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**“Elder Mediation,  
a way to resolve elder abuse in Ireland.”**

**Master in Dispute Resolution**

**Independent College Dublin**

**May 2022, Ireland**

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## LIST OF ABBREVIATION

EM	Elder Mediation
WHO	World Health Organization
HSE	Health Service Executive
UN	United Nations
EPS	Safeguarding and Protection Teams
MII	The Mediators' Institute of Ireland
EMIN	Elder Mediation International Network
ADR	Alternative Dispute Resolution

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## ABSTRACT

There are few studies in the field of elder abuse and its relationship to elder mediation, so there is a wide field of research to develop for those interested in this topic and the field of mediation.

The present research aims to explore elder mediation in Ireland and discover the experience of mediators as a conflict resolution tool in elder abuse. To explore its potential as a means of helping older adults to resolve any abuse-related problems they may be facing.

To this end, the researcher has collected qualitative data from six mediators working in elder mediation in Ireland. The information was collected through semi-structured in-depth interviews, which were then transcribed and analysed through thematic analysis.

The primary outcome of the research shows the urgent need to raise awareness of older people's mediation and the relevance it can have when working in coordination with services that could benefit from it as a means of conflict resolution.

It is essential to highlight that it is recognised that this type of mediation is not possible to apply in cases of severe mistreatment; however, as the researcher delves deeper into the subject, she discovers that there is also evidence of less visible situations of mistreatment, either because of shame, fear or the simple need for better communication in the face of the problems that families have to solve when there is an older adult in the family and who requires specialised attention. In this situation, mediation for the elderly has a great potential to make a good contribution and is a developing area.

On the other hand, it was also evident that not all mediators were unwilling to collaborate with this type of research. Their reactions to abuse generated distance and rejection when they were encouraged to talk about it. In contrast, those who participated in the study were passionate, available, and open to discussing and analysing the possibility of using elder mediation to resolve some elder abuse issues. Mediators, through their experiences, show us when and how they have been confronted with elder abuse and why they are willing to want to share it.

Finally, the significant contribution of this research is that it intends to contribute to the debate on the place of elder mediation and its relation to types of abuse. The intention is to propose discussing it, reflecting and contributing to the conflict resolution of older adults and those needs that are hard to talk about.

## INTRODUCTION.

To answer some critical questions about older people abused and elder Mediation, such as Is Mediation currently helpful? Is it applicable to different types of elder abuse? Is Mediation used as a means of elder abuse resolution? Should practitioners who use Mediation have special training in elder abuse cases? It requires a search for evidence to support, validate, or refuse the use of Mediation in elder abuse cases.

Elder abuse increases every year (Wendt et al., 2013), and measures are insufficient to cover all the population's needs (United Nations, Department of Economic and Social Affairs, Population Division, 2020). On the other hand, little is known about if the mediation process may be most or less effective and if it offers the most favourable long-term outcome for the parties involved in elder abuse (Pratschke & Engling, 2013). Therefore, extending and improving the support given to them through Mediation as a tool for conflict resolution could be a positive objective that would help improve the quality of life and, at the same time, stimulate the excellent relationship between people at this critical stage.

From the review of the scientific and academic literature before the start of this study, it can be stated that there is broad agreement that older people are increasing rapidly all over the world (United Nations, Department of Economic and Social Affairs, Population Division, 2020). This is a significant transformation of society in the 21st century. The effects are seen in all sectors of society, including family and intergenerational relations (United Nations, Department of Economic and Social Affairs, Population Division, 2020). Directly related to this, elder abuse has become a global social problem.

Some demographic facts answer the concern that this situation is structurally perpetuated if not addressed in time, mainly because of the invisibility and lack of recognition of the problem (World Health Organization, 2016), e.g., "when the Decade 2020-2030 ends, the population over aged 60 years will be 34% higher. Women tend to live longer than men. In 2017, women accounted for 54% of the total people aged 60 years or older and 61% of those aged 80 years or older. Between 2020 and 2025, women's life hopes will go over men's by three years at birth. There are more older people than children under five years. In 2020, for the first time in history, people aged 60 years or over will outnumber children under five years." (World Health Organization, 2016)

It has also become a public health problem that needs to be addressed urgently. (World Health Organization, 2021) Since the report by the WHO (2015), about ageing, the current answer to

public health is more of the same and it is not enough, therefore it is necessary for a systemic answer to the problem.

Moreover, while understanding the magnitude of elder abuse is the first step, determining it has been difficult, as there is no explicit agreement on how to measure it. This is due to wide variations in reported prevalence rates between countries. (Yongjie et al., 2017).

