inclinations or preferences, and respecting the preferences of the people subject to mediation.

“

In mediation, neutrality is principally directed at the mediator's personal issues, that is, accordingly I must be able to refrain from putting into play, my values, my ideas, my prejudices, or my personal biases.

”

Mediators may withdraw from mediation when the cultural values of the participants are in conflict with their personal values.

They have a duty to step out of their neutral role and act to protect a person if a family member displays intimidatory or abusive behaviour during a mediation or negotiation process.

#### 5 Impartiality:

Impartiality is based on the need for the parties to be in balance so that they can negotiate on an equal footing and reach results that they perceive to be fair.

The mediator must retain impartiality regarding the participants and their problems and act without favouritism or prejudice, treating the persons intervening in the mediation with objectivity and without making distinctions that could harm them or unbalance the process. Mediation shall ensure balanced conversations and not allow

any participant to employ manipulative or intimidating tactics.

It is essential to recall that it is the parties who must reach an agreement between them. Mediation must ensure that they reach agreements with free and fully informed consent, voluntarily and without undue influence; the mediator will only be responsible for facilitating the finding of solutions or possible agreements.

“

**Impartiality is directed more towards family members, my impartiality would involve everyone having time to express their ideas, everyone being able to speak, that is, my impartiality is directed towards that, from the mediator outwards.**

”

On the process of intergenerational mediation with older people, the complexity of the mediator’s situation must be borne in mind. In no case can they provide a solution to the conflict, and they must never position themselves in favour of any party.

## 6 Immediacy:

Due to its preventive nature and for handling crises in the shortest possible time, the family mediation service must be provided as quickly as possible, and procedures and processes should be simplified.

## 7 Best interests of older and dependent persons:

During the mediation process mediators manage negotiations, helping the older people and other

family members and/or caregivers taking part to make their own decisions without judging or valuing their competence.

As subjects of law, older people have the right to decide how they want to live. In those situations, in which more care is required or where there are conflicts, mediation is a tool whereby they can make decisions according to their needs and desires.

## 8 Good faith and transparency:

Throughout the entire mediation process, transparency, and good faith on the part of all those involved must prevail.

## 9 Fair negotiations:

Mediation must ensure that negotiations take place in a fair, orderly and inclusive manner in order that an agreement can be reached.

The mediator must ensure that all voices are represented in the mediation process, to balance and reconcile the rights of the people taking part, enabling them to make free and informed choices.

It needs to be insured that everybody taking part has the opportunity to understand the implications of the available options. If a party requires additional information or assistance to ensure that negotiations proceed in a fair, orderly and inclusive manner in order to reach an agreement, the mediator must provide the appropriate resources.

## 10 Professionalism:

Intergenerational mediation with older people must be carried out by professionals who have sensitivity training and training directed towards helping families resolve the complex life problems faced by older people and their families. For this they need knowledge about old age and specific training enabling them to acquire the necessary skills in order to apply best practice for mediation with older people.

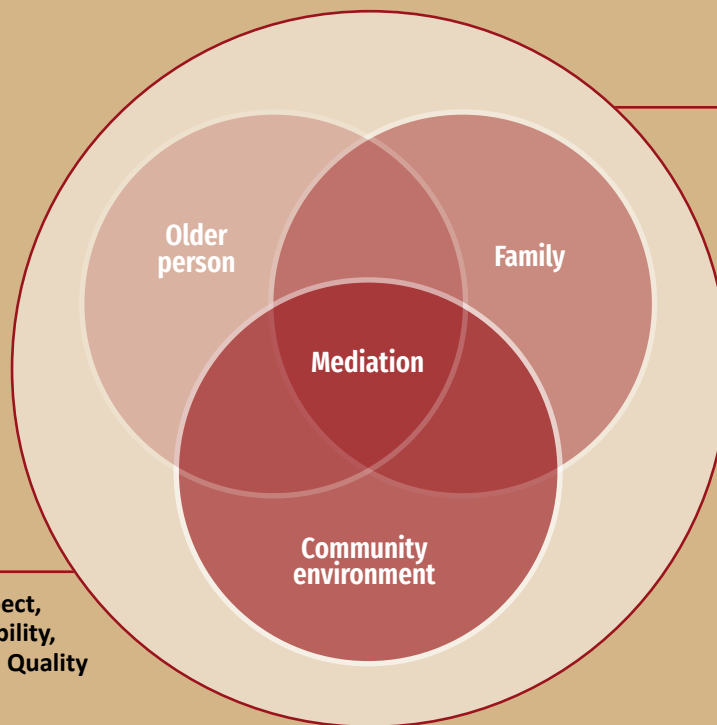
The mediator should promote cooperation with professionals in other areas, the law, mental health,

social services and other service providers and be aware of the appropriate community resources for referral, encouraging those taking part to use other professional resources where suitable.

## 11 No ability to impose a decision:

The mediator is not a judge nor an arbitrator because he or she has no decision-making power. They must favour communication, and negotiation so that the parties can, by themselves, reach agreements.

## Mediation with older people



### Ethical criteria

Person-Centred, Respect, Well-being, Responsibility, Equity, Collaboration, Quality

### Principles of mediation

Voluntarism  
Confidentiality  
Flexibility  
Neutrality  
Impartiality  
Immediacy  
Best interests  
Good faith and transparency  
Fair negotiations  
Professionalism



## Stages of mediation

Mediation has a specific methodology and is assisted by specific techniques. However, it can and should adapt to the personal and human reality with which it is working. It is a structured but flexible process, which **adapts to each conflict and those playing a part in it**. It is carried out over several sessions where the parties, with the mediator's help, can discuss and understand each other and reach an agreement.

A realistic goal for mediation is resolving disagreements or managing conflicts through a series of defined stages, and the use of certain techniques to achieve the necessary goals. It is not, therefore, a punctual or rapid action, but it requires a period of time over which stages must be met that have a continuity and lead to an outcome.

### Mediation consists of several stages.

#### 1 Pre-mediation phase

Once the parties involved in the conflict decide to use the service, the process begins with a Briefing, to promote awareness of the two points of view of the conflict and investigate the relationship between them.

The mediator summons the parties to a prior briefing, in which they inform them about the nature and basic principles of mediation, about the mediator's role, the contraindications of mediation, the number and duration of interviews. This is aimed at building confidence in the mediator's professional and human

capacity, transmitting the values of mediation and assessing with the parties the need for setting action guidelines, addressing any doubts which, where appropriate, the parties raise.

The mediator must inform the parties in detail about the definition of the process, in particular they must:

- Define and explain mediation, distinguishing it from other tools such as counselling, conciliation, therapy, evaluation, defence, adjudication, and arbitration.
- Discuss the potential benefits and risks of mediation for the people taking part in it in light of their particular circumstances and the alternatives available.
- Provide information about the confidentiality of mediation and the limits of the same.
- Inform the parties about the voluntariness of the mediation, and that both they and the mediator have the right to withdraw from the process at any time.
- Indicate to the parties the role and importance of legal advice.
- Discuss with the parties the mediator's specific procedures and practices, such as group meetings, or when and why separate sessions can be held for individual participants, while upholding the rules regarding the confidentiality of such sessions; or when and why other people should participate.

In this first meeting the parties will explain their conflict to the mediator and their respective opinions. They will then all agree a schedule of issues to be resolved that will be dealt with in subsequent sessions.

The mediator will attempt to obtain all the information they require about the current situation and about the circumstances which, according to the legitimate interpretation of each participant, has led them to resort to mediation.

## 2 Developing family mediation or grounding session:

In which the object(s) of the conflict that is submitted to the mediation process will be established.

During the next stage, we will move on to the joint session, which will be used to attempt to identify the information external to the conflict that has arisen, and which begins to emerge during the conversations, what Marie Theault, during the training workshop organised by UNAF, called “the account book.”

furthermore, it is also about identifying what is not being said: “What is not spoken does not exist.” Another opportunity offered by mediation is for other conflicts to come to light. Thus, this session is about redirecting the conflict so it can be worked on and jointly establishing the issues to be resolved, or the proposals that will be worked on until reaching the final negotiation.

“

**You must renegotiate the request a little bit, mustn't you? Because if perhaps a family comes to you feigning that the issue we have is that my son is failing his exams and we want him to get A's in everything, well perhaps we won't be able to work on that, but we can work to ensure that your relationship is not damaged if your child fails his exams. Above all, if the kid is older and this is something for which he himself will have to take responsibility, then yes, you renegotiate a little what they are asking of you, so it becomes something you can genuinely work on in mediation.**

”

### Collecting information

Any mediation process will necessarily have to begin with an exhaustive *information collection* process which allows the “issue to be defined”, to be clearly outlined; that is, to gain as much awareness as possible of the opposing views, as well as all those items feeding into and limiting them. This is essential to perform the mediation correctly.

Following these initial steps, and once the mediator is able to discern the problem itself, they will need to ensure that the parties are also able to “define the issue” themselves. This makes all subsequent steps much simpler.

From here you can generate options to address the issue recognised or detected. It is important that the options do not come from the mediator (it would be a directed process), but rather the mediator should

be capable of encouraging the parties involved to propose possible solutions.

Once the issues to be addressed have been agreed, a proposal will be made, even including the possibility of consulting other parties, who may have something to say, family, friends, caregivers ...

### ***Multi-party mediation***

Mediation with older people often involves many people, multiple stakeholders may intervene. In this form of mediation, the mediator is responsible for ensuring that all family members who are involved in providing support and other important people, including key people such as the caregivers of a dependent person, are invited to take part, and may even enable the use of technology so that those who cannot attend in person can contribute to the sessions.



“  
Since we work using a systemic model, we work with the entire family, and if we consider that the grandfather or the grandmother is a central figure in that family, we also invite them to attend the session.”

“  
But regarding adults, the protagonists are the older person and as many sons and daughters as there may be, and that can be one, two, three or however many there are, with their corresponding contexts. So, of course, that means, from the point of view of handling the mediation, that it becomes a lot more complicated.”

“  
I believe a professional has to take into account that there are people who may not be recognised as part of the family, but who are really important, and this should be borne in mind when it comes to working on the issues, when it comes to inviting people to attend, it is something the mediator must consider, and if they don't, I don't think they would be doing their job well.”

The mediator has a responsibility to encourage reluctant people to take part, making them aware of the benefits of that participation. However, not everyone needs to be part of the entire mediation process.



“  
In the mediation process, the mediator must understand, they must know the family, they have to track and see, apart from kinship relationships, if there are any significant non-kinship relationships and they have to be aware of them for their work, if such people exist, they should be invited, of course.”

“  
It's not just caregivers, you can also have very meaningful relationships with people who are not your direct kin, let's say, and they don't necessarily have to be a caregiver, either, but someone who is part of their life: a neighbour, a friend.”

“  
Obviously, most of the daily or day-to-day life of older people who live alone, and not with their children, possibly either in a residence or with caregivers outside the family who clearly tend to be women, well they are mostly women, only very rarely is there a male caregiver, and therefore many of the conflicts that take place, involve the caregiver. What happens is that of course, there are other things, such as power relationships; then, of course, mediation involves, when it refers to interpersonal relationships, emotional exposure, this it seems to me, is the main difficulty.”

“

**I believe that there are several issues and one of them is care. Of course, the power relationship, if it involves a person, is supposed to be subject to a legal contract but that is a very big presumption, and on the other hand, there are the other family members who exercise control. But the reality is that in everyday life the relationship with caregivers is essential, not only for the older person themselves, but for the caregivers, and let's say it clearly, for foreign female caregivers, who, also live in highly stressful situations, the stress is not only the family's stress, caregivers are highly stressed too (...) In other words, any messages can be absolutely contradictory, perception, that is to say, it is a very complex situation for caregivers, a very difficult one.**

”

All the alternatives generated during the process will in themselves imply an initial “redefinition of the problem,” as an alternative, desirable future. This does not end the mediation process but opens the way for a “negotiation” between the different positions on the situation being mediated.

### **3 The Mediation Agreement**

This is where the solutions that have previously emerged are being negotiated. As a result of this negotiation, an “agreement” must emerge, which will be nothing more than the culmination of the entire methodological process, and which will imply that the initially irreconcilable positions have found away or a route towards resolving the conflict, and that they commit themselves to it.

The agreements reached must meet the conditions of being achievable, realistic, conscious and the result of consent and the fully informed will of the parties. The mediation agreement must faithfully reflect the decisions, commitments and agreements of the persons intervening in the mediation and must be drafted using the words and expressions of the people who have contributed to it, so that they can feel and live it as their own. This document will be signed by the parties and the mediator.

Mediation agreements constitute a private contract between parties and are therefore binding between them. The mediator must verify that the persons are aware of the meaning and consequences of the agreements adopted.

Where such agreements have legal significance, the parties shall be advised to submit them to their lawyers, so they can give it the corresponding legal form. In accordance with **Law 5/2012, of 6 July, mediation in civil and commercial matters**, if the agreement contains matters of a dispositive nature, may be presented to a notary public so they can convert it into a public deed and thus it becomes enforceable.

#### ***The written summary***

When the time comes for an agreement, a draft will be prepared so that the parties can be clear and reflect on what they are committing themselves to, consulting, if necessary, their respective lawyers and/or trusted people, so that the draft can be adjusted to become a final agreement. Thus, the parties should be made aware of any jurisdictional requirements related to mediation agreements and participants should be encouraged to seek independent legal views and advice prior to entering into a binding mediation agreement.

“

The mediator must have legal training, although specialists and jurists form part of the teams, they cannot act in conflict situations, the parties must know, and if they do not know, they must be made aware, that they have rights and obligations and that there are other forms of conflict resolution that are not mediation. Therefore, in these cases where there are very conflictive situations, well, in order to protect my father, if I have to go to the public prosecutor's office and request that they limit his legal capacity, because either they declare him incapable, as a last step, but limiting his legal capacity is for the good of my father, that is what many think. Therefore, the mediator must have a minimum amount of legal knowledge.

”

“

Okay, the criterion I use is when I think 'this family is ready to go outside, we should be closing it down', is when there is a session during which you have the feeling that the conversations you are having with them are ones that you have already had. It's as if you were having a coffee with friends, you feel as if there is no longer that worry, that anguish that was present at the beginning and you say well, if there are problems you can handle them yourselves, right? It is at that point when I start to ask them, hey look, we're going to close this. (...) It is also the mediator's choice, to say good, now you are ready, you will be able to handle any conflicts that arise yourselves, it no longer makes any sense for you to come here. Sometimes it's the families themselves.

