

The pre-hearing convenor

A skilled practitioner chairing conferences in the Children's Court of Victoria

Anne Markiewicz

An evaluation of pre-hearing conferences in the Children's Court of Victoria was carried out during 1994 by five members of staff from the School of Social Work at the University of Melbourne. An interesting theme which emerged from this evaluation is the role of the convenor as pivotal to the process of the pre-hearing conference. The convenor has emerged as a critical figure in the success of the mediation process, and the knowledge, skills, and values they are equipped with are seen as essential to their effective operation. This article describes the role of convenors and the many responsibilities they must juggle in fulfilling their role, and the characteristics which make for an effective and successful conference. As conferences become a more frequent method of resolving conflict between individuals, families and society, it is hoped that the principles which emerge from this article will be applied to other conference proceedings. It is clear that we are moving away from conventional adversarial methods, to mediative and conciliative modes, and in doing so we need to become clear about the characteristics which are required for such processes. This is one exploratory study of a pilot project in Victoria which should be of interest to other conferencing and mediation mechanisms.

Anne Markiewicz
Lecturer, Department of Social Work
The University of Melbourne
Parkville, Vic 3052.
Tel: (03) 9344 9425

In October 1993, a team of evaluators from the School of Social Work at the University of Melbourne were commissioned by the Protective Services Branch of the (then) Victorian Department of Health and Community Services (H&CS), now the Department of Human Services (DHS), to undertake an evaluation of the first twelve months of pre-hearing conferences in the Family Division of the Children's Court of Victoria. The evaluators were able to directly observe and analyse the characteristics, skills and functions of the convenors, as necessary for the effective execution of this new role, and to hear from the convenors themselves about their reflections on this new process.

Pre-hearing conferences emerged from the process of developing the Children and Young Persons Act (1989), and were specifically included in the 1992 amendment which provided for the holding of pre-hearing conferences under sections 37A and 82A. The pre-hearing conference is designed to take place prior to a formal court hearing in cases where a child protection application has been taken out and is contested by the families. Conferences are thus intended to provide the opportunity for parties to a disputed application to enter into joint problem-solving and negotiation, in order to settle those issues in dispute and avoid a hearing before a magistrate (Department of Health & Community Services 1993c, p. 3). In practice, there are complex combinations as to which part of the family is in dispute with the

Department of Human Services, as often adolescents take an independent stand from their families, resulting in a three-way negotiation, or one parent agrees with the Department while the other remains in dispute with it.

Significant administrative difficulties had been encountered following the implementation of the new Act, including a growing backlog of contested cases leading to long delays; inefficient practices which caused a number of cases to collapse part way through a hearing, raising questions about the manner in which pre-hearing negotiations were being conducted; and the complexity of the decision-making task which confronted magistrates (Department of Health & Community Services 1993b, p. 1). A further problem was the financial costs of contested cases (Department of Health & Community Services 1993a, p. 1). It was thus hoped that the introduction of pre-hearing conferences would address these concerns, and enhance the efficiency and effectiveness of the Court's decision making.

THEORETICAL UNDERPINNINGS

Alternative dispute resolution processes now operate in many jurisdictions, and mediation has become fashionable in Australia, promoted as a way of resolving family disputes in many statutory settings (Bagshaw 1995, p. 6). The reasons for the popularity of alternative dispute resolution mechanisms rest

with the dissatisfaction experienced with adversarial court systems, which are seen as formal and alienating. Courts are also seen to be bogged down with cases, and consequently very slow and expensive for many who are not eligible for legal aid.

There is some question as to whether the model underpinning the pre-hearing conference is conciliation or mediation, and to what proportion and degree either or both are utilised. There is clearly an interchange in the use of these terms and it is noted that the distinctions between them emphasise the degree of intervention of the convenor. Some research conducted has shown that pressure tactics are an essential ingredient to mediation, blurring further the distinctions in these definitions (Kressel, Pruitt & Associates 1989, pp. 418,419).