In several countries, elder abuse has not been extensively researched, and there is an urgent need to review the legislation, policies, and practice of elder protection. The work must be "inter-agency and multi-agency" if outcomes are improved and sustainable over time (Donnelly et al., 2017). Surprisingly, in the literature review, between 2000 and 2021, only one single study about Mediation and elder abuse has been published in Australia, entitled: "The effectiveness of mediation for older people at risk of abuse". (Martin & Roberts, 2021)

In Ireland, elder abuse towards older people has been included in national legislation as a specific vulnerable group on domestic violence in Health ACT 2004 (Government Publications, 2004). Subsequently, many changes have been incorporated into the Act, increasing criminal protection by integrating specific protection measures for neglected or abused older people (Donnelly et al., 2017). These changes have made it possible to address violence against older people through family mediation, as a gentler alternative and in a space outside the family courts.

Through the collection of complaints and reports relating to elder abuse in Ireland (Health Service Executive (HSE, 2004), it has been possible to identify these violence cases and their type of abuse. Before 2016, elder abuse cases were reported through the Older People's Network (65+), and reports were received and reported annually to Open Your Eyes services. Then, in 2016, Safeguarding and Protection Teams (EPS) were implemented within social care which was installed in all nine community health services (CHOs). Their role includes the collection of safeguarding data and, at the same time, the collection of concerns related to people with disabilities and older people. (National Safeguarding Office, 2016). This change was significant, as there has since been a unified national register of complaints made about elder abuse and including persons with disabilities. Raising awareness of the issue is a way to prevent these situations and motivate professionals to use elder Mediation to address violence and elder Abuse (Myhre, 2020).

Considering the investment in Mediation in Ireland, firstly, this research aims to show the current status of elder Mediation as a means of conflict resolution in Ireland. Secondly, the researcher needs to know shreds of evidence showing that elder Mediation has been a way to resolve conflict encases

of abuse of older people. Thirdly, highlight the advantages and disadvantages, contests, and challenges of Elder Mediation. Additionally, demonstrate whether professionals are sufficiently prepared and have enough support to face this challenge of elder Mediation or determine if it is needed whether specialisation in the area is required or better plans and development that contribute to the improvement in this area of Mediation.

In this unexplored area of elder Mediation, another essential contribution of the present study is to explore data for future research on this or other aspects of elder Mediation. On the other hand, the research could be helpful for any public or private service dealing with adult abuse cases to promote elder Mediation as a means of conflict resolution.

On the other hand, one of the study's limitations is that the data analysis is based on a small sample of practitioners and represents only a small area of Ireland. The limited time frame of the research did not allow for a more in-depth study of the chosen topic.

Despite the above, the researcher considers that even been a small study, the originality of the topic and the lack of studies on mediation intervention in cases of elder abuse demonstrate a need and a call for attention to the research topic and could be an incentive to carry out more complex and in-depth research primarily on the most recurrent abuses.

In the researcher's opinion, identifying the lack of studies about elder Mediation in Ireland motivates possible new investigations in this area.

## CHAPTER 1 - PROBLEM STATEMENT AND OBJECTIVES

The initial question that gives rise to the research questions is whether elder Mediation's speciality is a good way of resolving the conflicts generated in the various elder abuse cases. In Ireland, there is frequently government support and continuous improvements in legislation for the development of Mediation, but it has been helpful in the case of Mediation for older people?

Over the last ten years, Mediation has been invested and promoted as a means of dispute resolution in Ireland, and there is ongoing progress in this area. It is therefore pertinent to find out more, through research, about the advantages, disadvantages, use and outcomes of Mediation for older people and to find out the views of mediators and other professionals working with cases of elder abuse.

The value of this research is that it aims to identify and seek evidence for the critical question of whether elder Mediation successfully resolves elder abuse cases. In addition, to gather the current state of Elder Mediation according to the professional experiences working with this kind of Mediation, for example, as to whether or not it has helped them, the legal changes that have been made in the field of Mediation and how professionals have experienced them concerning elder Mediation.

Additionally, this research provides a starting point for future researchers interested in delving deeper into this area of Mediation. Due to the lack of research on the topic, this study provides valuable information for other possible studies on elder Mediation.

### 1. 1. Research Question

The research aims to find out the extent to which mediators in Ireland use Mediation for the resolution of conflicts related to elder abuse.

### 1..2. Specific Objectives

In order to facilitate the approach and development of this general objective, the researcher has set the following specific objectives.

1.2.1 To evaluate the current state of Elder Mediation for the resolution of conflicts related to elder abuse in Ireland.

1.2.2 To Determine how effective elder Mediation has been in resolving elder abuse cases in Ireland.

1.2.3 To identify the obstacles to the application of Mediation in cases of elder abuse in Ireland.

## CHAPTER 2 - LITERATURE REVIEW

### 2.1. Introduction

This research considers theoretical, conceptual, normative and empirical elements that support and subsequently collaborate with the analysis and interpretation of the information.