”

It is the duty of the mediator to suspend or terminate the mediation whenever continuing the process may harm one or more of the parties, such as when mediation is misused, or any of the parties acts in bad faith.

The mediator acknowledges that every participant has the right to withdraw from the mediation. If the proposed withdrawal of a participant is due to a concern or concerns regarding the process, it is the duty of the mediator to address those concerns as far as possible and to respect the decision of the participant to stick with or withdraw from mediation.

### ***Mediation's role in preventing the abuse or mistreatment of any party***

On the other hand, mediation in the field of older people can be useful to prevent them from being mistreated or abused.

## **4 Completing the process**

The decision to terminate the process may be in accordance with the will of either of the parties to the conflict or the mediator, in the following cases:

- ⦿ **Total or partial agreement between the parties.**
- ⦿ **Lack of agreement between the parties.**
- ⦿ **Free and voluntary withdrawal of any of the parties to the conflict.**
- ⦿ **The mediator's resignation.**

In any of the abovementioned cases, a termination document will be drafted, indicating the agreements reached or the impossibility of adopting them and the start and end dates of the intervention. This document will be signed by the mediator and the parties, as proof of their agreement.

One of the situations that tend to accentuate conflicts susceptible to intergenerational mediation is precisely the older person's state of dependence and need for care. One of the most frequent reasons for conflicts that can arise between older persons in a state of dependence and their caregivers is the tension and stress caused by the relationship of care and dependence. In fact, even caregivers can easily reach "overload," leading them to stop caring for the older person for many reasons, including their own health. Let's not forget that when caring for an older person, the caregiver in most cases is giving up her own life, desires, concerns, and leisure. These situations can become tremendously complex depending on the relationship between the older person and their caregiver (Barrera, 2007).

It has been shown that the main context of elder abuse occurs in care relationships, either at home or in institutions, and especially in situations of dependency. It is violence which, in its many forms, often arises from prior and generally prolonged periods of unaddressed conflict. Mediation can be a tool for prevention which impedes the conflictive situations drifting into violence towards older persons. The fact that there is mediation between the parties on many occasions will be a factor in disarming the triggers and causes of a subsequent situation of elder abuse.

According to Ury (2005), there are at least three important opportunities to channel the vertical thrust of conflict that leads to destruction, and turn it into a horizontal one, leading to change. The first of these opportunities is to defuse destructive conflict and prevent it from arising by addressing latent tensions. Prevention is very close to coexistence because it has to do with the

acquisition of relational and communication skills to avert the conflict from escalating. The second is to resolve any open conflict that develops. The resolution has to do with the ability to intervene in the conflict to transform or eliminate it. Ury conceives mediation as the most appropriate and effective way of doing this. The third is to contain the escalation of power struggles that over time cannot be resolved.

The mediator must inform all parties that he or she is not neutral on issues of abuse and has a duty to report past and present abuse and threats of future abuse or harm, to protect the vulnerable person. Such behaviours will result in the termination of mediation and referral to a service or process which offers additional protection.

A close-up photograph of two hands shaking in a firm grip. The hands are positioned centrally, with the fingers interlaced. The skin tones are light and fair. The background is a plain, light-colored surface. A semi-transparent brown square with a white border is overlaid on the center of the hands, containing text. A white diagonal line points from the bottom right corner of the square towards the number '4' below it.

**Conflicts in  
the context of  
mediation with  
older people**

**4**



## Components of the conflict

In family mediation, conflicts are interpersonal, they arise when there is a difference of opinion accompanied by hostility between the parties. Marinés Suares (2002: 43-45) proposes that there are five components involved in a conflict: it arises between two or more people, who interact with each other, through conversations, based on a competitive relationship between them, and where, regarding at least one topic, they have different points of view. Let's look at each component separately and the relationship these components might have with older people and caregiving:

### 1 It arises between two or more people:

Conflict includes everything that characterises people: thinking, feeling, doing, saying, and getting excited. While what people say or do is something we can observe, feeling and thinking are aspects that only the person who feels and thinks can appreciate. On the other hand, emotions have the characteristic of belonging to both domains, that is, they can be both psychic and corporeal.



In a conflict emotion are heightened, even more so when it comes to family conflicts or a caring relationship. When selecting informants to interview for this study, one of the difficulties that arose was that people were wary of sharing the emotions and conflicts that affected the family circle. Following the logic of “what is not named, does not exist”, the fear of emotional exposure sometimes means that conflicts are not addressed, frustrations derived mainly from unequal relationships and neglect of care needs (Muruaga and Pastor, 2013: 119) are often concealed. Furthermore, in terms of professional care, emotional work is required to restore the boundaries of the relationship and prevent the responsibility and care required of employees from overflowing into her private life. Both the fear of emotional overexposure and the taboo of talking about family conflicts outside the family circle can be obstacles when accessing a mediation service. Emotions are very present in the mediation process. Without it becoming therapy, emotional management is favoured during sessions so the conflict can be faced:

“  
So, of course, mediation is, it means, when it refers to interpersonal relationships, emotional exposure, I think this is the main difficulty.  
”

“

Although mediation attempts to objectify and reach an agreement, in order to focus on the agreement and so on, that process is full of emotions, riddled with emotions, both in the family and with older people. Well, it's exactly the same thing, right? So, it forms a barrier, no longer between two people, but several, and it's not just the children, it's the children and the entire context surrounding each child regarding the older person, right? (...) Here the emotions multiply and handling such complex situations... Because of course, in couple mediation, the protagonists are just two.

”

“

Emotions, the older you get emotions become much deeper, eh? They are more, what happens is that we also have many triennials and then you are controlling the emotions and aware that well, you can't have regrets, that you have to live through what you have left in the best possible way and with the greatest happiness, you can't agonise over what you will no longer have.

”

“

I think my biggest conflict is emotional, because, in addition, you see that you're going, that you have little time left. Because well, now there's the pandemic, when they say we've lost a year, I say, but older people have lost more, because may be, it was the only year we had left. So, for me the first thing is emotional.

”

“

It is very complicated, very difficult, it seems to me that being the caregiver of an older person is of all professions, apart from being of very high emotional risk, the most difficult.

”

“

We replace the family, what's a family? This family that you have created which can fall apart tomorrow because people breakup. And you create another one, is your family now the one in the residence? Because it's them you talk to, who you live with, who you are with.

”

“

She has a caregiver, who comes early in the morning, and look at that they have almost become family, she has raised her kids there in that house, so you can see how far relationships with caregivers go, right?

”

## 2

### Interacting with each other:

Interaction means that A's actions affect B, who interacts based on A's actions, but also according to their own characteristics. In this sense, following Ury's prognosis, increased interdependence leads to greater conflict.

In the context of older people, interdependence refers us to the concept of relational autonomy which posits old age as a sociocultural construction and care as a relationship. According to this approach, people are in a situation of interdependence throughout our life cycle, since, although it manifests itself with special forcefulness at some points of our lives, both dependence and vulnerability are intrinsic to human existence. The concept of relational autonomy is today understood as the link that arises between two or more subjects who interact by constructing ways of being and doing without one nullifying the other. This is a viewpoint that leaves behind the outdated paradigm of old age, associated with a medical outlook, which saw older people as sick bodies to be cared for. Validating different ages and the autonomy of the person presupposes a paradigm shift in accordance with which old people are recognised as subjects of rights. However, attitudes and behaviour based on ageism continue to persist both in families and care professionals, which can lead to conflict and even situations of abuse which it is important to recognise.

Protecting health often involves the emergence of conflicts that require specific attention.

In situations where an older person may need help to perform daily activities, family mediation is applied to the decisions that need to be made as a consequence of the situation of dependence or incapacity, consensus being convenient to prevent the resurgence of future conflicts (Villagrasa, 2007: 134). The participation of older people in mediation, as well as specific training of mediation professionals in the field of gerontology, is fundamental when it comes to ensuring that older people can express their preferences and reasons regarding how their lives are organised, protecting the rights of older people throughout the entire process.

“

**What I see as important is that families should not engage in mediation without taking into account older people. At some point, the older person or persons have to play an active role in that process, because, if they don't, in the end you are objectifying and infantilising them. In other words, at some point they have to be able to express their opinion regarding what is being decided and then, you have to reach agreements taking that into account, and that has to be on the table from the beginning, that is, none of your agreements are going to be valid if your parents don't agree with them.**

”

“

**Intergenerational mediation regarding care with older people must also find its own way of working. I believe that mediators must also have very specific training, probably in certain fields, which should be specified. What you can't do is have someone who has been trained to mediate separation and divorce, deciding tomorrow to start working in mediation with older people without having had prior training, without being clear how they are going to work, without... I think this is quite serious, right? As if they were improvising.**

”

### 3 Through conversation:

The basic tool of mediation is words. The ability to communicate is innate, we communicate in order to relate to one another and adapt to our environment, which means that we can use words effectively or not. All communication involves an exchange of information between people, changes in the behaviour of the interlocutors, constantly supplying feedback and strengthening relationships. In addition, the communication process includes verbal, non-verbal and paralinguistic components (Hernández, 2020).

One of the keys to mediation is for each party to express its point of view and, in turn, listen to the version of the other party, so that an understanding is reached, and alternatives are found to resolve the problem. In this sense, the mediator's task will be to facilitate communication, encourage the parties to talk to each other and seek their own solution to the conflict.

Among the techniques used to aid communication the use of neutral language is common, avoiding using words that imply prejudice or criticism. In our society it is common to use expressions or terms that stigmatise older people, which is an important communication barrier that should be removed. The use of ageist language undermines the positions of older people.



“

Language is deeply implanted by the Spanish education system, and it determines how old people are treated, it is also sexist, in the sense that it's ingrained in society. We should be changing the role of that language, which is so derogatory and pejorative when it comes to addressing people, especially dependent and older people, plays, shouldn't we? Ageism is so fashionable right now, isn't it? And it's true, they don't treat us very well, the language they use to address older people, full of diminutives, is also discriminatory, and then it's all 'eat your little dinner, eat this little thing' and when they talk like this they believe they are displaying affection, but why should a person who I don't know call me 'little darling'? Let my daughter call me that.

”

“

There is another way to address us without calling us "granny," because I, as I say, am only a granny to my grandchildren.

”

“

To me, personally, that language bothers me, and now in times of the pandemic it has become very widespread, we are going to take care of our old people.

”



Communication also involves listening and the professional mediator must listen and understand the point of view of the person delivering the message. It's a skill used to grasp what the parties are recounting, without making assumptions or judging. Listening is essential to gaining awareness of a party's needs, mediation creates a space of trust, where communication is encouraged. Furthermore, active listening implies a willingness to pay attention and empathise with what the person is saying, which reinforces the self-esteem of people expressing their position, since they feel that someone is taking into account their interests or needs.

Furthermore, communication also helps disentangle relationships, think about difficulties and search for a balance between personal needs and the needs of the other members of the family, as well as for adopting a healthy and equitable life project for everybody involved. Mediation helps put into practice the right to assertive expression, thus strengthening people's sense of safety.

“

Look, for me the issue of mediation, could be very important, maybe the issue of communication, we have a pending conversation, there is something we need to talk about. Every daughter when she loses her mother says how many conversations I should have had, I had so many conversations pending. So, perhaps, mediation means that those conversations are not left pending. And that, perhaps, those conversations which we believe we have pending actually take place, that they happen, and perhaps, we can understand each other a little better. Maybe we could reach an understanding and resolve some things. Because on the one hand you are giving in, on the other hand, you are not giving in, on the other hand, we are deceiving ourselves and we are not going to have those conversations. Perhaps the issue of communication is something very significant and that's the role mediation has to play.

”

“

I think language is very important, because as the saying goes, people get to understand each other by talking, and I believe that by talking respectfully we could all understand each other.

”

“

I usually talk above all with my younger daughter, the other one, it's like she doesn't want to because oops, oops, here it comes, do you see? But I talk with the youngest a lot, and that's everything.

”

“

Because they can't find anyone to listen to them, because that is very important, someone who listens to you, not knowing, not listening is also a learning process, or knowing how to listen, because sometimes when you are listening you are listening to yourself, that is, everybody would learn something.

”

4

#### Based on a competitive relationship between them:

The relationship is based on trying to beat the other party, to disqualify them, to delegitimise them. In contrast to relationships based on power and competitiveness; mediation promotes cooperation between the parties. In this sense, we must bear in mind that all caring implies a power relationship.

When we talk about caring, we may be referring to good care or bad care. One of the reasons for “bad care” is ignorance of the needs of the other person. According to Joan Tronto (1993), these conflicts can arise when:

**a) Care is based on paternalistic attitudes, which assume that the caregiver knows more about the needs of the person receiving care than they do.**

“

In the eyes of his children, an old man becomes a kind of older child, an old child, well, this is how dad is, this is how mum is, but who told you that? That's your father, man, it's not your grandfather, that's got to go, disappear completely. In a mediation you must grant them all the power they had in the past, when they were still young (...) Grant them the standing they actually have, as people with a long experience of life.

”

“

In the end, the person taking care of her is almost as important, she is the one you appeal to, the one you call and the one who is going to take care of her, and when the family drops in for a visit, the daughter, the son, start giving orders, if I've cleaned her, if I haven't cleaned her, and then you get that bitter feeling of "Ugh!" it's my turn to look after mum this weekend."

”

**b) When all that matters is meeting the needs of the person receiving care.**

“

Come on, I know a lady I ended up with, who had to leave because of depression, an emigrant lady, why? Because coexistence is tough, not only living with an older person, but living with an older person with no breaks practically 24 hours a day and, what's more, to live with the caregiver's family, the messages can be completely mixed, right? From what I can see, it is a very complex situation for caregivers, a very difficult one.

”

In the case of caring for people in a situation of dependency, there are also difficulties regarding the recognition of tasks that comprise providing care being recognised as such when they are provided informally. Soledad Murillo (1996) argues that very often "care is immersed in the logic of sacrifice". A logic of sacrifice that often starts from the socialisation of women and which for them represents true love (Bernal, 2012: 199).

“

Support from my family? Zero recognition, it's been going on for a long time (...) Of course, my daughters yes, my daughters are aware of everything, but I mean familiarly with my mother, you know? With my sisters, because there were five of us girls and two got married, but the other two didn't. And I left France to look after my mother, but this hasn't been recognised.

”

“

She isn't treated the same, because, although they're not aware of it, they are, and I realise that, the way they look at you and their eyes speak, and my mother told me when she was happy and when she was less so, that is called love.