The underlying basis of alternative dispute resolution is the use of mediation and conciliation skills and techniques. Mediation is often depicted as a process whereby a neutral person facilitates with the participants the identification of the issues in dispute, enabling the consideration of options and alternatives, and promoting the process of consensual agreement where everyone's needs are met (Folberg & Taylor 1984, pp. 7-8). Folberg and Taylor's (1984) classic definition of mediation highlights the neutrality of the third party, as well as characteristics of confidentiality, fair process and commitment to settlement. Mediation ideally provides an opportunity for people to settle a dispute on their own terms, with mediators thus being responsible for the process and the participants for the outcomes (Bagshaw 1995, p. 4). Conciliation, by contrast, is more directive, and entails a more active role for the convenor. The Rationale and Guidelines for Practice developed by H&CS clearly saw pre-hearing conferences as a conciliation process (Department of Health & Community Services 1993c, p. 5). There was an implicit recognition here that, as the conference was to guard the safety and well-being of children, it could not operate as an entirely neutral process.

The pre-hearing conference is designed to take place prior to a formal court hearing in cases where a child protection application has been taken out and is contested by the families.

The adaptation of mediation techniques to the specific context of child protection has resulted in some debate. Mediation traditionally rests on a process of voluntary participation, equality in the balance of power of the participants, and the ability of those involved to make rational decisions (Bagshaw, 1995, p. 5). The process of referral to pre-hearing conferences has not been voluntary as the magistrate orders the participation of the parties, the power imbalance between the family and DHS is evident, and at times the impact of a psychiatric or intellectual disability, or the effects of alcohol or drug addiction can impair the family members' ability to make such rational decisions. Bagshaw (1995) does conclude that if mediation is used selectively, it can offer a constructive and respectful process which can assist people to make decisions within imposed statutory limits. Maresca (1995) considers the translation of mediation to child protection, and comments that the convenor must assess the participant's ability to communicate his or her needs or interests, the likely impact of addictions, illness or disabilities, and in addition, the convenor deals with inherent power imbalances by employing empowering techniques (Maresca 1995, pp. 735,736).

There has been a broader concern expressed that mediation has picked up social work's traditional social control agenda, and that conflict is being defined inter-personally rather than socially (De Maria 1992, p. 17). Mediation can be seen as a mechanism for the management of conflict, turning

such conflict back upon individuals, and thereby disguising and blurring the underlying conflict within society. De Maria (1992) argues that social work has had a long history of social control through conflict management, and that mediation is a new form of such control. He further states that mediation and traditional social casework share common underpinnings in the blocking of conflict-borne change (De Maria 1992, p. 26). In child protection practice, social control functions are clearly illuminated, and pre-hearing conferences' management of the conflict between the family and society (DHS) is a desired outcome. The alternative of such conflict being expressed in a formal court room, with the family speaking through their legal representatives, does not meet social change objectives either. Mediation in child protection is clearly an adjunct to the achievement of social justice objectives and not a substitute for these goals.

THE CONVENORS

The process of the pre-hearing conference was designed to be managed by a convenor who has the skills and knowledge to structure the meeting. It was seen as important that the convenor be able to ensure that each party has an understanding of the problems, the options for settlement and the likely outcome that would occur if the case went to Court. In addition the convenor should be able to facilitate the best possible outcomes while at the same time ensuring that agreements reached meet legal and orthodox parameters (Department of Health & Community Services 1993c, pp. 3-4). It is the role of the convenor which will now be examined in more detail.

At the outset of the program, it was considered that the qualifications of the convenors should include the following requirements:

- the capacity to facilitate or conciliate problem-solving with groups;
- an understanding of or experience in child protection, including an understanding of the rationale, purpose and

operation of the child protection system;

- an understanding of, or experience in, legislative practice on child protection, the overall stages of childhood development and needs, and the experience to assess the capacity of a child to participate in conferences;
- personal qualities such as flexibility, responsiveness to the views of others, respect of others' views and cultural differences.