Talking about Mediation is inevitable to talk about conflict. Conflict is part of the interaction of human beings, "it is a symptom of imperfect human systems: corporations, marriages, communities". (Beer & Packard, 2019). Whether we like it or not, we constantly negotiate to resolve different issues. "Conflict is a growth industry" (Fisher & Ury, 2012). Conflict is not just problems and differences; it is an "emotional and social experience". (Beer & Packard, 2019). As such, humans are constantly looking for ways to resolve conflict, and Mediation is one of the ways to do it.

The following paragraphs show the literature review about the subject of investigation. The current research focuses on the specialisation of elder Mediation and its effectiveness as a Mediation, and how it confronts elder abuse through it. Therefore, the literature review will be around some basic concepts, definitions and development of elder abuse, Mediation and its specialisation of Elder Mediation in Ireland, which allows us to understand and support the present study and justify the research.

### 2.2 Provided background information about Mediation

As noted before, people have multiple ways to resolve issues, and Mediation is an alternative to conflict resolution. The meaning of the word Mediation comes from the Latin "mediare", meaning "to be in the middle" (Commission, Law Reform, 2019). However, reaching a consensus on its meaning is currently complex, possibly due to the very development of Mediation and the different professionals joining and participating in the field. (Commission, Law Reform, 2019). For example, Menkel-Meadow defines eight different theoretical approaches to Mediation. On the other hand, Beer & Packard (2019) defined Mediation "as a process for resolving disputes where an intermediary helps conflicting parties have a conversation to resolve their concerns jointly."

As recommended by the Commission in its consultation paper, the legal description in Ireland, the improvement of clear and consistent definitions of alternative dispute resolution (ADR) positions should be respected as a primacy (Commission, Law Reform, 2019). Therefore, the following is the most common and widely used definition in Ireland: "a private and confidential dispute resolution process in which an independent third party, the Mediator, attempts to assist the parties to reach a

mutually acceptable agreement. However, it is a voluntary and non-binding process that can become binding if an agreement is reached.

It is remarkable the definition given for the Elder Mediation International Network (EMIN) because it incorporates concepts as respectful and intergenerational and adds ageing as a normal stage of a human being:

*"Elder Mediation is a focused, respectful process – usually multi-party, multi-issue and intergenerational - whereby a trained Elder Mediator facilitates discussions focusing on present strengths and assists participants in exploring any issues or concerns to enhance the quality of life and wellness of the older person(s) while respecting the needs of each participant. This form of Mediation often involves many people related to issues, including family members, caregivers, organisations, agencies, and various service providers and networks. Through the Elder Mediation lens, ageing is viewed as part of a continuing process of development and change, rather than just a period of physical and cognitive decline"* (Elder Mediator International Network (EMIN), 2021).

On the other hand, the development of Mediation takes place in different areas. In other words, there are different sectors of Mediation; the most common are Family Mediation, Commercial Mediation, Workplace Mediation, Community Mediation, Agriculture Mediation, Restorative practice and Elder Mediation (The Mediators' Institute of Ireland, 2022). For purposes of this study, we develop the research around Elder Mediation.

According to the Mediation Institute of Ireland (MII), Elder Mediation is a specialisation of Mediation that primarily involves an older person. Mediation for older people focuses on the older person's needs concerning their family or any situation troubling them to be solved through discussion and decisions taken together. While the main participants are the older person and the direct family, care staff or carers may also be involved (The Mediators' Institute of Ireland, 2022).

The following paragraph will provide information about Elder abuse and its relation to Mediation.

### 2.3 Provided background information about Elder Abuse

In the late seventieth, United States senator Claude Pepper mentioned for the first time the term “granny battering” in a Congress session, referencing the problem of violence against older people, contributing be made visible (National Research Council, 2003). Slowly, some countries were incorporating the problem of elder abuse like a subject to be concerning and later in the 1980s, the United States, China, Sweden, Canada, Australia, and Norway, began to conduct scientific research.

In the 1990s, countries such as India, the United Kingdom, India, South Africa, Japan and some countries from South America such as Brazil, Argentina and Chile joined the research. This shows that elder abuse is a widespread concern worldwide and that it does not matter the place, as it is a universal phenomenon. (World Health Organization, 2020).

According to the WHO, *elder abuse* is a “*single or repeated act or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person or violates their human and civil rights*” (World Health Organization, 2020). Also, this description is established on that utilised by the United Kingdom organisation, Action on Elder Abuse. (Working Group on Elder Abuse, 2002)

Elder abuse is considered a type of violence constitutive violation of human rights. Whether it occurs only once or is repeated, in any circumstance, it is regarded as damage to trust and generates consequences at the individual and family level. (Yongjie et al., 2019).