”

“

Mediation helps families organise that mess, to not feel guilty about the fact that others are taking care of their parents because they can't, to adopt a more conciliatory approach towards relationships.

”

**c) The privileged irresponsibility of those who assume that by having more power and privilege they can dodge their caregiving responsibilities.**



“

I leave her in a residence and I'm sure they keep her clean there, they wash her, but you see, they don't. Don't look the other way, and calm down because you even see her smiling, smiling because she's seeing her son or daughter and she's happy, but you don't see her seven days a week.

”

“

There is a strong belief that we do not begin on an equal footing (...) This is the experience that I have had in mediation cases, where I have seen that the mediators, do not give the same opportunities to both parties, and that has been a fail (...) I was attending 5 or 6 mediation sessions (...) and in practice, the female mediator was certainly not impartial (...) I realised that the mediator gave more value to the man's opinion, when the man spoke, she gave him her full attention, when the woman spoke she didn't even look at her. She took notes when the man contributed and did not make any when the woman spoke. She was denying the woman's needs, and as a spectator, my mind was boggling during every session.

”

“

Mediation between siblings is interesting, there are many cases which I have seen from my professional experience, where the mother or father becomes incapacitated, and one of the daughters requests guardianship and maybe, there is a sibling who does not want to know anything about it, you know? Or the only thing they do want to know has to do with financial issues. That is, I don't want to take care of mum because it's a pain in the backside, but then when it comes to taking part in financial decisions, I want to have a voice and vote. That can be a major difficulty.

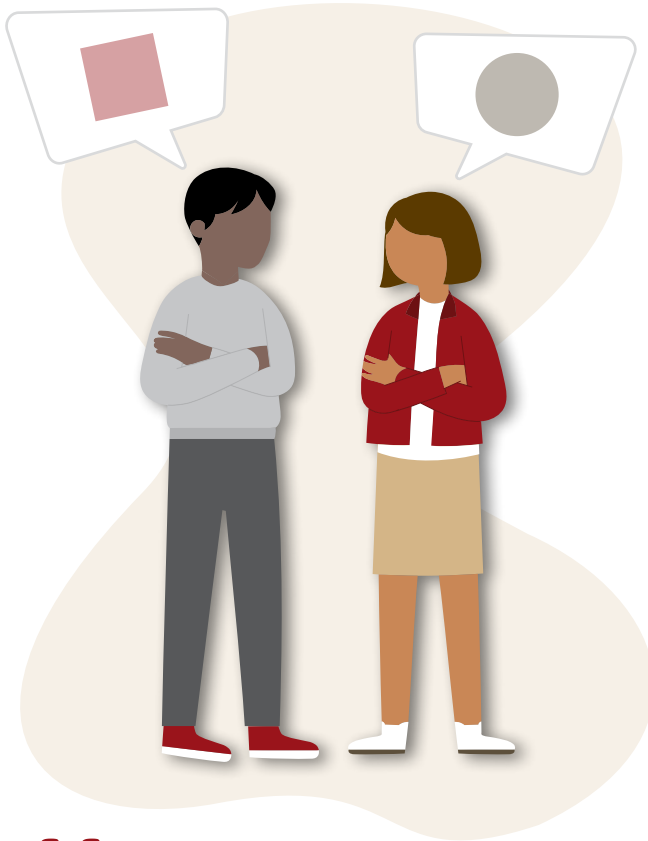
”





## 5 And that, regarding at least one issue, they have different views:

The parties have different or opposing views of the conflict.



“

In mediation, it is appropriate to recognise the reality of what happens, not the reality of what you may want to happen. It should be understood that equality may be a subject of debate, but not in your life.

”

## Typology of the conflict

Without prejudice to other reasons that may arise, the origin of conflicts subject to a family mediation process with older people takes place within the field of care, either due to situations of undesired loneliness or health issues.

In this sense, the breakdown of the concept of care proposed by Carol Thomas (2011: 156) can be useful. It makes this notion more operational by establishing different dimensions which, in turn, allow us to contextualise and address the conflict, according to the following breakdown:

- The caregiver's social identity.
- The person receiving care's social identity.
- The personal relationship between the caregiver and the person receiving care.
- The nature of the care.
- The social sphere within which the care is located.
- The economic nature of the care relationship.
- The institutional context in which care is provided.

In addition, when considering the requirements to provide and receive care, reference is made to the following aspects:

**Time:** Depending on the way societies are organised, time is essential for people providing care.

“

But when I was young and we were all young, I made my time available, I have never worked outside the home, and of course I could take care of my parents. Now I also have three daughters, but of course, they have their jobs and if you need them to come on a Saturday or a Sunday to do something for you (...) Now young people spend all day away from home, maybe they use their Saturdays for cleaning or for taking their daughters out.

”

“

I believe that we live in a world in which, when we are young, we do not realise what the previous generations are worth, because we don't have time, because we have a lot of work, because we are moving very fast through life, we run around a lot (...) It is a society that drags us down, which means there is no time for emotions, nor for feelings, they have no value.

”

“

At that time, I was the one who had spare time and therefore, I was the one responsible for going in the morning and in the afternoon to the residence, for example. If I had been working maybe there would have been a conflict, because I would not have been able to devote as much time as I did then, and I would have worried about them neglecting my mother and would have demanded that my other siblings do something more, but that was not the case, because at that time I had the time and there were no issues.

”

**Resources:** especially in a society where the people who have most resources are more likely to care for and be cared for than those who have less.

“

Yes, there are people who are living, on minimum pensions, in very difficult circumstances, where maybe the family itself, the children, their nephews (...) Because of course, you have to think that a lot of people in the family can't lend them a hand, because economically they can't, I mean.

”

“

For example, it is not the same, people who, like many women, have been family caregivers do not have the same weight as people who have a job, a salary. There comes a point when there is a breakup, and these women, for example, lack the financial autonomy to confront this new stage in their lives, right?”

”

“

We never bothered my brothers, and when she would say to me ‘daughter, I don’t see them’, ‘mother, they are a thousand kilometres away, they can’t come, they have to work’, and when it came to sharing out her assets, everything was distributed in equal parts, there was no conflict, nothing. My mother had very little, but the little she had she said should be distributed equally amongst her children. I was the one who had deprived my children of their room, the one whose son was sleeping in the living room so she could sleep in his room, but, above all, she was my mother, and it was what she needed, and my children realised this was the case. But we never had a problem, we distributed it between us, and I said, mother has this, and this is for everyone, it wasn’t much, but they took it. Hey, that’s their problem, I gave it to them because that’s what she told me to do, I could only keep my word.”

”



**Will:** regarding a collective commitment to care from which intergenerational solidarity emerges.

“

I always tell my daughter, everybody’s conscience depends on their deeds, I have done everything I could, not only for my father or my mother, sometimes for relatives or someone I knew. If you have to lend a hand you have to always lend it, while you can perform that service, because even though there’s a lot that we might want to do, we can’t do it all, but I feel so happy and I want older people to be taken care of, but with respect. The respect of not hurting them with words or with things you wouldn’t want to hear, because you’ve been dedicated all your life.”

”

“

I really like doing what we do, I have learned what is unwritten and I have freed myself from my spare time. I have my children, they are at home, and I do what I have to do, with permission and without it. Nobody takes away from me what I do, but, even if they told me not to do it, I wouldn’t care. This is my will because that’s who I am.”

”

“

**There is no duty to care, there is no legal duty to care as such, there is a moral obligation (...) If children do not want to take care of their parents there is no criminal sanction for that, you know? So how many older people are abandoned? They have no one to care for them and they live alone and without care.**

”

**Equality:** care always involves a relationship that means helping other people meet their needs. However, in a democratic society we must all consider ourselves people with the same rights.

“

**Well, since they are all ignorant here and don't know that sons have the same obligations as daughters, I am going to go to a lawyer and resolve the issue of my mother's right to her dignity, right? (...) I went to a lawyer with the sole purpose of having a judge give my brothers a fright. What ignorance, they had the same obligations as her daughters, and if it was not physical, because they were not going to take her into their homes, they had a duty to contribute, to pay for wherever my mother stayed. Indeed, since these subjects are very long-winded, in the end I got tired of it all, but I made a point, didn't I?**

”

On the other hand, during interviews, intergenerational relationships are also referred to as a source of tension and conflict. As Moragas (1988) argues, “intergenerational relations are characterised by the unequal status of the people intervening in them,

because of their different social roles.” Among the intergenerational relationships existing within the family group, the most frequent are, again, those regarding care activities. In this case, mediation is a support resource for helping caregiving families to confront and address situations of dependence, where redefining ties, aspirations and the available resources and opportunities, or uncertainty, are issues that complicate a changing situation.

“

**Preparing families for dependence, that's where I think the meat of all this lies. Often, it's not so much of an issue, but when the family is already very deteriorated and has already, taken, no matter how much it wants to respect, many decisions around the issue when there is still no decision-making capacity. Like when you make decisions with your child, I mean, because older people must also be assisted to see the other point of view, the point of view of the child who will be providing the care.**

”

Regarding positions or relationships within the family system, the following were noted:

Paternal or maternal-filial relationships: these relationships are affective, but they have more or less autonomous dynamics regarding the maturation of daughters or sons. Moragas (1998) refers to recovering the relationship as a mechanism of vital compensation, where daughters and sons attend to the possible care needs which parents may require in their old age.



“  
That made me redefine, how I intervene with older adults who already must start taking a position regarding parents, when it comes to helping them make that decision, what will the framework be? It is like setting out a playing field, let's see, your parents are your parents, and given that, they have a legitimacy, they have an autonomy, and you can agree, but you also have an obligation to assist them, I mean, you can't place yourself as the universal recipient of care. There comes a time when the central step of adulthood implies that you stop being a born receiver, to start becoming a born provider. There is a transitional period, which I think is around the age of thirty-something, forty-something, and then that curve begins to invert. You go on to giving more than you receive, but you are always the child, and on a symbolic level, because as I say, it is always in groups, your father raises his finger, and that finger is all his authority. Even if he can't say a word, your father raises an eyebrow or gives you a look in which you recognise and feel his authority, and what is in play is how you respond to the relationship with your father when planning resources, your father, or your mother, let's say, it doesn't matter.”

Research shows that it is daughters who normally assume the role of caregiver. It is they who establish a closer relationship with mothers, even where they must combine work outside the home with domestic work:

“

I, in particular, believe that we want our daughter to take better care of us rather than a son, because of our upbringing. We can trust a daughter because if I must display my tits, I prefer my daughter to see them rather than my son, and it is a question of upbringing (...) You have another type of trust. If someone must wash me, I would rather it be my daughter who does it. Maybe, if I don't have anyone then it has to be the first person who comes along. But I also have a female friend sister-in-law, son, daughter-in-law, grandson or whoever. This is because of our upbringing, our mentality and how we see things around us.

”



One of the aspects which can negatively affect these relationships is infantilisation, where daughters and sons begin to make decisions for their parents:

“

I have a friend who went to the beach for 15 days, and when she came back when she opened the door, she sees furniture stacked up at the entrance, the house had been half dismantled, they were dismantling it because they already had a place for her in a residence and they were dismantling the house. A nightmare. And she had no way forward, her daughters took over. And who will defend her? There her daughters are, and it seems they have all the power. That's very hard, it's very significant and it happens to a lot of people (...) Of course the most important person is the person they are going to intern, it is her who has to take that decision, no one should take decisions for her, this is one of the important things we discussed, that no one should take decisions for us (...) The problem is, decisions are taken without discussion.

”

“

I am alone, I have two children, and my daughter comes by after work, every afternoon. She carries the heaviest part my shopping, which I have always done. I do my things; she comes around and does some cooking or things that involve going up stairs. I want to be alone, I have my own house, but my daughter close to me. She once suggested 'come to my place, I have a lift', but I feel at home here, where I can do what I have to do without disturbing them. I have two children who, yes, the daughter is good and great, she keeps an eye on me.

”

“

There is something very important, which us older persons need to talk about. Ten years ago, say, maybe I wouldn't even mention it, but little by little you are finding that your body is failing you, that you are slower, that your skills are also failing you, and above all your safety is failing you. Because every day this hurts, the other thing hurts, and now you can't go up there, and you have a friend and something happened to her, I don't know what, and the other friend who is already walking with a cane. You realise that you are less safe, and since you feel less safe you grab at things, and you think, well. And you hang on, and we turn to our family, because that's what we have. And because of that, it is important to create for yourself other tools, other skills, to say, this is not the only thing I have, I have the kids, who will be there, but that is not the only thing, then strengthen it, empower.

”

The roles taken by grandmothers and grandfathers and their granddaughters or grandsons can also be flagged up as a possible source of conflict when there is confusion about what role they should be playing when caring for their grandchildren:

“

Grandmothers as caregivers, working with families where there are grandmothers who assume the caregiving role, or also, with families where the role of grandfather or grandmother is very significant, even more so than that of mother or father, in fact, they have taken on that role. Also, families where, we see it a lot when there is family reunification in migrant families, the children have remained in the care of the grandparents in the country of origin and the reunification also involves the grandparents and we work with them. Since we work using a systemic model, we work with the entire family, and if we consider that the grandfather or grandmother is a central figure in that family they are also invited to the session.

”

“

And it's the grandfather or grandmother who ends up being the father or mother, not only to their own offspring, but to their own grandchildren and this also shrinks the figure of the parent. What we work on is, how you can be that parent, so they don't push you out, without that meaning a conflict with your own parents and yes, we see that a lot, the grandparents end up usurping the role of father or mother, often with the best of intentions, right?

”

“

I have carried out some processes during which the grandparents requested that visiting time with their grandchildren be arranged, because of that, because maybe the father is an alcoholic and he has supervised visits (...) In those cases, of course, visiting the grandparents is practically impossible because visits with the children are arranged at meeting points and are supervised, there is no possibility of taking them to see their grandparents (...) In a specific case that I handled there was a good relationship between the mother and the grandparents, and the grandparents requested a visitation regime.

”

In addition, in the context of family mediation with older people, sibling relationships must also be taken into account.

“

I have five siblings. While my parents were alive, we were very close. When one passed away and the other became dependent the family conflicts began, that's what happened.