(Department of Health & Community Services 1993c, pp. 4-5)

Using the above criteria, the first four convenors of pre-hearing conferences were appointed in October 1993 by the Governor-in-Council. Convenors were appointed following interview, recommendation of the senior magistrate of the Children's Court to the Chief Magistrate, and from there were endorsed by the Attorney General, and finally appointed by the Governor-in-Council. They were to be remunerated on a sessional basis per conference. Of the four convenors appointed, two were lawyers, one with dual qualifications in social work and experience as a barrister in children's matters, whilst the other had experience in the Equal Opportunity jurisdiction. The other two convenors were social workers, each of whom had experience in the field of child welfare and in the Children's Court, and one of whom was completing a law degree. The convenors were offered only cursory training by the Justice Department, and were given responsibility for the development of a practice model for the conferences. The conferences subsequently owe their process and style largely to the evolutionary and developmental practice of the first four convenors.

The convenors were initially concerned that their new role and the function of the pre-hearing conference be clear to the families involved. They thus constructed a document to inform participants about this new process. *Your court case: Pre-hearing conferences* (Melbourne Children's Court 1993) was intended for family members and contained material

relating to the role of the convenor, the importance of maintaining confidentiality in the conference, and the processes of actually conducting a conference. Despite the availability of this material, families often entered a conference with little knowledge about the function of the conferences, and time needed to be spent at the beginning of each conference outlining its role and function, and its relationship to the Court. Convenors usually elaborated on their roles, which were described in *Your Pre-Hearing Conference* as being to "make sure that everyone has a fair and equal say at the conference" and to "assist the parties to identify their differences and to reach an agreement." They also emphasised the confidentiality of conference proceedings, echoing the intent of the legislation, which states in s.82B(2) that:

... evidence of anything said or done, or of any admission made, at a pre-hearing conference is only admissible in any proceeding before a court (including the proceeding on the protection application) if the court grants leave or all the parties to the pre-hearing conference consent.

Alternative dispute resolution processes now operate in many jurisdictions, and mediation has become fashionable in Australia, promoted as a way of resolving family disputes in many statutory settings.

The convenors were thus thorough in their intent that participants in conferences had a sound understanding of the process they were becoming involved with, and this emerged as an important feature of their role, particularly in relation to the redressing of power imbalances involving families attending.

The method the evaluation team used to develop an understanding of the operation of the pre-hearing conference and the role of the convenor was based upon direct observation of conferences and follow-up with conference participants. Regular meetings also took place between the evaluation team and the four convenors, providing a means of monitoring the implementation of the conferences and of identifying practice issues which arose. Toward the end of the evaluation period, several formal meetings were held with the convenors to establish their views of the conference process, their own assessment of the practice skills they had developed through running the conferences, and to identify issues to be resolved for the future of the program. In addition, formal meetings were held with key players such as the magistrates, the Legal Aid Commission, Court administrative staff, senior program staff at H&CS and some legal representatives. This qualitative data, together with quantitative data from court records regarding outcomes of conferences and costs of conferences as compared to contested hearings, provided an overall perspective on the role of the convenor within the pre-hearing conference.

At the time of the production of the final evaluation report in December 1994, the convenors had chaired 180 conferences, and agreement between the parties had been reached in 60 per cent of the cases. The evaluation team's general conclusion was that pre-hearing conferences had proved to be a valuable addition to the repertoire of responses to child protection matters, and made an overall recommendation that the program should continue to be funded and implemented. The Children's Court was seen to benefit from the services of a neutral, skilled and legally sanctioned conciliator who would focus upon the best interests of the child. There was a clear proviso in this recommendation that the conferences would provide an acceptable alternative to court, if the program continued to employ skilled conciliators who were knowledgeable about child and family matters.