Remarkably, there are some weaknesses in the scope of the research carried out in this field, e.g. the definitions of the concept of abuse and neglect are not uniform and objective (National Research Council, 2003). Also, the age ranges chosen in the studies are not the same; some consider 60 years of age as the starting age and others 65 years of age. Also, there is to think that control groups have not been deemed, and the few studies that have used them, there is no certainty that the people belonging to the control group were free from maltreatment; this makes the comparative research much more complex. (Bonnie RJ, Wallace RB, 2003)

Many factors influence when analysing why abuse occurs with older people. One of them can be cultural aspects, as in Japan, where the group’s welfare is above the individual; therefore, the individual must sacrifice for the group’s welfare. The same is true in Korea, where family and well-being are prioritised over individuals. In some societies, the abandonment of widows and the requisition of property are practised (World Health Organization, 2020). Additionally, traditions or rites reach the level of cruelty, such as the murder of older women for being considered witches. These acts of brutality have become firmly established as social customs and are not considered “elder abuse” in those societies. (Schnoebelen, 2009).

Another factor is the vulnerability of older adults, as the ability to protect and care for themselves naturally declines with age (World Health Organization, 2020). Lack of mobility, economic dependence and a person’s declining or deteriorating cognition, such as the prevalent dementia diagnoses at this stage of development, increase the likelihood of exposure to harm for older people. (Bonnie RJ, Wallace RB, 2003). A study carried out in Northern Ireland shows that older adults have higher levels of vulnerability than the rest of the population; in other words, they are more ex-

posed to harm by third parties, especially being raped in their own homes. In addition, low resilience complicates the possibility of overcoming shock. The combination of both factors, i.e., vulnerability and lower resilience, leads to the under-reporting of such incidents, either because of fear, trauma, or stress. (Dr Kevin J. & Dr Faith, 2019). In 2017, according to several investigations carried out worldwide, the World Health Organisation reported that 15.7% of adults over 60 years of age were subjected to some abuse. This figure is possibly underestimated because not all reports are being made, especially when the abuse comes from authorities, friends, or family members. (World Health Organization, 2021).

Moreover, despite the numbers, there is insufficient evidence to support interventions to prevent elder abuse. There is a great need for financial support for more rigorous research in this area. (Daly, et al., 2011)

Increased mortality in older adults is associated with reduced survival of older adults. The setting where maltreatment occurs is diverse; for example, it can happen in a family, community, or institutional environment. Data collected in a study on elder abuse suggests that it is in the institutional setting that the highest rates of abuse are estimated. Unfortunately, the percentage of staff who have mistreated the elderly is 64.2%. (Myhre, 2020).

#### 2.4 Provided background information about Mediation in Ireland

In Ireland, the law describes Mediation as "*a confidential, facilitative and voluntary process in which the parties to a conflict, with the assistance of a mediator, attempt to reach a mutually acceptable agreement to resolve the conflict*". (Doyle, 2020). The process is confidential and suitable for people who prefer to keep conflicts away from public life. This feature makes Mediation very special since all the information collected in Mediation cannot be used in a legal dispute if the case is not settled. Moreover, it is cheaper than taking a dispute to court in monetary terms. (Doyle, 2020). In its 1996 report, the Commission concluded that "*mediation services are not intended to replace the judicial system, but to divert appropriate cases away from it*". Not all cases are resolved through Alternative Dispute Resolution (ADR), for example, cases of serious violence against a spouse or cases involving sexual or physical abuse of children. (Law Reform Commission, 2010). It is important to note that Mediation for older people is considered a speciality within the area of Mediation. According to the Law Reform Commission, Mediation is a facilitative, structured and preventative process of conflict resolution that provides a safe space for a family who chooses to use Mediation to resolve their differences. (Law Reform Commission, 2010).

Subsequently, amendments were made to the law through the Mediation Act 2017; The purpose was to promote Mediation as a viable, fast and functional option to judicial conflicts, thus reducing trial costs, favouring trial management and mitigating the impact of mediation processes. (Oireachtas, Houses of the, 2017)

It is remarkable, in September 2019, a major Elder Mediation International Network (EMIN) Board project was launched, which would enable a breakthrough in the Mediation of older people. A set of guidelines for Safeguarding Vulnerable Adults (SVA) was developed and launched in November 2021. On the one hand, it would allow for a consistent and appropriate approach by EMIN certified elder mediators to issues affecting vulnerable adults and, on the other hand, it would help ensure that vulnerable adults are supported and able to be involved in the elder mediation process and are protected from actual and potential abuse. Actually, the guidelines are used by all EMIN-certified elder mediators to lead and inform older mediators in practice. (Elder Mediation International Network EMIN, 2021)

Both the Mediation Institute of Ireland (MII) and the Elder Mediation International Network (EMIN) are leading institutions in Ireland whose mission is to promote the practice of Mediation; the MII for Mediator Certification and EMIN mainly for Elder Mediation International Certification.

The following section will mention the places where Mediation is mainly applied.