”

Finally, it should be noted that situations which may be the subject of mediation with older people become more complex, since the demand extends beyond a single-family unit:

“

Mediation with older people is a triple somersault (...) It requires professional competence in mediation, a good knowledge of family dynamics, not only of couple dynamics, but you are also entering a much more complex terrain here, although the conflicts, perhaps, are not so serious. No, it's not about the severity of conflicts, but about their difficulty and complexity, right? And the processes involved are going to be much longer and probably with an even more uncertain outcome, and the agreement's sustainability is again going to be, even more uncertain (...) And it's no longer about two people, but several, and it's not about the children, it's about the children and the entire context surrounding each of them regarding the older person, okay?

”

“

And my sisters-in-law began to say they did not have to take care of my mother for that, they already had their own children, because the one discussing my mother's dignity was me, I am the bad sibling because of that. Then it was a generational conflict, until one day when we all had a meeting, my sisters-in-law said that, that they had no obligations and such.

”



“

There are often people who are not part of your family who are really significant and important. A family is the one we have in our heads, not the one reflected in official records, sometimes we have an uncle in Cuenca who is like him, who you see, well I don't know, yes. I believe that mediation must limit itself to those relationships that are meaningful, not blood relationships (...) I believe that a professional has to take into account that there are people who may not be recognised as part of the family, but who are really important, and this should be borne in mind when it comes to working on the issues, when it comes to inviting people to attend, it is something the mediator must consider, and if they don't, I don't think they would be doing their job well.

”

Finally, the following tables show more specific types of conflicts covered by mediation services with older people. Any of them could lead to an escalation of abuse or neglect:

## Health and care conflicts

- Caring for parents or other older family members or dependents.
- Family disagreements about organising care for the elderly or disabled.
- Medical and health care (at home, in hospital, residential, and in long-term care facilities).
- Progressive dementias and other memory disorders.



## Information and decision-making conflicts

Those due to the information required to make the right decisions, so the situation is interpreted differently, or the same degree of importance is not assigned to them.

### Decision making regarding:

- ⦿ Time management for caring.
- ⦿ Recruiting people or services to care for the older or dependent person.
- ⦿ Conflicts arising from ethical/moral decision-making related to palliative care.
- ⦿ The scope of family transitions with regarding old age and death.
- ⦿ Guardianship problems - agreements on who exercises guardianship in incapacity cases.
- ⦿ Legal issues (estates, inheritance, living wills, powers of attorney, etc.).
- ⦿ End-of-life planning and decision making.



## Relationship and communication conflicts

Communication crises and relationships between family members.

- ⦿ Estranged siblings.
- ⦿ Family members in conflict over situations inherited from previous generations.
- ⦿ Conflicts related to communication and the relationship between grandparents and grandchildren, whether or not they are minors.
- ⦿ Other setbacks and conflicts that may arise in the family environment harming the well-being of the parties or third parties involved.



## Conflicts of interest

They are due to the competition between incompatible needs, or those that are perceived as such, referring to:

### Family wealth issues:

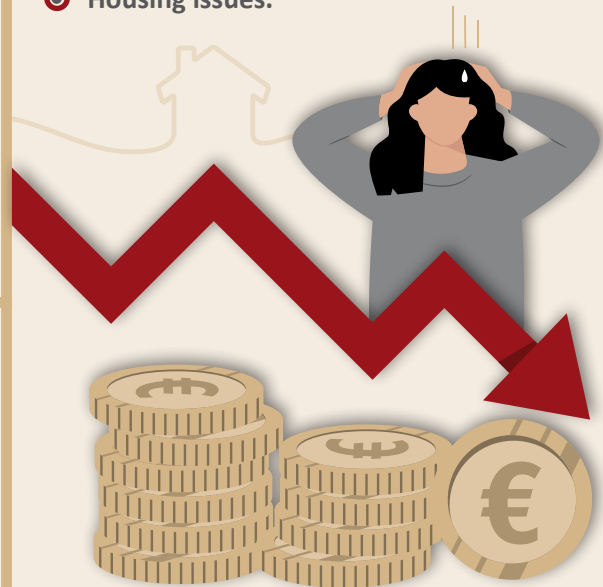
- Inheritance, succession, and disposing of family assets.
- Disagreements between heirs relating to the distribution of assets.
- Matters related to assessing the value of goods.
- Sharing financial costs.
- Financial issues.
- How and in what manner the property of the dependent person is administered.
- Disagreements in the family business.
- Disagreement when it comes to respecting the parents' decisions.


### Psychological:

- Caring for the caregiver.
- Overload of responsibilities and performing tasks.
- Lifestyles.

### Procedural issues (about how the dispute should be resolved):

- Distribution of roles and responsibilities between family members.
- Disagreements between heirs relating to the distribution of assets.
- Conflicts between family members and/or caregivers regarding the distribution of responsibilities and performing tasks.
- Housing issues.





**Intergenerational  
mediation with  
older people in  
Spain**

**5**

Intergenerational mediation with older people is an underdeveloped and marginal practice in Spain. There is still a shortage of studies, publications, and services on the subject, so it would be appropriate to increase research and implement programmes linked to the same. In this work we will focus our analysis taking into account the following:

- ◉ **Normative or legislative developments in the different autonomous communities, highlighting those issues that specifically refer to the situation of family members where there is a conflict involving, directly or indirectly, an older person.**
- ◉ **Family mediation services in the public and private spheres which include specific reference to family situations where there is a conflict, and an older person is directly or indirectly involved.**

### ***Normative or legislative developments in the field of mediation in the different Autonomous Communities***

- ◉ **Successive Mediation Laws and regulations of the various Autonomous Communities have been introducing important modifications and contributing to a noticeable expansion of the field of family mediation. In our analysis we will limit ourselves to pointing out those cases considering conflicts related to older people, in each of the autonomous laws regarding family mediation.**



## AUTONOMOUS COMMUNITIES: LEGISLATIVE DEVELOPMENTS IN FAMILY MEDIATION.<sup>1</sup>

Autonomous Communities	Regulations	Specific cases contemplated by the laws regarding older people
<b>Andalusia</b>	<p><i>Law 1/2009, of 27 February, Regulating Family Mediation in the Autonomous Community of Andalusia.</i></p>	<p>The purpose of this law is to regulate family mediation processes in cases where the parties have decision-making power, and always provided that they relate to the following matters (art.1).</p> <ul style="list-style-type: none"> <li>• <i>Issues regarding the right to maintenance and <b>care of people in situations of dependency</b>, according to the definition reflected in Law 39/2006, of 14 December, on Promoting Personal Autonomy and Care for People in Situations of Dependency.</i></li> <li>• <i>Conflicts arising from visiting regimes and contact of grandchildren with their <b>grandparents</b>.</i></li> </ul>
<b>Aragon</b>	<p><i>Law 9/2011, of 24 March, On Family Mediation in Aragon.</i></p>	<p>The type of mediation regulated by this Law may refer to any family conflict arising in the field of private law. The conflicts susceptible to family mediation that may have some relationship with older people are (art. 5):</p> <ul style="list-style-type: none"> <li>• <i>Differences regarding the relationship regime of minors with their siblings, <b>grandparents</b> and other relatives and linked persons.</i></li> <li>• <i>Disagreements concerning the relationship between <b>older persons</b> and their descendants.</i></li> <li>• <i>Issues connected to succession arising from death.</i></li> </ul>
<b>Asturias</b>	<p><i>Law 3/2007, of 23 March, On Family Mediation. Autonomous Community of the Principality of Asturias.</i></p>	<p>The Law when defining its purpose and scope, both material and spatial, opts for a scope of application covering <b>all those conflicts that may arise between the members of a family</b>, whether arising from marriage or not, and which allows agreements to be reached on all those issues that are available to the parties. Regarding conflicts likely to be submitted to family mediation provided for by this Law that may have some connection to older people, we highlight those arising:</p> <ul style="list-style-type: none"> <li>• <i>In relationships between people linked by consanguinity or affinity up to the fourth degree.</i></li> <li>• <i>Regarding the maintenance obligations between relatives.</i></li> </ul>

<sup>1</sup> The regional denomination used by the General Council of the Judiciary is used.

<p><b>Canary Islands</b></p>	<p><i>Law 3/2005, of 23 June Amending Law 15/2003, of 8 April, On Family Mediation.</i></p>	<p>This legislative amendment is aimed at incorporating some legislative developments into the pre-existing law, extending the scope of mediation to other conflicts that may arise within the family, such as grandparents with grandchildren.</p> <p>Article 2.- Article 3 of Law 15/2003, of 8 April, is amended, and will read as follows:</p> <p><i>Any family conflict may be the subject of family mediation, meaning a family conflict arising between:</i></p> <ul style="list-style-type: none"> <li>• <b>Grandparents with grandchildren,</b></li> <li>• <i>as well as, in general, those others that derive from or are a consequence of the <b>parent-child and family relationships.</b></i></li> </ul>
<p><b>Cantabria</b></p>	<p><i>Law of Cantabria 4/2017, of 19 April, amending Law 1/2011, of 28 March, of Mediation of Cantabria.</i></p>	<p>The law does not specify the cases or conflicts subject to mediation (Art. 4).</p> <ul style="list-style-type: none"> <li>• <i>Mediation will refer to those matters that are freely available to the parties in accordance with the applicable legislation.</i></li> </ul>
<p><b>Castile - La Mancha</b></p>	<p><i>Law 1/2015, of 12 February, On the Regional Service of Social and Family Mediation of Castile-La Mancha (a revision of Law 4/2005, of 24 May, On the Specialised Social Service of Family Mediation).</i></p>	<p>The new law aims to establish a social service specialising in social mediation, responding to not only to family conflicts, but also to social conflicts. For this reason, <b>it is necessary to include other conflicts that transcend the strictly family sphere</b>, such as those that arising among members of the school community, in the field health or those that may originate between those responsible for institutions and users of the same.</p> <p><b>A conflict of a social or family nature means a conflict deriving from social or family issues</b> in which minors, <b>older people</b>, persons with limited legal capacity, as well as persons who are in a personal situation of serious financial, social, or family need, are involved.</p> <p>The following are considered conflicts that may be the subject of social and family mediation (art. 3):</p>

Conflicts relating to **maintenance obligations between relatives.**

Conflicts relating to the care and exercise of guardianship or conservatorship of persons with limited legal capacity and **dependent persons with whom there is a kinship relationship.**

Conflicts **arising in the field of health**, establishing contexts of dialogue promoting better interpersonal relationships between the parties.

Conflicts between the **parties responsible for public institutions or social entities and users thereof.**

Any other conflicts affecting the persons mentioned in article 2.a) and which are entrusted to the mediation services of the Ministry with jurisdiction for family matters.

The Law is based on a broad approach to family conflicts, which includes not only those related to marriage or common-law partnerships, but any other that arising between relatives with the capacity to act, always considering protecting the interests of minors, people with disabilities and **of dependent older people.**

The situations where the family mediation regulated by this Law may be applied are as follows (art. 3):

- *Persons united by a marital bond: In break-ups arising between the couple, to promote that the spouses seek and agree the most satisfactory solutions for every member of the coexisting family unit, especially minors, people with disabilities **and dependent older people**, prior to the judicial process or to facilitate the resolution of conflicts raised in court.*
- *People in a common law partnership: In break-ups arising in the field of coexistence, in order to promote that the couple seek and agree the most satisfactory solutions for every member of the coexisting family unit, especially minors, people with disabilities **and dependent older people**, prior to the judicial process or to facilitate the resolution of conflicts raised in court.*
- *People with children not included in the previous sections, to promote finding satisfactory solutions to any family conflicts arising regarding their children.*

## Castile and León

Law 1/2006, April, On Family Mediation in Castilla y León.



		<ul style="list-style-type: none"> <li>• <i>Other family conflicts arising between the persons included in the sections above or between any other persons with the capacity to act who have any form of kinship relationship with each other, in which the process of mediation can be used to prevent, simplify, or bring to an end judicial litigation.</i></li> </ul>
<p><b>Catalonia</b></p>	<p><i>Law 15/2009, of 22 July, On Mediation in the Field of Private Law.</i></p>	<p>Law 1/2001 which was derogated was an important innovation in the field of family law, at a time when in the rest of the Spanish State there was no widespread practice of mediation. This situation has changed significantly with the adoption of specific rules in several autonomous communities.</p> <p>The amendment of Law 15/2009, of 22 July, makes it possible to extend the limited fields initially envisaged, which were an obstacle to covering certain conflicts in the circle closest to people for whom mediation is very useful, such as conflicts between parents and children or family disputes over inheritance. The use of mediation for families affected by the processes of mental disability or degenerative diseases which limit the ability to act is another of the fields contemplated by the legal amendment.</p> <p>Purpose of mediation (<b>art.2</b>): Family mediation specifically includes:</p> <ul style="list-style-type: none"> <li>• <i>Conflicts related to communications and relationships between parents, descendants, grandparents, grandchildren and other relatives and people in the family.</i></li> <li>• <i>Conflicts relating to maintenance obligations between relatives.</i></li> <li>• <i>Conflicts over the care of older or dependent people with whom there is a relationship of kinship.</i></li> <li>• <i>Matters that are the subject of disagreement between the interested parties in situations of family crisis if the case is linked to more than one branch of the law.</i></li> <li>• <i>Relationship issues arising from a person's succession.</i></li> <li>• <i>Conflicts arising in mutual assistance cohabitation relationships.</i></li> <li>• <i>Aspects of cohabitation regarding sheltering older people, as well as conflicts regarding selecting guardians, setting up visiting regimes for disabled people and financial issues arising from exercising guardianship or de facto guardianship.</i></li> </ul>

## Valencian Community

Law 24/2018, of 5 December, On Mediation of the Valencian Community.

The previous law, Law 7/2001, On Mediation, was exclusively familial in scope and was repealed except for its articles 6, 12 and 32, The new law expands the framework of mediation to all jurisdictional fields and promotes it in all areas of society, in order to foster a culture of peace, dialogue and coexistence.

Art. 3: The following conflicts may be the subject of mediation:

*Conflicts or litigation dealing with matters that may be the subject of mediation: Those situations in which two or more people, or groups of people, oppose each other or disagree because their positions, interests or needs are perceived as incompatible regarding matters of free disposal, and those in which the parties can submit proposals for agreement, by virtue of the legislation that applicable when so permitted by state regulations.*

## Galicia

Law 4/2001, of 31 May, Regulating Family Mediation.

*Family mediation activity may cover all personal and paternal-maternal-filial relationships or be limited to partial mediation, being limited as far as personal relationships are concerned to financial-family income issues and in terms of paternal-maternal-filial issues to those aspects regarding exercising parental responsibility and custodial powers or the visitation regime of children.*

## Balearic Islands

Law 14/2010, of 9 December, On Family Mediation in the Balearic Islands, and Law 13/2019, of 29 March, amending Law 14/2010, of 9 December, On Family Mediation in the Balearic Islands.