Subsequent to the release of the evaluation report, there has been serious consideration given to the employment of clerks of courts (registrars) in the role of convenor. It was considered by the Attorney-General's Department that they would have the attributes necessary for such a role. The recourse to discounted para-legal services to compensate for the State reducing funding to professional services and public structures has been a concern in the literature (De Maria 1992, p. 21). The evaluation group has objected strongly to this move, and has communicated in writing its concerns about this direction. The requirements for the selection of convenors listed above (Department of Health & Community Services 1993c, pp. 4-5) are thus being compromised, and the impact this will have on conferences is still uncertain.

ISSUES FOR PRACTICE

The convenors found their path through the process of conferences and their new roles inductively rather than prescriptively. Over time, as they became more confident and assured, they developed their own particular models and styles, while at the same time sharing these developments with each other. The convenors did not see their role as one of pure mediation, because they were not passive or neutral. Rather, they were guided by the principles of the Children and Young Persons Act (1989) with its emphasis upon the safety of the child. They saw their roles as requiring a combination of mediation and conciliation: mediation to guide the process, and conciliation because of the context of the Act. The issue of whether a mediator can also be an advocate without compromising his/her neutrality has been raised in the literature, as has the notion of the mediator using interventionist strategies to promote fair and balanced outcomes (Bagshaw 1995, pp. 8,11). The difficulties of providing impartiality and the necessity of legislative accountability indicate that the pure process of mediation has not been used in pre-hearing conferences. It is rather an adapted model using the principles of

mediation blended with advocacy for the child and some direction from the convenor to ensure an outcome compatible with the intention of the Act and the likely outcome if the case were in Court.

The convenors were thus thorough in their intent that participants in conferences had a sound understanding of the process they were becoming involved with, and this emerged as an important feature of their role ...

The critical importance of leadership in case conferences and mediation, in providing structure and setting limits without controlling or suppressing participants, has been highlighted in the literature (Scott, Lindsay & Jackson 1995, p. 11; Maresca 1995; Savoury, Beals & Parks 1995). The convenors of pre-hearing conferences noted the centrality of their role to the effective operation of the conference, as they organised topics to be tabled, established the agenda and guided the process. They often prompted the proceedings by suggesting certain options be considered, or asking participants to think about certain issues.

It was the importance of the role of the convenor which prompted the evaluation team to facilitate a brainstorming session where the convenors were asked to highlight certain practice principles which they felt were essential for the effective operation of conferences. The principles which emerged from this brainstorming session can be found in the middle column of Table 1. They have been classified using eight main headings along a continuum of instrumental to expressive roles: management of the process, development of confidence and authority in the role, exercising of

professional judgement, objectivity, confidentiality, positive regard for participants, flexibility in approach, tolerance and understanding. All eight characteristics are seen to be interdependent and interlocking components. These components are seen as essential to facilitating a process in which the participants will feel prepared to negotiate and become an active party to the process.

Having grouped the principles emerging from the practice experience of the convenors under eight main headings, it became clear that these principles were underpinned by specific and related areas of knowledge, values and skills. The Australian Association of Social Work produced its competency standards in September 1994 for entry level social workers. Although the policy direction toward specification of professional competencies has given rise to much debate as to the effectiveness of attempting to break down and compartmentalise a model of integrated professional practice, the framework included in this document does provide a worthwhile listing of attributes to draw from and utilise.

The appropriateness of the characteristics identified in Table 1 in creating a successful conference have been borne out by participant feedback. A small sample of six families were spoken to by the evaluators after their conference, and respondents commented that the conference had given them the opportunity to discuss issues informally, and that it was a better process than fighting in court. All parents commented that the decision-making had involved all parties, and stated that this was the one occasion when they felt listened to. The evenhandedness of the convenors was seen by those families interviewed by the evaluators to be a real asset of the conferences. Those parents interviewed identified impartiality, the informality, the fairness and above all, the opportunity to be heard, as the best features of the conference. The family participants in pre-hearing conferences have thus valued the competence exhibited by convenors, who were seen

TABLE 1 KNOWLEDGE, SKILLS AND VALUES OF CONVENORSHIP IN SOCIAL CONFLICT INVOLVING INDIVIDUALS, FAMILIES AND SOCIETY.