## 2.5 Main Areas of Mediation in Ireland

- Workplace Mediation is a defined procedure whereby an unbiased mediator helps communicate between those in dispute in order for them to understand each other better and for them to come up with reciprocally agreeable solutions that will enhance the working relationship in the forthcoming (Doherty & Guylar, 2008)
- Commercial Mediation: is used in the business area or organisation. The Irish Commercial Mediation Association is a non-profit organisation committed to helping settle the commercial dispute in Ireland. The process is private; there is no public courtroom; it is confidential, flexible, and voluntary. The main advantage of litigation is that the cost is usually around seventy per cent cheaper than the litigation (Irish Commercial Mediation Association, 2003).

- Community Mediation: According to the National Association of Conflict Mediation (NAFCM), it is a private non-profit or public agency or program, with mediators, staff, and governing/advisory board representative of the community's diversity served.
- Family Mediation: The first official approach to family mediation in Ireland was in the context of a seminar provided by the Department of Justice in 1984. In 1986, Ireland's first state-funded family mediation service was established and made available, operating free of charge, out of court and voluntarily. In 1994, a consultation paper on family courts was published. In 1996, a regional family court system was recommended to establish a unified family law jurisdiction where the mediation service is recommended as a complementary service that includes family mediation (Conneely, 2001).
- Healthcare mediation: Refer to a dispute between a patient and any health service, public or private, doctors or hospitals. Through ADR and a mediator, the parties can agree on a solution to a legal case. For example, the patient may believe that the doctor has given inaccurate information or made a mistake. The provider or physician may be sure about the patient's treatment plan and the reasons behind his or her decisions. If a claim has been rejected, the patient can explain how this affects his or her life, and a third party, the insurer, can consider whether or not the patient's claim can be approved. In this way, the Mediator collaborates with the parties to clarify information about the dispute to improve communication and reach a solution or consider alternatives to litigation (Mediation Matters, 2017)
- Peer Mediation: This Alternative Dispute Resolution (ADR) refers to peer mediation that occurs in school settings and is commonly described as "conflict resolution for school children, by schoolchildren", involving children in conflict and school management, staff, and students. Its application has been positive in impacting school life and children's development and in terms of living a democratic way of life (The Mediators' Institute of Ireland, 2011)
- Elder Mediation: Considered as a new speciality within the area of Mediation, it is an organised process in which, through a mediator, families are facilitated to make decisions related to an older adult and family member, which has as a specific requirement of the process the active participation. This requirement is critical to respect one of the fundamental principles of Mediation, which is the autonomy and self-determination of the participants. (Commission, Law Reform, 2019)

## 2.6 Elder Mediation and Elder abuse in Ireland

In 2009, the “*Minister launched mediation service for families of elderly people with dementia*” (Coulter, 2009). Ireland openly encouraged the use of Mediation and gradually became an accepted,

reliable and widespread method of dispute resolution (Doyle, 2020). In 2017, Irish legislation continued to promote Family Mediation, both as an alternative means of dispute resolution and as an alternative to court proceedings. (Gartland, 2017).

Since then, many public and private organisations have increased the provision of Mediation Services (National Safeguarding Office, 2016). Some of them have focused on Family Mediation. Others promote interest in Mediation for Older People, for example, the Mediators' Institute of Ireland (MII), which also trains Mediators, specifically in this subject. On the other hand, the Health Service (HSE) has developed and incorporated some public policies to protect and prevent abuse with older adults (Statutory Instruments S.I. No. 367 of 2013, 2013). It is critical to note that the ACT 2004 protects older adults in the private and public sectors. (Government Publications, 2004) At this point, it is evident that the facts or situations of violence are an issue on the government agenda as, indeed, violence should be prevented, prosecuted and punished. However, violence against older adults continues in the same way. In such cases, where Mediation can help as Mediation is considered a process in which an impartial and neutral third party could help communicate and design a plan to help deal with the situation (Gartland, 2017). It is not only about managing the conflict; often a restitution procedure is also necessary in the connection, not closing the door to the judicial process but, instead, creating the opportunity to re-resolve, take responsibility and restore the relationship in order to heal, even if someone is serving a sentence for violence. In seeking to meet these needs, the Irish Government has had an obvious concern for older people (Donnelly et al., 2017).

Due to the differences in concept definitions between countries, it is relevant to explain the point of view in Ireland (World Health Organisation, 2020). This country adheres to the World Health Organisation definition of abuse, i.e. *“physical or psychological harm to an older person or “the active inducement of any person to commit an act that results or may reasonably be expected to result in physical or psychological harm to an older person or disabled adult”*. And Neglect *“The failure or omission on the part of caregiver to provide care, supervision and services necessary to maintain the physical and mental health of the vulnerable adult.”* (HSE Health Service Executive, 2012) According to the National Safeguarding Office, the categories of elder abuse include alleged abuses such as Physical Abuse, Sexual Abuse, Psychological Abuse, Financial Abuse, Neglect Abuse, Discriminatory Abuse, Institutional Abuse, and Neglect Abuse (National Safeguarding Office, 2016). It focused on this type of abuse due to the high number of complaints. These cases have been col-

lected through the HSE National Safeguarding Office, and it is the most relevant evidence of elderly Abuse in Ireland.