Law 14/2010, of 9 December, opts for a broad scope of application that includes not only conflicts arising from situations where a couple breaks up, but also other conflictive circumstances that may occur in the family environment.

Matters subject to family mediation (Art. 4).

- *Conflicts concerning maintenance obligations between relatives and those relating **to the care of people in situations of dependency**, in accordance with the definition introduced by Law 39/2006, of 14 December, On Promoting Personal Autonomy and Caring for People in Situations of Dependency.*
- *All conflicts between parents and their offspring and other relatives, provided they are matters available to the parties in accordance with family law and which may be raised judicially.*

<p><b>Madrid</b></p>	<p>Law 1/2007, of 21 February, On Family Mediation of the Community of Madrid.</p>	<p>Subjects of family mediation. Article 8:</p> <ul style="list-style-type: none"> <li>• Persons linked by kinship up to the fourth degree of consanguinity or affinity, involved <b>in intra-family tensions or coexistence conflicts, in conflicts over inheritance</b> or in order to prevent or simplify legal litigation in the field of the family.</li> </ul>
<p><b>Basque Country</b></p>	<p>Law 1/2008, of 8 February, On Family Mediation.</p>	<p>Conflicts subject to family mediation (Art. 5):</p> <ul style="list-style-type: none"> <li>• Conflicts arising when parents prevent <b>grandparents</b> from having normalised relationships with their grandchildren.</li> <li>• Conflicts between the persons referred to in paragraph 1 on the grounds of <b>inheritance or succession</b> or deriving from family businesses.</li> <li>• Conflicts arising <b>among people in a situation of dependency</b> and the family members who care for them.</li> </ul>

In short, it can be said that regional mediation laws are expanding the scope of application, extending them beyond conflicts originating in situations involving the breakdown of the couple, – whether marriages or common-law relationships –, and applying them to other situations of conflict that may occur within the family environment.

Thus, they contemplate among the situations to which family mediation can be extended, family situations in which there is a conflict where an older person is directly or indirectly involved, such as the following:

- ◉ Conflicts relating to communication and the relationship between grandparents and grandchildren, whether or not the latter are minors.
- ◉ Caring for parents or other older or dependent family members.
- ◉ Conflicts relating to maintenance obligations between relatives.
- ◉ Aspects of coexistence when providing accommodation to older persons.
- ◉ Relationship issues arising from a person's succession.

Although at the regulatory level, as we have analysed above, some Autonomous Communities are expanding the scope of family mediation, beyond situations involving divorce or a couple breaking up, covering new family crisis or conflict situations also related to older people, the field of intergenerational mediation with older people is still underdeveloped in our country. Proof of this is the paucity of research in this area.

Regarding the development of mediation services, each Community has adopted different variants, in which public and free services coexist, with others where they are subsidised or paid for privately. Some are used mainly for marital conflicts and issues affecting offspring, whereas others cover all kinds of conflicts arising between relatives. Finally, in some instances they are linked to government departments which deal with social or family affairs, and in others, to those dealing with the judicial system.

In the field of mediation services offered by the Public Administrations, most of the Mediation Services of the Autonomous Communities are more linked to family situations of breakup of a couple and paternal-filial relationships in childhood and adolescence, which also include relationships between grandchildren and grandparents. But few offer specific intergenerational mediation services with older people.

It is not the purpose of this work to carry out an exhaustive study of family mediation resources in Spain. We will focus our analysis instead on those aimed at everybody taking into account the areas of mediation in which we can distinguish between:

- ◉ **Public family mediation**, the type of mediation that is carried out under the protection of public bodies and which, therefore, is subject to certain characteristics and normative provisions, both regarding managing the mediation or the position of the mediator and their organic or functional role, as well as regarding costs for the user.
- ◉ **Private family mediation**, carried out by individual mediators, entities, professional associations, companies, or offices formed by professionals from different fields.

When it comes to checking who is developing in practice programmes of this type, whether it is public, private or third sector institutions, we have been able to verify the following through a review carried out from a search on the web<sup>2</sup> pages of the different institutions and entities offering mediation services. These include those covering conflicts and situations affecting older people, although this does not mean that they are specific and/or specialised mediation services with older people.

<sup>2</sup> Search for keywords: family mediation, intergenerational mediation, mediation with **older people**.

# FAMILY MEDIATION SERVICES IN THE AUTONOMOUS COMMUNITIES.

## Andalusia

### **Ministry of Health and Families General Secretariat of Families**

The Regional Government of Andalusia deploys family and intergenerational mediation programmes through the **Family Mediation Register of Andalusia**.

### **Information points for mediation in Andalusia (PIMA)**

The Ministry of Tourism, Regeneration, Justice and Local Administration has launched a total of fourteen **information points for mediation in Andalusia (hereinafter, PIMA)** in the main Andalusian judicial headquarters of the eight provincial capitals. They offer information on alternatives to the judicial resolution of conflicts and new solutions aimed at reducing conflict resolution via the courts.

These PIMA are located in accessible places in the judicial headquarters of the Autonomous Community of Andalusia and are delivered by professionals who have been required to prove specific training in the field.

[https://www.juntadeandalucia.es/export/drupaljda/triptico\\_PIMA\\_A4.pdf](https://www.juntadeandalucia.es/export/drupaljda/triptico_PIMA_A4.pdf)

### **Provincial Council of Seville Community mediation and coexistence programme in the province of Seville**

This programme has two aspects:

- *A Provincial Service* with six professionals who coordinate the programme and work through activities so that the culture of mediation, of pacts, of agreements is integrated and assimilated in the province, in the entire population, as well as enhancing dialogue and accepting the positive side of conflicts.
- *A Municipal Mediation Service* public and free in every local council with less than 20,000 inhabitants of the province of Seville. The Municipal Services are served by duly trained and qualified staff professionals. Every City Council between 10,000 and 20,000 inhabitants has two professionals and each City Council with less than 10,000 inhabitants have a single professional. The Municipal Services also have the support of an itinerant team of professionals from the Provincial Council of Seville itself.

<https://www.dipusevilla.es/temas/asuntos-sociales-e-igualdad/mediacion-y-convivencia/>

<https://www.dipusevilla.es/export/sites/diputacion-sevilla-corporativo/.galleries/DOCUMENTOS-descarga/DOCUMENTOS-Area-Cohesion-Social-e-Igualdad/DESPLEGABLE-Programa-de-Mediacion-y-Convivencia.pdf>

### **FAMED (State Federation of Mediation Associations)**

**FAMED** (the State Federation of Mediation Associations) was established in 2004 and aims to: Enhance the scientific, professional, and formative development of Mediation, its application and research, and promote the implementation of Mediation services and their provision.

FAMED, throughout its more than 15 years of professional existence, has developed different activities, including promoting the IAMED (Institute of Advanced Training in Mediation) training space. Another activity has been working daily to resolve conflicts through mediation, through the services offered by each of the managing entities in their corresponding province (ARCADUZ in Cádiz and DELGOMAR in Granada):

### **DELGOMAR ASSOCIATION (Granada)**

<https://asociacion delgomar.com>

The DELGOMAR Association was the first Public Family Mediation Service in Andalusia. From 2001 to the end of 2012 the DELGOMAR Association has opened in Granada a free intergenerational family mediation service financed by the General Directorate of Children and Family of the Ministry of Social Affairs of the Regional Government of Andalusia, and, until 2014, the Family Relationships Facilitator Programme.

From 2012 onwards DELGOMAR expanded its services aimed at families in the Family Care Center in which it offers mediation services regarding older people.

- **Intergenerational mediation** in situations of confrontation and crisis of coexistence or family relationships. Aimed at:
  - Mothers/fathers and children, young people and/or **adults**.
  - **Adults responsible for dependent family members**.
  - **Disagreements between family members**.
- Other forms of civil mediation:
  - **Inheritance**.

### **FAYPA FAMILY AND COUPLE ASSOCIATION (Seville)**

<https://www.mediacionfaypa.es>

**FAYPA is an association dedicated to raising awareness of the well-being of families and which especially intervenes in conflicts arising from coexistence.**

“FAYPA was born from the initiative of the promoters of the Family and Couple Association, responsible for implementing and managing the Public Family and Intergenerational Mediation Programme of the Ministry of Health and Social Welfare for Seville and its province, while it was in existence (2002-2012).

In this new stage, Family and Couple (FAYPA) has reorganised and enriched its interdisciplinary team with highly trained professionals undergoing continuous training supplementing the service’s traditional activities and expanding the range of possibilities for helping families.”

### **ADR CONSULTORES (Seville)**

[www.mediacion-familiar.es](http://www.mediacion-familiar.es)

**ADR Consultants** offers tailor-made mediation services, to manage and resolve family conflicts amicably and without the need for going to court.

Since 2005, they offer in Seville and province **family mediation services**, characterised by their proximity, flexibility, speed, confidentiality and guarantee of success.

- Mediation in the field of **care of people in situations of dependency**: Helps manage conflicts arising from the assistance and care of people in situations of dependency, in order to obtain a higher level of well-being.
- Resolving **inheritance conflicts** providing a framework for dialogue to bring different positions closer together, enabling people to work together to resolve the conflict.
- Advice on matters relating to paternal, maternal, and filial relationships and **intergenerational conflicts**.

#### **ANDALUSIAN ASSOCIATION OF FAMILY MEDIATION, AMEFA**

<http://mediacionandalucia.es/>

AMEFA is a non-profit association, the first to emerge in Andalusia that offers a professional and direct response to those families who wish to resolve their conflicts through family mediation.

AMEFA has a technical team specialising in family mediation, continuously renewed, formed by family mediators from different disciplines such as Psychology, Law, Social Education, Social Work, etc., thus favouring interdisciplinary and teamwork.

It offers a mediation and family intervention services to all those families immersed in family conflicts which are inhibiting the normal development of its members, such as: **intergenerational relationships, old age, sibling conflicts...**

AMEFA has different associated entities in several provinces and some municipalities of Andalusia and offers a similar service in each of them.

## **Aragon**

#### **FAMILY GUIDANCE AND MEDIATION SERVICE**

Directorate-General for Equality and Families

Department of Citizenship and Social Rights of the Government of Aragon

As we reviewed above, Law 9/2011, of 24 March, On Family Mediation of Aragon, specifically indicates, among those conflicts susceptible to mediation, disagreements regarding relationships between older people and their descendants.

Consequently, the Family Guidance and Mediation Service addresses problems related to:

*Care of older people or other family members in situations of dependency:*

- Decision making regarding:
  - Care models (home, residential...)
  - Time management for caring.
  - Recruiting people or services to care for the older or dependent person.

*Family inheritances:*

- Disagreements between heirs relating to the distribution of assets.
- Matters related to assessing the value of goods.

#### *Family relationships/extended family:*

- Estranged adult siblings.
- Lack of relationship between grandparents and grandchildren, whether minor or not.
- Conflicts between family members over situations inherited from previous generations.

[https://www.aragon.es/documents/20127/674325/Guia\\_Mediacion%20Familiar%20ultima.pdf/e6f1da3d-0338-7-8507-e5ceb323edc9](https://www.aragon.es/documents/20127/674325/Guia_Mediacion%20Familiar%20ultima.pdf/e6f1da3d-0338-7-8507-e5ceb323edc9)

<https://www.aragon.es/-/orientacion-y-mediacion-familiar>

Managing mediation has been outsourced since 2016 through a public contract with the Fundación Adcara.

#### **FUNDACIÓN ADCARA**

Fundación Adcara, since its creation in 1994, has worked in close collaboration and coordination with the City Councils of Zaragoza, Huesca, and Teruel.

Also, at present, most of the regions of territory of Aragon are collaborating in developing the different work programmes that Fundación Adcara is currently carrying out.

[https://www.aragon.es/documents/20127/674325/Guia\\_Mediacion%20Familiar%20ultima.pdf/e6f1da3d-0338-7-8507-e5ceb323edc9](https://www.aragon.es/documents/20127/674325/Guia_Mediacion%20Familiar%20ultima.pdf/e6f1da3d-0338-7-8507-e5ceb323edc9)

## **Asturias**

#### **FAMILY MEDIATION CENTRE OF THE PRINCIPALITY OF ASTURIAS**

Ministry of Social Welfare and Housing

Among the roles played by the Family Mediation Centre are the following:

- Managing a register of family mediators.
- Appointing a mediator when the parties fail to reach an agreement.
- Managing and granting free mediation and encouraging it.
- Through the mediators enrolled on the register, among other things, disseminating mediation in the family environment.

#### **MEDIATION OF THE COLLEGE OF LAWYERS OF OVIEDO**

<http://www.mediacioncaoviedo.es>

IAM-ICAO has its own register of mediators with specific training and experience in mediating family conflicts.

#### **COPPA MEDIATION SERVICE**

<http://www.cop-asturias.org>

COPPA, the College of Psychologists of the Principality of Asturias, mediation service is a specialised organisation created for fulfilling its aim, which is facilitating access to alternative forms of conflict resolution and encouraging the amicable resolution of lawsuits, promoting the use of mediation.



# Canary Islands

## **FAMILY MEDIATION OF THE GOVERNMENT OF THE CANARY ISLANDS**

Ministry of the Presidency Justice and Equality  
Directorate-General for Relations with the Administration of Justice (DGRA).

The Law does not create, but nor does it exclude, the establishment of any public mediation body. On the other hand, it contemplates the possibility that citizens with few resources can access these services by setting up a mechanism similar to that established in our country to access legal aid or ex officio legal representation.

To provide this service to the entire in the Autonomous Community, the Government has arranged a free Family Mediation Service, with qualified professionals who belong to the [Register of Family Mediators](#).

There are different privately owned Mediation services in the Community, the most significant are mentioned below.

### **Family Guidance Centre of the Canary Islands COF of Las Palmas de Gran de Gran Canaria**

[www.fundacioncof.org](http://www.fundacioncof.org)

It offers advice, training and events relating to the family environment and conflict resolution involving older people:

- Introduction of third parties in family coexistence (grandparents, uncles, and aunts...)
- Lack of space in dwelling.
- Effects of prolonged unemployment.
- Inheritance problems.
- Relationship problems with external family members.
- Problems relating to the care of the older people, the sick, the disabled and a sick child be it psychic-psychiatric or of a physical nature.
- Conflict within families caused by situations of loss and/or care and palliative care at the end of life.
- Overload of responsibilities and taking on tasks.
- Conflicts between family members and/or caregivers regarding the distribution of responsibilities and performing tasks.
- States of mind associated with situations of loss and their consequences.
- Conflicts arising from ethical/moral decision-making relating to palliative care.