CHARACTERISTICS	PRINCIPLES	UNDERPINNING KNOWLEDGE, VALUES AND SKILLS
1. Management of the process	<ul style="list-style-type: none"> the ability to provide basic structure and direction for the process the ability to be pro-active and directive while still remaining flexible in your approach the ability to know when to give people time and space to think and reflect not losing control over either the proceedings or one's own feelings 	<ul style="list-style-type: none"> mediation skills** clear, fluent and effective interpersonal communication* knowledge of the Act and its parameters, and child protection practice within H&CS. skills in encouraging the motivation of stakeholders in moving toward a successful outcome*
2. Development of confidence and authority in the role	<ul style="list-style-type: none"> development of practice confidence in the role, and the ability to reflect upon oneself not being driven by the desire to settle confidence in professional knowledge base and its application to the chairing of conferences 	<ul style="list-style-type: none"> awareness of and ability to use one's attributes appropriately* subordination of personal needs to those of the clients and client system* development of professional performance in response to self-reflection and feedback* keeping up with knowledge and practice developments and with legislative provisions and requirements of practice*
3. Exercising of professional judgement	<ul style="list-style-type: none"> the ability to make judgements regarding routes, options, and directions having confidence and belief in your judgement sound underpinning professional knowledge from which to base your decisions 	<ul style="list-style-type: none"> demonstration of appropriate confidence in abilities* practicing in a professional and accountable manner* knowledge of childhood development, needs and child abuse and neglect and their impact knowledge of the impact of alcohol and drug addiction, intellectual and psychiatric disabilities upon cognitive states and overall functioning
4. Objectivity	<ul style="list-style-type: none"> not showing favouritism or expressing views about the merits of one option rather than another avoiding familiarity if the convenor is already acquainted with child protection workers, legal representatives or other participants. 	<ul style="list-style-type: none"> insight into influence of one's values on practice* awareness of own impact on clients and colleagues*
5. Confidentiality	<ul style="list-style-type: none"> emphasising the confidentiality clause of the legislation at the beginning of the conference 	<ul style="list-style-type: none"> practicing confidentiality*
6. Positive regard for participants	<ul style="list-style-type: none"> showing respect for individual parties 	<ul style="list-style-type: none"> principles of social and natural justice* commitment to dignity, value and uniqueness of individuals* commitment to self-determination*
7. Flexibility in approach	<ul style="list-style-type: none"> the ability to give people latitude to change their positions, and room to move, as well as giving people the benefit of the doubt 	<ul style="list-style-type: none"> mediation skills acknowledgment of service users' personal beliefs and identity*
8. Tolerance and understanding	<ul style="list-style-type: none"> the ability to allow people to have their say and permission to express feelings such as anger and conflict an understanding of how people behave 	<ul style="list-style-type: none"> commitment to the right of clients to realise their potential without harm to others* knowledge of human behaviour and the social environment knowledge of family dynamics

* drawn from The Australian Social Work Competency Standards for Entry Level Social Workers, AASW 1994, Strand 1: Applying Fundamental Principles and Standards.

** usually a progression of tactical choices including concession making, contending, problem solving, inaction and withdrawal (Pruitt and Carnevale, 1993), but often a more complex process of the development of a collective rationale linking what is happening now to what has happened in the past and what needs to happen in the future (Morley 1992 in Pruitt and Carnevale, 1993:202).

as impartial, informal and able to create an environment in which family members felt they had been heard, and were really able to have some say. Convenors can be seen to have adhered faithfully to the *Guidelines* (Department of Health & Community Services 1993c), but to have been flexible enough to create a process that facilitated participation, whilst maintaining authority and control over the process.

The underpinning knowledge, values and skills identified in Table 1 reflect six main areas of knowledge, nine areas of values and seven of skills, which are inextricably linked to form a professional model of practice (see Table 2). Many of the areas of knowledge, values and skills are derived from and relate to the social work profession. There is no suggestion here that social work has exclusive ownership over the role of the convenor, but rather that it does provide a professional framework reflected in the competency standards to dissect and understand this complex role. It is clear that other professional groups, such as

lawyers, can and do have many of the attributes highlighted.