#### Definitions of those categories

- Physical abuse: includes any act of punishment or aggression that uses blows of any kind, such as kicking, slapping, pushing or shoving. The misuse of medication is also considered in this category.
- Sexual abuse, including any sexual act without the consent of the older adult or rape. Any coerced sexual act.
- Psychological abuse is verbal threats, intimidation of physical harm, or harassment. In addition, neglect, humiliation and blame. Isolating older adults, especially from their support networks or services required for physical and mental well-being.
- Financial or material abuse means misappropriation of any assets held by the senior or usurpation of benefits. Deception or fraud involving wills, financial transactions or inheritances are included in this category.
- Neglect: Neglect is considered when caregivers ignore any basic or life necessities such as adequate food, shelter, medication, health services, or the deprivation of medical care social and educational needs.
- Discriminatory abuse, caused by racism, classism, sexism or disability of the elderly
- Institutional Abuse; considers acts of inadequate care, inappropriate treatment or rigid and severe routines. This type of abuse can occur in nursing homes or hospitals, whether private or public

(HSE Health Service Executive, 2012)

In 2016, when the PTS took over the reception of abuse complaints against the elderly, there was an increase in the total number of complaints, reaching seven thousand eight hundred eighty-four safeguarding concerns. The average from the community level for that year was two hundred fifty-seven community complaints per month. The highest number of notifications occurred in October of that year, reaching five hundred forty-two complaints. However, this increase has been associated with an additional concentrated effort to raise awareness of Abuse and a zero-tolerance policy for Abuse through HSE funded services. (National Safeguarding Office, 2016)

In 2017, the increase in complaints amounted to ten thousand one hundred eighteen safeguard concerns, representing an increase of twenty-eight per cent over the previous year. (National

Safeguarding Office, 2017) Then, in 2018, the percentage increased by fourteen per cent, i.e. eleven thousand seven hundred eighty safeguard concerns. (National Safeguarding Office, 2018) In 2019, it tended to stabilise, and the information indicates a total of 11929 concerns. (National Safeguarding Office, 2019).

In June 2021, a conference was held in Dublin about Elder abuse. Some relevant data on elder abuse indicate that ninety-five per cent of the Irish population believe elder abuse is prevalent in Irish society. Fifty per cent acknowledge having had at least one experience of abuse, either as a victim of abuse or have witnessed abuse by a family member, friend or someone close to them. Also, one in four do not know where or how to report abuse. As a result, a high percentage require stricter laws to increase the protection of the elderly, and eighty-five per cent of the population believe that it is necessary to form a national protection authority. Also, one in four do not know where or how to report abuse. As a result, a high percentage require stricter laws to increase the protection of the elderly, and 85% of the population believe that it is necessary to form a national protection authority. ( Rickard-Clarke, 2021)

Another analysis concerns the categories. The data were obtained between 2016 and 2019 in adults over sixty-five. Of the eight categories mentioned, psychological abuse shows the highest percentage of safeguarding concerns, then physical Abuse, Financial Abuse and finally alleged neglect, in the same order respectively.

The 2016 Salva guardian report highlights the need to strengthen the training of those involved in the safeguarding service, as it is clear that the training of those involved contributes to increased reporting of cases of assaults on older people. In the following year, i.e. in 2017, 17,000 pieces of training will be coordinated across the country. At the same time, links are being strengthened with different agencies involved and in order to increase commitment to the protection of older people in Ireland. It also recognises the efforts made by the new Safeguarding structure and policy to protect older people. (National Safeguarding Office, 2016).

In 2017, The National Salvaguarding related an increase in concerns over the previous year attributed to the awareness, planning and sensitisation work carried out. The big slogan used is "zero tolerance of abuse". In addition, a new challenge has been initiated, which stems from the comparison with the international reality (five English speaking countries) concerning Ireland's protection from abuse and violence. Significant research, including that carried out by UCD, has shown that in terms of legislation and policy, Ireland still has much work to do as the extent of the problem of violence is even greater than what is currently evident, for example, that women are more likely to

be assaulted, neglected and financially abused than men. Or that it is in institutional settings that the risk of abuse is increased compared to community settings. Moreover, despite all the efforts and changes, the need for changes in legislation is still being reported. (National Safeguarding Office, 2017).

In 2018, public awareness-raising campaigns and training are being stepped up. Strong coordination of all services participating in the protection of the elderly reinforces communication to make sure the consistency of the messages spread. The plan is to use social networks and to boost interaction with and engagement of people. (National Safeguarding Office, 2018).