### **Fundación Canaria Family Service Centre of Tenerife**

<https://www.familiascanarias.com>

## Cantabria

### **Directorate-General for Justice of Cantabria**

Intergenerational conflict between parents and children, rules of coexistence...

Conflicts between members of the family unit and/or regarding coexistence.

Conflicts arising in the specific field of hereditary successions.

### **CONSUELO BERGES ASSOCIATION**

<http://www.consueloberges.com/>

The “Consuelo Berges” Association of Separated and/or Divorced Women.

Intergenerational Family Mediation:

For people who are facing difficult situations in family relationships deriving from:

- Care of older people or dependents.
- Relationships between adult siblings, filial obligations, and inheritances.
- The scope of family transitions regarding old age and death.

## Castile-La Mancha

### **MINISTRY OF SOCIAL WELFARE OF THE COUNCIL OF COMMUNITIES OF CASTILE-LA MANCHA**

#### **Directorate-General for Children and the Family**

Mediation, Orientation and Family Intervention Programme

The Mediation, Orientation and Family Intervention Programme has been implemented in the five provincial capitals and the following areas: Talavera de la Reina and its region, Illescas and Sagra area, Alcázar de San Juan and Tomelloso.

[https://www.castillalamancha.es/sites/default/files/documentos/pdf/20181003/mediacion\\_y\\_orientacion\\_familiar.pdf](https://www.castillalamancha.es/sites/default/files/documentos/pdf/20181003/mediacion_y_orientacion_familiar.pdf)

### **AMIFAM CLM - ASSOCIATION FOR MEDIATION AND FAMILY INTERVENTION OF CASTILLA-LA MANCHA**

[www.amifam.org](http://www.amifam.org)

It manages the six mediation and family intervention centres in Castilla-La Mancha which are dependent on the Council of the Communities, located in the five provincial capitals.

### **ASSOCIATION OF LAWYER MEDIATORS OF ALBACETE**

<http://www.mediacionalbacete.es/>

Mediation services regarding the presence of older and/or dependent people: Nowadays the possibilities for mediation as a solution to complicated, problematic, or conflictive situations where older people are involved are increasing.

The most frequent situations of conflict regarding older people are:

- Interference issues (e.g., tensions between older people and their child's partner or vice versa).
- Problems of space in the dwelling (e.g., where the older person lives with their child and the latter's family unit).
- Problems of authority (e.g., where the old person wishes to impose their authority on their children, or the opposite).
- Certain attitudes of older people (emotional or affective blackmail, excessive dependence).
- Problems of older people with grandchildren or vice versa or even problems of older people with their children about the education of grandchildren, since the former must take care of latter.
- Differences of opinion between relatives about caring for older people, or of the latter regarding the former.
- When the older person in need of assistance refuses care or objects to the way in which it is carried out.
- Conflicts which can arise when responsibility for caring for the older person is affected by the children's specific work circumstances, or other added family burdens, preventing the necessary investment of time or effort.

## Castile and León

### FAMILY COUNSELLING AND EQUAL OPPORTUNITIES

#### Directorate-General for Families, Children and Attention to Diversity

<https://familia.jcyl.es/web/es/familia/campana-mediacion-familiar.htm>

It is also possible to go to a family mediator when there is a family conflict between people with any degree of kinship (between adult siblings, parents, and adult children, etc.), to prevent, simplify or bring to an end judicial proceedings. Examples of these issues can be succession conflicts, conflicts regarding the care of people in situations of dependency or conflicts in the family business.

#### MEDIATION PROJECT (Valladolid)

<http://proyctomediacion.es/>

Mediation is used in those separation or divorce proceedings in which it is necessary to regulate future relations between the spouses and between them and their children in common. In addition to this type of issue, **mediation is effective in any other conflict that may arise within the family, as well as between parents and children, between siblings, in relationships with grandparents and in situations of dependence.**

The association currently has several training projects underway in different administrations and organisations, as well as organisational mediation projects in the field of health.

All the members of the association have extensive experience in this type of mediation since they belong to the Intrajudicial Family Mediation duty rota service established by the Family Courts of Valladolid.

### The CEMICAVA (Mediation Centre of the College of Lawyers of Valladolid)

[www.icava.org](http://www.icava.org)

The Mediation Centre was created with the main purpose of bringing together lawyers and mediators and provide them with a platform from which to disseminate mediation, carry out continuous professional development and fundamentally manage those mediation procedures carried out by those colleagues who wish to be part of the same.

CEMICAVA defines as its fundamental aim as “to develop quality work and thus become the key institution for mediation” in Valladolid. Furthermore, they add that “the mediators of CEMICAVA are highly qualified professionals, lawyers with training in mediation and proven experience in different areas of specialisation”.

### CONCIERTA MEDIATION ASSOCIATION (Salamanca)

<http://conciertamediacion.com/>

**Concierta Mediation** is an association of **professionals** who come from different academic disciplines such as the world of public or private law, teaching, business finance, psychology, sociology, or social work, in order to approach conflict resolution from a multidisciplinary perspective, to manage conflict and give it the appropriate focus.

It offers, among other things, Family Mediation Services, which is mainly used for conflicts arising from the couple brake up, but it also addresses family conflicts between people with any degree of kinship (**between adult siblings, parents and children who are legal adults, grandparents, and grandchildren, etc.**) to prevent, simplify or terminate judicial proceedings. Examples of these issues can be **conflicts regarding succession and inheritance, conflicts about caring for people in a situation of dependency, elderly parents alone at home or family business disagreements.**

### PSYCOPIEDIA (Salamanca)

<http://www.psycopedia.es/index.php>

Mediation and family guidance unit, psychological care in a multidisciplinary space delivered by professionals specialising in psychological intervention, mediation, and family guidance.

It offers family and intergenerational relationship mediation services, which addresses conflicts between parents, grandparents, siblings, etc.

## Catalonia

### THE PRIVATE LAW MEDIATION CENTRE OF CATALONIA

Department of Justice of the Generalitat of Catalonia (the Catalan Regional Government) with jurisdiction throughout the territory of Catalonia.

**THE NETWORK OF MEDIATING INFORMATION SERVICES (SIM)** through a collaboration agreement with the Department of Justice, it is made up of forty information points spread throughout Catalonia managed locally by municipalities, county councils and other entities. The information points are at the service of citizens providing access to mediation managed by the centre.

**THE NETWORK OF MEDIATOR GUIDANCE SERVICES (SOM)** it is made up of twenty-nine points also distributed throughout Catalonia and managed by the 14 Colleges of Lawyers of Catalonia which, based on their respective collaboration agreements with the Department of Justice, have implemented these Mediation Guidance Services which provide information and guidance on mediation to citizens using the Legal Guidance Services.

## Valencian Community

### MINISTRY OF THE INTERIOR AND PUBLIC ADMINISTRATION

#### Mediation Centre

#### Guidance and Mediation Service (SOM)

<http://www.justicia.gva.es/>

This is the body in charge of promoting and facilitating access to mediation in the Valencian Community.

To carry out these tasks, the Generalitat (the Regional Government of the Valencian Community) has established, in a first phase, the Guidance and Mediation Services (SOM), in the Judicial Headquarters of Alicante, Elche, Castellón and Valencia which can be contacted should any information relating to mediation be required.

### FUNDACION ATYME VALENCIA

<https://www.atymediacion.es/es>

#### Mediation with older people

Mediation is the intervention of a mediation team that helps the parties reach agreements so that situations of family conflict can be addressed peacefully, and family and extended family members can preserve the relationship between them. It promotes the decisions of family members and joint agreements between the various relatives.

Its aims are to:

- Encourage and incentivise older people's roles when it comes to taking decisions affecting their own lives.
- Promote joint decisions to strengthen family bonds.
- Separate physical growth from psychological growth.
- Recognise the feelings and emotions that older people experience.

It is aimed at families who find themselves disagreeing based on different ways of understanding situations, such as:

- Disagreements relating to the organisation of parental care.
- Disagreements when it comes to respecting the parents' decisions.
- Disagreements between adult family members.

### AMAINA, ASSOCIATION FOR MEDIATION AND CONFLICT RESOLUTION

[amainamediacion.com](http://amainamediacion.com)

- Mediation regarding inheritances and disposing of family assets arising from marriage.
- Mediation aimed at caring for people in situations of dependency (older people, people with disabilities, etc.)
- Mediation regarding difficult intergenerational relationships (parents-children, returning to the family of origin).

## Extremadura

### MINISTRY OF HEALTH AND SOCIAL SERVICES

#### General Directorate of Social Services for Children and Families. Family Mediation Service

<http://www.juntaex.es/ddgg005/programa-de-mediacion-familiar>

The conflicts that may be the subject of Family Mediation are all those dealing with matters where the current legal system recognises that the interested parties have the power of free disposal or which, where appropriate, could be being handled via judicial proceedings. These conflicts include:

- Conflicts between parents and their offspring (difficult intergenerational relationships), whether biological or not, and conflicts of a serious nature between siblings and/or extended family.
- Conflicts arising between parents and grandparents, due to difficulties accessing their grandchildren, arising from a conflict between the parents.
- Other family conflicts arising from inheritance or succession or within family businesses or serious disagreements over caring for dependent relatives, etc.
- Any other type of conflict that, because it falls within the field of family relationships, may be susceptible to be approached via family mediation.

[http://www.juntaex.es/filescms/ddgg005/uploaded\\_files/MEDIACION\\_FAMILIAR/GUIA\\_MED\\_FAM\\_FINAL\\_14\\_11\\_17.pdf](http://www.juntaex.es/filescms/ddgg005/uploaded_files/MEDIACION_FAMILIAR/GUIA_MED_FAM_FINAL_14_11_17.pdf)

#### MENSAJEROS DE LA PAZ EXTREMADURA

<https://www.mensajerosdelapazextremadura.es/>

Mensajeros de la Paz manages the Family Mediation Service offered by the **Junta de Extremadura, in Badajoz, Cáceres and Plasencia** as an alternative for resolving family conflicts. It is a voluntary and flexible process based mainly on dialogue and the good faith of people, who, assisted by a neutral and impartial mediation professional, attempt to find a solution to their conflict which satisfies all the parties involved.

It addresses:

- Couples in the process of separation and/or divorce.
- Conflicts relating to the care of dependent people.
- Difficulties in family relationships.
- Other issues.

#### EXTREMADURA ASSOCIATION FOR MEDIATION (AEM)

<https://www.resolviendoelconflicto.es/home>

In 2012, the “Extremadura Association for Mediation” (AEM) was established as a politically independent, non-profit, social, and solidary organisation.

The main purposes pursued are the study, dissemination, development, and implementation of mediation as an alternative mechanism for conflict resolution at any level and in any field.

Its territorial scope is **regional**, within the Autonomous Community of Extremadura; however, it participates in all those actions that it deems appropriate at the national and international level to achieve its aims.

AEM's headquarters is located in Trujillo (Cáceres). It has territorial delegations in Plasencia, Trujillo, Mérida, and Badajoz.

To provide comprehensive care for people and their needs, **AEM** has a presence within the territory of Extremadura in several care centres. The portfolio of services offered there relates to:

- Providing mediation.
- Educating and training for mediation.

## Galicia

### **MINISTRY OF SOCIAL POLICY**

#### **Directorate General of Family, Childhood and Demographic Dynamization**

**Mediagal** - Register of mediators of the Xunta de Galicia (the Regional Government of Galicia).

This service allows you to select a mediator from among the staff included in the register.

### **ICACOR. MEDIA**

#### **ILLUSTRIOUS COLLEGE OF LAWYERS OF A CORUÑA**

[www.icacor-es](http://www.icacor-es)

All types of conflicts may be susceptible to mediation, even if legal proceedings have been initiated. Only cases of gender violence are exempted by express legal prohibition.

Mediation is especially useful in cases involving conflicts on family matters, inheritance, business, civil and commercial conflicts; as well as in the spheres of the community/neighbourhood and education.

ICACOR MEDIA's mediators are qualified professionals with proven specific training in mediation, who act with complete impartiality throughout the mediation process.

## Balearic Islands

### **FAMILY MEDIATION SERVICE OF THE BALEARIC GOVERNMENT**

The Ministry of Social Affairs of the Govern Balear (Balearic Government),  
General Directorate of Children, Youth and Families

This is a public service provided by the Conselleria (Regional Council). When the appointment of a family mediator is requested, they are appointed by the Ministry (as an external mediator and to provide a public service to the citizenry) and paid directly by the Conselleria.

## AMIB ASSOCIATION OF MEDIATORS OF THE BALEARIC ISLANDS

<http://amib.es/>

AMIB is a multidisciplinary organisation established to promote awareness, use and education in the field of mediation, enabling the exchange of information and experiences among its members. The aim of the Mediation Association of the Balearic Islands is to be a network of mediators developing and encouraging mediation, supporting, and providing training and educational opportunities for all mediators.

Relationship mediation: Between couples, married couples, parents and children, siblings ...

Health Mediation **and care of older or dependent people.**

## La Rioja

### Ministry of Social Policies, Family, Equality and Justice

Mediation Service

<https://www.larioja.org/justicia/es/servicio-mediacion>

The **Mediation Service** is a free service dependent on the Government of La Rioja, which aims to resolve certain conflicts in intrajudicial (civil, criminal, both for adults and minors, as well as commercial), and **extrajudicial** matters (community and preliminary rulings in civil and/or criminal matters) through an impartial mediator, who will help the parties to communicate and negotiate in order to reach a consensual and satisfactory agreement.

#### *Family Mediation*

It has three centres located in Logroño, Santo Domingo and Calahorra, with a staff that can provide legal advice, as well as adequate techniques to overcome some of the crisis situations faced by families.

It also deals with separation proceedings and intervenes in intergenerational conflicts in matters relating to inheritance, succession, difficulties of coexistence between parents and minor children, especially adolescents, or with family conflict situations due to caring for parents or other family members in a situation of dependency.