In other contexts, such as Nova Scotia where mediation in child protection takes place, it has been determined that mediators should hold a degree in social work, psychology or law, and professional composition has reflected this with 52% of convenors being social workers, 36% lawyers, and 12% a combination of backgrounds (Savoury, Beals & Parks 1995, pp. 748). This reflects the importance of convenors having social work derived knowledge, values and skills, as well as knowledge and skills related to mediation, negotiation and the operation of the legal system. Nova Scotia also conducted competency assessments and found that previous professional training and experience do play a role in effectiveness. It was established that social workers did have to resist the desire to engage in therapy with the parties, while lawyers had to develop skills in active listening, questioning, reframing and managing strong emotions (Savoury, Beals & Parks 1995:759).

The conclusion drawn from this was that:

Mediation would appear to be a discipline in and of itself, and most professionals beginning to practice it have to compensate and adjust their styles to be successful. Since mediation is attracting a variety of professional disciplines, further study in this area would be of value both currently and in the future

(Savoury, Beals & Parks 1995:759).

REFLECTIONS FOR THE FUTURE

I have attempted to portray the role of the convenor of pre-hearing conferences as that of a knowledgeable and skilled practitioner. They clearly require a coherent package of knowledge, values and skills to undertake their role, and this leads to the conclusion that this is truly a professional role. To be effective, convenors require knowledge of the Act and child protection procedures, knowledge of child development and human behaviour, and family dynamics. They require

TABLE 2 PROFESSIONAL MODEL OF CONVENORSHIP

MACRO LEVEL: Understanding of the political, social, economic and cultural context and social policy development.		
MESO LEVEL: Understanding of the social and community context in which family life is conducted, the organisational context to service delivery.		
MICRO LEVEL: Understanding the dimensions of the situation confronting the family at the conference you are convening:		
KNOWLEDGE	VALUES	SKILLS
<ol style="list-style-type: none"> 1. Human behaviour and the social environment 2. Family dynamics and relationships 3. Childhood development and needs 4. Child abuse, its causes and impact 5. Legislation and its parameters 6. Child Protection practice within a Government Department 	<ol style="list-style-type: none"> 1. Subordination of personal needs to those of the client system 2. Practicing in a professional and accountable manner 3. Insight into own values and impact of these on practice 4. Belief in confidentiality 5. Natural and social justice principles 6. Commitment to dignity, value and uniqueness of individuals 7. Commitment to self-determination 8. Acknowledgment of the personal beliefs and identity of service users 9. Commitment that clients reach their potential 	<ol style="list-style-type: none"> 1. Mediation strategies 2. Clear communication 3. Mobilising motivation of stakeholders 4. Ability to use attributes appropriately 5. Use of feedback and self-reflection 6. Demonstration of appropriate confidence in abilities 7. Awareness of impact of self on clients and colleagues
LINKED AND INTEGRATED TO FORM A MODEL OF PROFESSIONAL PRACTICE		

skills in mediation, negotiation and conciliation areas, clear and effective communication, self-awareness and confidence. They also require values incorporating positive regard for individuals and tolerance and understanding.

Some of these attributes have already been highlighted in the literature, and characteristics such as respect for human dignity, recognition of human intelligence and competence, impartiality and open exploration of options, confidentiality and voluntarism have been mentioned (Bagshaw 1995, p. 8). Bagshaw (1995) comments that there is a risk that these attributes become compromised in statutory settings, particularly confidentiality, voluntariness and openness.

The areas of knowledge, values and skills identified in Table 2 are not to be compartmentalised, but blended together to form a model of practice in which each area informs the other. There are many other dimensions to professional practice which have not been mentioned in detail. The model presented is very much focussed at the micro level of performing the role. There is the meso level of understanding networks and services available, policies and procedures of organisations, social and community networks in which the families operate, the community and social context of family life. There is also the macro level of understanding social, economic, political and cultural forces that impact upon and shape everyday life, and social policy dimensions to service delivery.