Finally, the last report of 2019 has some changes to the current policy. Some changes are introduced: "vulnerable person" instead of "adult at risk". The work of the support structures is maintained: National Safeguarding Office (NSO), the HSE,] and it is 9 Safeguarding Protection Teams (SPT). The highlighted are agreements to carry out reforms in health services and progress plans to implement the HSE's Safeguarding policy and services. Considering that one of the significant abuse problems against the elderly occurs within institutions, improving and strengthening staff education working with the elderly is fundamental to improving the service. (National Safeguarding Office, 2019)

It should be noted that there is no report for the year 2020.

In the literature review on this topic, there is insufficient evidence that violent cases against the elderly find a solution through Mediation. There is also no evidence that the professionals involved in Mediation are promoting it to support public policies for the protection of these older people, as the authorities have proposed. Therefore, the question arises as to whether Mediation is the appropriate way to resolve domestic violence cases against the elderly.

Therefore, this research aims to analyse if Elder Mediation has effective results in elder abuse cases and if the mediators and other professionals related to Mediation consider it an effective way to deal with this problem.

In Ireland, improving adults' quality of life and safety is recognised, emphasising those most at risk. There is a government commitment to improving legislation and implementing special programs integrated into health programs at the national level.

However, not all efforts have been sufficient to improve the annual statistics on violence against the elderly. On the other hand, there is not enough information on the mediation process results, specifically on domestic violence suffered by older adults in Ireland.

The value of this research is that it seeks to clarify whether the Mediation of older adults is successfully solving family violence cases. Also, know the importance and use that Mediators have of this

Mediation process. In the same way, identify the opinion of other professionals from organisations and agencies that work with domestic violence that affects the elderly.

In addition, the researcher aims to detect whether there are currently any requirements regarding the competencies of professionals interested in working with cases of elder abuse, according to the opinion and experience of professionals and mediators working in this field. The context in which the research takes place is Ireland, specifically Southern Ireland. Some additional evidence found is:

- The legislation concerning elderly abuse involves Act 2012, Domestic violence Act 2018, Sexual offenders Bill 2018, data protection Act 2018.
- Projected Legislation in 2022: Assisted Decision-Making Capacity Act 2015, Data Sharing and Governance Act 2019
- The information reviewed indicates that there are some gaps in the legislation. Therefore, it is suggested that there is an urgent need for more specific and more potent legislation that includes the human rights of older persons and protects them efficiently from abuse and neglect.
- The current challenge is to implement prevention plans to reduce the risk of older adults to abuse of any kind. ( Rickard-Clarke, 2021)
- Usually, it is an acquaintance or family member who committed the abuse or violence
- Both men and women are affected by elder abuse in Ireland (Myhre, 2020)
- Generate a more inclusive system to respond more effectively to elder abuse. In other words, to be aware of their individuality and context. For example, at the individual level, listen to their views and respect their time. However, it improves engagement with older people in the neighbourhood as a community. In addition, coordinate with different agencies, incorporate restorative justice, co-operate with different agencies and improve home-based care. ( Phelan, 2021)

## 2.7 Summary of Literature

The areas and mediation style, ethical behaviour and mediator neutrality are different perspectives that the Mediator has to manage when confronting a case of Mediation. Elder abuse is a complex problem to face. Each Mediation has its challenge, and elder Mediation is one of them. The process can be restricted, for example, for a restraining order or the power imbalance between the parties, where exist the potential possibility that one side to try and leverage the situation against the other side. It is a typical issue for the Mediator to front and must be prepared. In Ireland, significant efforts have been made to raise awareness of elder abuse and violence; however, there is still a long way to go. Unfortunately, the statistics of the last four years bear this out. Irish citizens have already mapped out how to deal with the problematic situation of an assault, and through this research, we

are trying to find out if Mediation has the necessary scope to be added as a tool to help the community, institutions and professionals related to this situation.

Overall, all the information gathered for this research leads this researcher to believe that this work can contribute to others researchers who are willing to delve deeper into this issue. To open spaces for debate or to generate more research can be valuable and contribute to elder Mediation in Ireland

## CHAPTER 3. RESEARCH METHODOLOGY

### 3.1 Introduction

Given the nature of the research, which seeks to determine the extent to which mediators in Ireland use Elder Mediation to resolve conflicts related to older abuse, the study will focus on identifying the effectiveness of Elder Mediation from the perspective of the research named relativism. In other words, this research is under the premise of accepting that there may be many different realities among mediators. According to Hammersley (1998), relativism, "there is no independent reality waiting to be discovered by the researcher, but rather the social world is composed of multiple realities and perspectives, each as relevant as any other". Realism and relativism represent two polarised perspectives on a continuum between objective reality at one end and multiple realities at the other (Andrews, 2016). Therefore, the researcher is looking to identify mediators' and other professionals' attitudes, perceptions, and behaviours relative to the use of Elder Mediation. The ontological assumptions guiding the research will influence how the research is conducted and affect how research questions will be formulated (Bryman, 2012).