### ICAR COLLEGE OF LAWYERS OF LA RIOJA

<https://www.icar.es>

Family mediation - any conflict, between two or more parties, regarding any of the following:

- Separation, divorce, breakup with a common law partner, amending measures, **intergenerational disagreements**, disposing of marital property held in common, **caring and tending to other people, etc.**



### **COMMUNITY OF MADRID FAMILY MEETING AND SUPPORT CENTRES (CAEF)**

They offer free advice and support delivered by multidisciplinary teams to each and every member of the family through various specialised services.

The Support and Family Meeting Centres of the Community of Madrid (CAEF) offer free advice and support to every member of the family through various specialised, personalised and confidential services. They are staffed by multidisciplinary teams composed of psychologists, lawyers, social workers and educators with training and experience in working with families.

The CAEF of the Community of Madrid aims to help families to improve communication or dialogue, as well as with any conflicts that may arise on a day-to-day basis. It offers confidential and personalised support provided by qualified professionals. It is aimed at each and every member of the family. Access is direct by telephone appointment.

Among the services it provides, is a family mediation service with the aim of preventing, minimising, or resolving family conflicts, such as relationship problems between family members - especially between parents and adolescent children -, disagreements arising from breakup, separation or divorce, difficulties caused by caring for older or disabled relatives, disagreements over inheritance or the family business or other family conflicts.

The Ministry of Social and Family Policies of the Community of Madrid, in collaboration with the Complutense Institute of Mediation and Conflict Management, has prepared a guide on “How to resolve family conflicts”, in which family mediation is explained extensively, and which makes specific reference to mediating in family conflicts with older people and mentions possible situations susceptible to intervention in this field, specifically highlighting the relationship between grandparents and grandchildren.

### **MADRID CITY COUNCIL FAMILY SUPPORT CENTRES, FAMILY MEDIATION (CAF)**

The seven Family Support Centres (CAF) of Madrid City Council offer all Families in Madrid a “Family Mediation Service”, formed by professional teams of Mediators with proven training and experience.

Mediation is offered for a wide variety of family conflicts among which are those deriving from family disputes of over finances and organisational problems when caring for a dependent family member (disabled, elderly, etc.).

<https://www.madrid.es/UnidadesDescentralizadas/InfanciayFamilia/EntidadesyOrganismos/CAF/ficheros/FolletoServicioMediacionFamiliar2019.pdf>

## **THE MEDIATION INSTITUTION OF THE OFFICIAL COLLEGE OF PSYCHOLOGY OF MADRID, “SOLUTIONS TO CONFLICTS”**

With the institutional support of the Official College of Psychology of Madrid, mediation services are offered through a list of qualified mediator psychologists thus making it possible for people or institutions in conflict to find, with their intermediation, the best solution.

Regarding mediation with older people, the following conflicts are addressed:

- Communication crises between family members.
- Family disagreements about organising care for the elderly or disabled.
- The administration of family property.
- Other setbacks and conflicts that may arise in the family environment harming the well-being of the parties or third parties involved.

## **FUNDACIÓN ATYME (MEDIATION FOR A BETTER SOCIETY)**

<https://www.atymediacion.es>

Fundación ATYME is a private, non-profit, non-denominational and independent entity whose aim is to promote mediation and other peaceful ways of addressing conflicts among the population. It has been a pioneer in our country in mediation with older people, as “a formula for families to resolve their disagreements allowing older people to continue to make decisions about their own lives.”

Its aims are to:

- Encourage older people to be the main subject of any changes affecting them.
- Promote joint decisions to strengthen family bonds.
- Separate physical growth from psychological growth.
- Recognise the emotions of older people.

It is aimed at families who find themselves disagreeing based on different ways of understanding situations, such as:

- Disagreement about how to contribute to the care of parents or a family member.
- Disagreements when it comes to respecting the parents' decisions.
- Disagreements between adult family members.

The Intergenerational Mediation programme has been subsidised by the Ministry of Health, Social Services and Equality from 2011 to 2017, and from 2018 to to-date it is funded by the Community of Madrid.

Fundación ATYME in collaboration with the Ministry of Health, Consumer Affairs and Social Welfare has published the guide ‘Adults, older adults and mediation’, a publication dedicated to mediation in the environment of older persons, which addresses the needs of families regarding ageing members of the same and the relevance of mediation to manage any conflicts arising during this process.

The guide aims to:

- Change the social image of older people.
- Uphold their decision-making capacity.
- Reduce the possibility of being dependent, increasing their self-esteem and personal safety.
- Publicise mediation in situations of conflict involving older adults.

### **SOCIETY CONDUCT AND HEALTH**

<https://conductaysalud.es/mediacion-familiar/>

Enrolled in the register of the Society of Professionals of the Official College of Psychology of Madrid. On its service list it offers a family mediation service with older people.

“When there are difficulties with the extended family: There are times when families face circumstances which exceed their ability to cope, for example, reaching agreements and making decisions about how to organise the care of the parents, especially when they are in a situation of dependence or disability. Difficulties can range from emotional adjustment or lifestyles or combining family life and work.”

Caring requires the investment of time and economic resources, so it is important not only to protect the rights of the older person but to seek a solution for the family situation when it is necessary to:

- Distribution of roles and responsibilities among family members.
- Share out the financial cost.
- Reconcile the family, social, and personal life, and the work of caregivers.
- Care for the main caregiver, allowing them to take breaks.
- Guardianship problems - agreements on who exercises guardianship in incapacity cases.
- How and in what way the property of the dependent person is administered.
- Visiting regime for grandparents and grandchildren.

### **ALTER COMPREHENSIVE MEDIATION SERVICES**

Since 2005 professionals trained in mediation and with experience in intervening in and resolving conflicts, in different fields, either between individuals, or organisations, companies, institutions and Public Bodies. They offer direct assistance services for resolving personal, family, or intergenerational conflicts.

With a view to promoting intergenerational mediation, ALTER has produced two training DVDs currently accessible online:

*La mediación intergeneracional. Una pérdida, dos maneras de vivirla.*

<https://www.youtube.com/watch?v=jzwAgdNNOoo>

*La mediación, una forma inteligente de resolver los conflictos. María y sus hijos.*

<https://youtu.be/YE4KbZ2OqAk>

### MINISTRY OF SOCIAL POLICY, WOMEN, AND IMMIGRATION OF THE AUTONOMOUS COMMUNITY OF THE REGION OF MURCIA

FAMILY MEDIATION CENTRE

<https://www.carm.es/web>

This is a space that the Ministry of Social Policy, Women, and Immigration of the Autonomous Community of the Region of Murcia makes available to families to manage and resolve, in a positive way, different types of family conflicts.

#### *Mediation in the field of dependency*

This is aimed at those families in the Region of Murcia who which includes a person with physical or mental disability, chronic disease, or a **dependent older person** and who wish to resolve their family differences by reaching agreements through a mediation process.

It addresses the following topics:

- Issues of a legal nature, guardianships, or inheritance.
- Aspects relating to organising the care of the dependent person within the family: sharing out roles and responsibilities, organising breaks for the main caregiver, reconciling the social, work, and personal life of caregivers.
- Other situations regarding caring for and attending to dependent people generating confrontations between the different members of the family.

It promotes communication within the family, enabling coordination and mutual support to improve the coping strategies used.

It attends to the particular and general interests of different members of the family helping to reconcile their work, family, social and personal life, improving the well-being of the dependent person and the entire family.

It favours cooperation among participants when searching for the effective organisation and optimal resources for the care and attention of dependent people.

### MEDIATION CENTRE OF MURCIA

NATIONAL SCHOOL OF MEDIATION

<https://www.centrodemediacionmurcia.com/>

It offers a Specialisation Course in Mediation in Dependency for professionals to provide them with the essential training and tools to meet the necessary requirements when specialising in Mediation of Dependency, from the psychological, legal, and social perspectives, based on the ADR paradigm, enabling them to change the way in which conflicts involving dependent and older people are managed. Implementation of mediation programmes in the field of **older people** in care and health centres, residences, within the family and the community.

## **MEDIACIÓN, FAMILY MEDIATION CENTRE**

[www.mediacion.org](http://www.mediacion.org)

MEDIACIÓN is an association deploying services and actions aimed at the peaceful management of conflicts arising in the different areas of coexistence (family, school, civil, commercial, community and neighbourhoods).

It currently manages the Family Meeting Points Service, of the Ministry of Family and Equal Opportunities, and the Mediation Centre, developed in collaboration with different public bodies.

## **Navarre**

### **Subdirectorate of Family and Minors - Family Section**

The **Family Mediation Service** of the **Regional Government of Navarre** is a service increasingly demanded by the citizens of the Autonomous Community. In 2019, it handled a total of 301 cases, 84 more than the previous year. Most of the cases handled - Ninety-eight percent - correspond to separations and divorces, although it can be used for any family conflict: disagreement over an inheritance between siblings, conflicts between parents and children, disagreements between siblings over the care of a parent, disagreements over managing a family business or any other conflict between family members.

### **MEDIACIÓN NAVARRA**

#### **Conflict Resolution**

<https://mediacion-navarra.es/>

**Mediación Navarra** is expertise in communication, negotiation, prevention, management and resolution of conflicts, whose work is focused on providing peaceful solutions to differences or disagreements, both in the personal and business spheres. It offers solutions to conflicts affecting all individuals in the family, safeguarding the continuity of family relationships.

### **DIRIME**

<https://dirime.es/>

A Family Mediation Service subsidised by the Government of Navarre

Mediation with older people in conflicts:

- Caring for older people or dependents.
- Intergenerational relationships.
- Distributing and managing inheritances, etc.

## Basque Country

### DEPARTMENT OF EQUALITY, JUSTICE AND SOCIAL POLICIES

#### Social Policy and Diversity

#### Family Mediation

<https://www.euskadi.eus/gobierno-vasco/departamento-igualdad-justicia-politicas-sociales/>

The Family Mediation Service is a public, voluntary and free service which consists of impartial and expert third-party intervention, in a neutral environment. It takes place in the context of families and couples.

The professional mediator does not take any decision by themselves, rather it is the parties who decide and reach or not, agreements on the conflict between them. That is, the family mediator is a specialised, impartial, and independent professional whose is required to act at the parties' initiative, in order to enable the opening of channels of communication between them, providing them, to this end, with a procedure that allows them to find satisfactory and friendly extrajudicial solutions to their family conflicts.

The aims of the service are as follows:

- Help cope with family conflict and enable communication.
- Promote consensual agreements.
- Minimise emotional costs.
- Avoid judicializing family relationships.

The team is made up of interdisciplinary family mediators specialising in the social, psychological, and legal fields.

The service is aimed at people who are in a situation of family conflict:

- Couples whose conflicts are caused by the relationship and/or the decision to break up, either in the phase prior to separation or divorce, or in the phase following said break up.

Families whose disagreements derive from coexistence:

- Disagreements relating to the care of older people or dependents.
- Intergenerational conflicts.
- Foster care situations.
- Conflicts arising from inheritance or family businesses.

It offers legal, psychological, and social information in the context of family mediation, in a neutral space to dialogue about the situation of the family or couple can take place.

The Public Family Mediation Service has three offices, in Vitoria-Gasteiz, Bilbao and Donostia-San Sebastián.

### **AGIPASE ASSOCIATION**

Gipuzkoan Association for Integral Support in Family Crises

<https://www.kidetzagipuzkoa.org/>

From 2016 onwards the association has a change of direction, going from being AGIPASE, Gipuzkoan Association of Separated Mothers and Fathers, to the Gipuzkoan Association for Integral Support in Family Crises: an association **welcoming all types of families**.

The association offers, among other things, family mediation services, whose aim is to attend to people immersed in a family conflict, offering them a neutral space where communication is enabled, and which allows them to make decisions with the possibility of reaching consensual agreements between them. So, it is a voluntary process of mutual agreement, and the agreements reached by those taking part can be legally validated, so it is a form of conflict resolution which in many cases prevents contentious legal proceedings.

It can be used by:

- People who, due to a breakup, have to solve their family conflicts and reach agreements between them, and about their under aged children, if they have them.
- Parents who have conflicts with each other or with their adult children.
- Grandparents or extended family members who have trouble seeing their grandchildren because of impediments placed by parents.
- People who are immersed in family conflicts due to inheritance, succession, or other financial issues.

### **PSIMEBI, CENTRE FOR PSYCHOLOGY AND MEDIATION (Bilbao)**

<https://www.psimebi.com/>

Family mediation services for situations of conflict within the family: separations, inheritances, care of older people, conflicts between parents and children...

A background map of Europe with various countries and cities labeled. A white-bordered brown box is overlaid on the map, containing the text 'Family mediation with older people in the international context'. A white diagonal line points from the bottom right corner of the box towards the number '6'.

**Family mediation  
with older  
people in the  
international  
context**

**6**



## **EMIN (Elder Mediation Internacional Network)**

<https://elder-mediation-international.network>

An international community of mediators working with older people and spanning continents from North America to Europe and Australia, offering many opportunities for professional development through training resources, webinars and the exchange of information and views.

EMIN's mission is to promote elder mediation and to ensure quality in the practice of elder mediation throughout the world. The international certification programme and Code of Ethics are the cornerstones of professional practice. The International Mediation Network for Elders recognises that a key to increasing the number of conflict mediators involving older people is to provide training and expertise.

Elder Mediation International's World Summits have been held in four countries, – Canada, the United States, Ireland, and Switzerland –, to promote intergenerational mediation with older people and provide an exchange of knowledge, research, and networks.

In almost every country there is mediation in cases involving older people, however, it is often not recognised as a separate service, but rather as a variant of community or family mediation. Mediation with older people is not considered a specialty in most countries, and, as a result, training may be diverse.

### ***The Code of Ethics for Intergenerational Mediators with Elders***

The Code of Ethics for Elder Mediators has a key role to play in educating people about Elder Mediation and ensuring the highest ethical and professional standards in their work.

To date the Code has been translated from English into French, German, and Mandarin. It is a living document which is under frequent scrutiny to ensure that it remains responsive to the needs of seniors worldwide.

## **Code of Ethics for Elder Mediators**

### **The contents of the code are:**

- 1. Introduction**
- 2. Scope of the Code**
- 3. Definitions and Descriptions**
- 4. Goals of the Elder Mediation Process**
- 5. Guiding Principles:**
  - ◉ Professional Responsibility.
  - ◉ Relationship with Participants.
  - ◉ Impartiality.
  - ◉ Confidentiality.
  - ◉ Ability to Participate.
  - ◉ Cultural Sensitivity.
  - ◉ Inter-Professional Relations.
  - ◉ Where Abuse is Identified or Suspected.
  - ◉ Fair Negotiations.
  - ◉ Agreement to Mediate.
  - ◉ Multi-Party Mediation.
  - ◉ The Written Summary.
  - ◉ Suspension or Termination of the Mediation.
  - ◉ Mediation Fees.
  - ◉ Outreach and Promotional Activities.
  - ◉ Advocacy.