The model of attributes which has been developed is likely to be applicable to a range of chairing responsibilities, as conferences become a more popular mechanism for resolving social conflict. We have already seen the introduction of conferences in all areas of child protection, from case conferences to case planning meetings. We have also seen the introduction of family group conferences from New Zealand in both the child welfare and juvenile justice arenas. If conferencing is becoming a predominant model for conflict resolution in child welfare and

juvenile justice, then there needs to be greater clarity about the knowledge, skills and values required of convenors, and assurance that these are either present or able to be developed.

There has been insufficient recognition that the leadership role in forums such as pre-hearing conferences is a highly skilled one, and too often there is inadequate preparation and training, either in professional education or in-service training, for the role (Scott, Lindsay & Jackson 1995). In the context of pre-hearing conferences, there was a paucity of training available, and very little opportunity for supervision, de-briefing or support. The convenors relied very much upon their professional education and employment experience to guide them through the difficulties and dilemmas which emerged. There was also inadequate time allowed for preparation of conferences, and reports from H&CS were often expected to be read and digested immediately before the commencement of conferences. The thinking and reflection time needed in preparing for a conference needs to be recognised as a vital component of the role. It is clear that a tri-partite approach of appropriate professional education, relevant employment experience, and on-going access to opportunities for training, supervision and support are required to provide for a professional model of convenorship.

It is hoped that this article has succeeded in highlighting the delicacy and complexity needed to competently chair conferences where there is social conflict between individuals, families and society. Successful conferences require the services of skilled convenors who are able to make the process a win-win situation for all who have attended, even though there may have been compromises along the way and parties may have faced the frustration of some of their wishes. There are many practitioners in the community who may possess the necessary attributes for such a role, in their professional education and work experience, and these practitioners need to be recruited and to receive further training and support, to undertake a

valuable and essential role in the community. ☉

REFERENCES

- Australian Association of Social Workers Ltd 1994, *Australian social work competency standards for entry level social workers*, ACT.
- Bagshaw, D. 1995, 'Mediating family disputes in statutory settings', *Australian Social Work*, 48(4), December, pp. 3-12.
- Department of Health and Community Services Victoria 1993a, *Addendum to evaluation agreement*.
- Department of Health and Community Services Victoria 1993b, *Pre-hearing conferences: Guidelines for child protection staff*.
- Department of Health and Community Services Victoria 1993c, *Pre-hearing conferences: Rationale and guidelines for practice*.
- De Maria, W 1992, 'Social work and mediation: Hemlock in the flavour of the month' *Australian Social Work*, 45(1), March, pp. 17-281
- Folberg, J. & Taylor, A. 1984, *Mediation: A comprehensive guide to resolving conflict without litigation*, Jossey-Bass, San Francisco.
- Kressell, K., Pruitt, D.G. & Associates (eds.) 1989, *Mediation Research*, Jossey-Bass, San Francisco.
- Lagay, B., Campbell, L., Markiewicz, A., Murray, H., & Swain, P. 1994,*To seek the best possible outcomes: An evaluation of a pilot program of pre-hearing conferences in the Family Division of the Children's Court of Victoria*
- Maresca, J. 1995, 'Mediating child protection cases', *Child Welfare*, Vol.LXXIV No.3, pp. 731-742.
- Melbourne Children's Court 1993, *Your court case: Pre-hearing conferences*.
- Pruitt, D., & Carnevale, P. 1993, *Negotiation in social conflict*, Buckingham, UK, Open University Press.
- Savourey, G., Beals, H., & Parks, J. 1995, 'Mediation in child protection: Facilitating the resolution of disputes', *Child Welfare*, Vol. LXXIV No. 3, pp. 743-762
- Scott, D., Lindsay, J., & Jackson, A. 1995, 'The child protection case conference: Juggling rights, risks and responsibilities', *Children Australia*, 20(1), pp. 4-12.