# EUROPE

## France

*Family mediation in situations related to the aging process and old age:*

In France, impelled by different mediation associations, some actions have been undertaken to promote development in this field:

- Study days dedicated to family conflicts in relation to older people.
- Study days for mediation at the service of family caregivers.
- Creation of mediation committee working groups in order to publicise the existence and benefits of family mediation services to professionals in the field of gerontology.
- Creation and promotion of associations and relationships between professionals in the field of older people.
- Offer of services capable of developing this new field.
- Specialised training in this field, raising awareness of the reality and problems associated with this stage of life, so that family mediators become aware of the challenges faced.

We highlight the following mediation entities specialising in the subject of older people in France:

### **PART 'ÂGE MEDIATION ASSOCIATION**

<https://mediationpartage.fr>

In 2007, following the conference of the National Federation of Mediation and Family Spaces, a group of family mediators:

- Considered the difficulties encountered by families and institutions in the context of old age
- and identified the relevance of mediation to respond to it.
- Training in this field is provided and practices adapted to.

At the end of 2015, this group became the “Part Âge” National Mediation Association, which offers support, through mediation to people in vulnerable situations and those close to them (family, caregivers, professionals, institutions), with the aim of:

- Enabling communication between couples, siblings, and family members.
- Constructing a climate of trust for everyone involved.
- Resolving conflict situations.
- Seeking specific and joint solutions for organising life.
- Making sense of the reality of life in the face of fresh changes.

Mediation is defined here as a process of conflict prevention or management based on the autonomy and responsibility of individuals and institutions.

## **LA FENAMEF**

*The National Federation of Mediation and Family Spaces*

[www.fenamef.asso.fr](http://www.fenamef.asso.fr)

Created in 1991, it currently brings together around five hundred intervention spaces throughout France (family mediation services, meeting spaces, training centres, intergenerational mediation, and mediation in schools, etc.).

**Family mediation in situations relating to ageing** is specifically highlighted.

## **L' UNAF ET L' UDAF**

The “Union Nationale des Associations Familiales” is an institution that was born with the commitment to defend and serve the interests of all families, including support for families in the face of life changes associated with the ageing of some of its members, such as the loss of autonomy.

This institution raises awareness about some of the difficulties affecting families, people in vulnerable situations and their caregivers. It has campaigned to be recognised and acknowledged in public policy.

## **Ireland**

Intergenerational mediation with older people, or its literal translation “Mediation in matters of age”, is recognised as a mediation specialty.

Mediators working in this field are professionally trained on the dynamics associated with old age, intergenerational relationships, care work and other relationships arising from coexistence.

- They recognise age discrimination and violence against older people in private and professional life and also have the courage to address these aspects in the lives of older people.
- They are aware that age is linked to experiences of loss and are able to cope with the circumstances associated with old age, such as dementia, death, or the grieving processes.
- They are sensitive to the specific needs of older people, their heterogeneity, ways of life, housing issues or how they want to be cared for.
- They are aware of the support services for older people.

In this area, mediation works to:

- Help people deal with difficult areas of family development.
- Provide a space allowing families to confront the practical realities of aging.
- Empower older people, making their voice heard so that their wishes are taken into account.
- Create the conditions for making realistic decisions regarding the family's future.
- Help prevent care problems and family conflicts arising from lack of communication and readiness.

We highlight the following mediation entities specialising in the subject of older people:

### **THE MEDIATORS' INSTITUTE OF IRELAND**

Mediators' Institute of Ireland ([themii.ie](http://themii.ie))

*The Mediators' Institute of Ireland* was founded to promote the practice of Mediation as a dispute resolution process in every sphere, guaranteeing the highest standards of education, training and professional practice in mediation and raising public awareness of it.

### **LATER LIFE MEDIATION**

<http://www.laterlifemediation.com>

The main mediation service working with older people in Ireland. It offers a service for families who want to plan, prevent, and resolve problems that may arise, helping them to face challenges in a dignified and respectful way.

- Ensure that the voice of the older person is heard.
- Help achieve peace of mind and strengthen the relationships of all the people involved.
- Allow people to plan for the future in a peaceful and practical way.
- Increase communication and decision-making skills about issues arising from ageing through carrying out workshops and seminars for the general public and service providers.
- Provide specialised training to mediators in the field of older persons based on the certification standards of the Elder Mediation International Network (EMIN) and its code of professional conduct.

## **Austria**

### **ELDER MEDIATION AUSTRIA**

“Elder Mediation Austria” is a network of mediators in the field of older people in Austria that is part of the EMIN network. Some of the characteristics defining them are:

- Professional association of mediators working with older people.
- Defending mediation with older people at the national and international level.
- Training and information centre on mediation issues with older people for network members.
- It acts as a contact point for mediation with older people in Austria.

Furthermore, it defines mediation with older people as a service that pays special attention to the interests and needs of old age in conflict resolution, in which older people, their families and caregivers should take part. Mediation addresses conflicts that are difficult to resolve, but also offers support in planning for a future together where solutions adapted to older people and their environment are reached.

## United Kingdom

The roles and needs of families change as we age. Mediation with older people provides an opportunity to:

- Facilitate family communication about financial matters or those relating to the safety and care of a family member, placing the older person's needs at the centre.
- Establish more supportive intergenerational relationships and future plans in order to act in the older person's interests and that of those surrounding them.

We highlight the following British entities who carry out specialised mediation in the context of conflicts with older people:

### **ELDERS MEDIATION SOLUTION**

<https://www.eldersmediation.co.uk>

Elders Mediation Solutions is a team of mediators specialising in mediation issues involving older people to help them, their families, and caregivers to mediate conflicts arising from family matters and care, financial, residential, and succession and inheritance issues without having to go to court.

### **START MEDIATION**

Family, Elder and Civil mediation

<https://www.startmediation.co.uk/practice-areas/elder-adult/>

A team of trained mediators in issues relating to family finances, care of the elderly and social gerontology.

# AMERICA

## Canada

Canada has been one of the pioneers in upholding the value of mediation with older people and the importance of recognising it as a specialty when offering mediation services.

Mediation with older people is based on an elder-centred model promoting well-being for everyone taking part. In mediation processes with older people, old age and aging is seen as part of a continuous process of development and change, moving away from the perspective focusing on physical and cognitive decline.

Their approach is based on a collaborative process in which a mediator facilitates discussions that help people cope with the changes and other stressors that often occur during the course of family life.

Below is a sample of the conflicts involved in mediation with older people. Any of them can lead to situations of abuse or neglect:

- Medical and health care (at home, in the hospital, residential, and in long-term care facilities).
- Progressive dementias and other memory disorders.
- Providing care.
- Financial issues.
- Dementias.
- Guardianship issues.
- Housing issues.
- Lifestyles.
- Intergenerational relationships.
- New marriages.
- Religious issues.
- Problems of the family business.
- Driving questions.
- Abuse, safety issues, self-neglect.
- Legal issues (estates, inheritance, living wills, power of attorney, etc.).
- End-of-life planning and decision-making.

Mediator specialising in working with older people are professionals who are familiar with the aging process and the problems stemming from it. They are aware that mental capacity does not diminish in everybody as they age. They setup links with the local resource networks and service providers available to older people in the community and have access to the latest developments and knowledge in the field of ageing and old age. They are aware of situations of abuse towards the elderly and report possible situations of ill-treatment to the authorities for investigation. There is no mediation between an older person and another person if abuse has been proven.

The specialty of mediation with older people has a preventive component. When people become aware of the service and refer themselves to it well in advance, conflict can be prevented or minimised. Mediation with older people can also allow participants and families to plan decisions in advance, thus ensuring that the older person's voice is included in future decisions.

Many Canadian organisations are aware of the value of mediation with older people and support the inclusion of older people as part of a quality care continuum. However, they must ensure that mediators working with older persons are trained and duly qualified in mediation practices and processes, and knowledgeable and sensitised to issues relating to ageing and older people.

In Canada there is a mixed model in which private institutions are dedicated to offering mediation services to families privately but also offer training to professionals, and state agencies which are supported in part by public funds, coexist.

Professional organisations have been created to support stakeholders who want to acquire the skills, knowledge, and certification necessary to enable them to provide a quality service. For example, *Elder Mediation Canada*, *Elder Mediation British Columbia*, and *Elder Mediation Atlantic Canada*. These organisations collaborate with each other and with *Family Mediation Canada* and *Elder Mediation International Network*. As a result, the number of licensed mediation professionals is growing steadily in Canada.

## **ELDER MEDIATION CANADA**

Elder Mediation Canada's mission is to provide education, training, and resources to intergenerational mediators with older people nationwide by:

- Supporting the development of certification programmes and standards for senior mediators nationwide.
- Helping certified older people mediators retain their skills through continuing education programmes with an approach focusing on old age.
- Disseminating information on issues related to aging:
  - Raise awareness of the practice of mediation with older people in Canada as a valid and distinct specialty that promotes dignity, respect, and optimal health for everybody accessing the service.
  - Improve the qualifications and effectiveness of mediators by setting high ethical, conduct, educational and performance standards.

Aims:

- Defending the profession of the mediator specialising in older people at the national and international level.
- Increasing awareness of mediation with older people as an important option in the continuum of comprehensive health care.
- Informing professionals who work with older people of their ethical responsibility to promote mediation as a viable option and preventing elder abuse.
- Promoting the observance of a code of ethics.

- Facilitate the exchange of information on mediation with older people through emails, webinars, workshops, symposia, conferences, meetings, professional contacts, documents, publications, a virtual institute, and other media.
- Promote research into mediation with older people to assess how families who use the mediation service benefit from it and how mediation can influence the quality of care, its usefulness, as well as considering possible improvements to the service.
- Run an accreditation plan for specialists in mediation with older people with an interest in adhering to rigorous standards of education, conduct and ethics, and a consistent and credible national and international standard.
- Provide opportunities for ongoing collaboration and consultation.

#### *Mediation Committee with older people*

This Committee's goals include:

- Promoting the independence and well-being of older people in Canada by encouraging the use of affordable mediation services.
- Focusing on the use of mediation with older people, providing opportunities for the exchange of networks and information between mediators specialising in older people, and individuals and organisations interested in this type of mediation.

#### **FAMILY MEDIATION CANADA (FMC)**

##### *Mission*

- Help families to have a better future.
- Help mediators help families.

##### *Goals*

- Raise awareness about mediation services with older people.
- Build knowledge about mediation with older people.
- Develop professional ethics, standards, and certification for mediators.

The FMC recognises the need for a national standard in the field of mediation with older people and is guided by EMIN's Code of Ethics. Specialisation in ageing issues ensures that competencies are maintained for mediators in this field. The goal of both FMC's Elder mediation programme and EMIN's international programme is to promote a consistent standard through certification and continuing education.

#### **ONTARIO ASSOCIATION FOR FAMILY MEDIATION**

Since 1982, the OAFM has offered mediation services as a first option for resolving family disputes.



Furthermore, in response to the identified need to be prepared to work with an aging population, the Ontario Association for Family Mediation began providing training in elder-oriented mediation in 2016. Some of the topics forming part of this training include intergenerational relationships, multigenerational families, the law on family and older people, situations of abuse of older people, grief and loss, positive aging, dementia and chronic diseases, financial and family assets issues, ethical issues, guardianship, context of mediation with older persons in medical care, community support, etc.

## United States

### **MEDIATION WITH OLDER PEOPLE**

The responsibility and stress arising from caregiving often lead to conflicts and breakdowns in family relationships. The services of a mediator can help the family avoid these disputes. Furthermore, it also offers support in the planning of co-responsible care, as well as in the distribution of assets before the conflict escalates.

The person mediating conflict situations with older people must be an expert in conflict resolution, highly qualified in the field of ageing, as well as a neutral enabler who does not provide advice or “take sides” in conflicts.

The aims of mediation are twofold:

- Allow families to create viable and mutually acceptable solutions to their conflicts.
- Develop communication strategies allowing them to work together to make important decisions in the future.

### **TALKING ALTERNATIVES (A FAMILY MEDIATION FIRM)**

This is a professional mediation company that provides mediation for older people and their families, helping them reach agreements on transitional decisions, such as possible alternatives to changes of residence, care plans, and probate issues.

# OCEANIA

## Australia

Mediation with older people is a type of mediation designed specifically for older people and their families, which uses a cooperative approach to resolving conflicts in order to manage family difficulties or take important family-related decisions.

Many families have found that mediation with older people is a useful way to involve all the parties to the conflict and agree on a plan to resolve it.

Intergenerational mediation with older people differs from other types of mediation because it prioritises the needs of the older person. It is, in itself, a specialised field in which an adequate framework is provided guaranteeing the rights and interests of older people and their families.

Intergenerational mediation with older people is practised exclusively by professionals who have been trained and understand both the specific problems of older people and the possible difficulties that may arise during the aging process for both the older person and their family members. As trained mediators with older people, they offer a unique balance of compassion, sensitivity, and objectivity to enable family members to deal with problems and make decisions collectively.

Parties involved in a mediation process with older persons may include anyone who is affected or who may contribute to a decision involving the older person, i.e.: the older person and/or a support person, different members of the immediate or extended family, and other significant persons such as caregivers, staff of nursing homes or a hospital, as well as doctors and other health professionals.

### **ELDER MEDIATION AUSTRALASIAN NETWORK (EMAN)**

#### **Elder Mediation Australasian Network – EMAN**

<http://elder-mediation.com.au/>

This is a network of professionals dedicated to:

- Raising awareness about mediation with older people and the activities and services provided by mediators and other members of EMAN.
- Providing information on mediation with older people for professionals who wish to access this service.
- Developing a code of professional ethics, standards, and certification of mediation with older people.
- Providing access to publications, information about services, as well as holding conferences and other relevant events.
- Promoting EMAN and establishing networks.
- Encouraging referrals to relevant services in Australasia, including mediation and other services tailored to the circumstances of older people.

**MEDIATORS FOR ELDERS**

<https://www.mediatorsforelders.com.au/>

Mediators work with older people, family members, and any other significant person or organisation to develop a process that is flexible and tailored to their needs, to enable discussions between all parties, and to ensure that everybody is heard, that all options are considered, and that a plan is developed to achieve the best possible outcomes.

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