Due to the research's purpose, the researcher's epistemology was chosen as an EMIC approach. The researcher can influence what is being investigated; the interaction is necessary to determine the truth. The researcher is close to what is being investigated (Crowther, 2021).

According to (Punnett et al., 2017), the "EMIC" approach starts with a "blank page" and allows those involved in the research to define and explain the issues of interest in their own words.

Regard according to the subject elected, this study can be considered very original; the EMIC approach fits perfect due as it is a method that is used for newer topics, as the study focuses on actual data from local participants and the themes or patterns that develop in them, rather than relying on long-standing theories (Bryman, 2012).

Following the presented data, the researcher wanted to follow a methodology that would help answer the questions posed, open avenues for new knowledge, and complement other future studies.

The researcher found several possible ways of research developments, and when the time came to decide which would be the most appropriate for this study, she opted for the "Onion Research" created by Saunders et al. since, according to all the background, it was considered as the most effective methodology to address the research topic. This research methodology allows the process to be developed progressively, i.e., in stages and step by step (Saunders et al., 2007).

Moreover, depending on the nature of this study and considering that it was necessary to delve deeper into the ideas, experiences and perceptions of the future interviewees, this model is the most appropriate and the one that is finally chosen to structure the research. Sanders (2012) refers to it as "a system of beliefs and assumptions about knowledge development". The model structures the study and explains and justifies the methodological choices made in the research.

The proposed study is carried out in Ireland. It involves an extensive desk review and in-depth interviews with a sample of mediation practitioners with experience and training as older people's mediators and other non-specialist mediators.

According to the background, the predominant perspective of the study is qualitative, as it focuses on the experience of the professionals, always prioritising the collection of first source information. Qualitative elements approaches, such as observations and descriptions- are used due to the nature of the information and the technique used in data collection. (Bhushan Mishra & Alok, 2017)

The study is a non-experimental design, as the questions are asked in reality as it is, without alterations, and then analysed. It is cross-sectional, as the data collection has been done only once at a particular point in time. (Bhushan Mishra & Alok, 2017).

In the following pages, the researcher will provide the reader with the explanation from an ontological, epistemological and methodological perspective, which is necessary for the research and underpins it according to the nature of the study.

### 3.2 Research Philosophy

Defining the research philosophy or paradigm in any research process is critical. According to Flick (2011), research philosophy covers both concepts of ontology and epistemology assumptions, and both justify the study and provide the basis for how the research will be conducted.

Research philosophy shows us the approach of the researcher's chosen thought, come out of which a new, trustworthy understanding of the research object is acquired. Specifically, it is the foundation of the research, which includes the selection of research strategy, design of the problem, data collection, processing, and evaluation (Kumar, 2012).

Also, Bryman (2012) explains it as a set of beliefs regarding the nature of the reality under investigation.

According to Crotty (1998), epistemology is the "theory of knowledge embedded in the theoretical perspective and thus in the methodology". Epistemology is inherent in the theoretical perspective as "a way of seeing the world and making sense of it" (Mukhles M. Al-Ababnehr, 2020).

An Ontological perspective describes two different ways to observe reality: realism and relativism (Crowther, 2021). Ontological realism is based on the idea that there is an objective universe; therefore, the approach must be ETIC, where the researcher takes distance and try to be the most objective possible through an objective measurement to reach the truth. (Bhushan Mishra & Alok, 2017)

On the other hand, the Relativist ontology subscribes to the view that there are "multiple realities because reality is constructed subjectively in each person's mind depending on context" (Khalil, 2014). The belief is that reality is a finite subjective experience (Denzin & Lincoln, 2005), and nothing exists outside of our thoughts.

On this assumption, the ontology employed to guide the research is Relativism (Saunders, et al., 2019). Relativism accepts the diversity of the complexity of social experiences and how they vary according to context, culture, time, etc. The outcomes obtained through the research will not be applicable to the general population; nevertheless, they are contributing to theory building around the issues of Elder Mediation practice in Ireland (Nashir & Hamiduzzaman, 2009).

From this perspective, the approach is EMIC because interaction with people is needed to determine the truth. Emic research means the researcher is close to the research being studied, and the researcher can potentially influence what is being researched.

This research about Elder Mediation as a way to resolve older abuse in Ireland presents an EMIC approach. In presenting an emic approach, the critical distinction the study makes is the direction of the investigation. Unlike the ETIC approach, which implements pre-established variety categories, the EMIC view suggests recognising evolving and situated categories of diversity ex-post, embedded in a specific time and place. (Bryman, 2012). In order to operationalise the EMIC approach, it will use Research Onion as a research methodology.

### 3.3 Research Approach:

Research Approaches are plans and the procedures for conducting the study proposed and span the steps from broad assumptions to detailed data collection, analysis, and interpretation methods (Bryman, 2012). The approach for the research can be divided into the Deductive approach and the Inductive approach. The principal distinctive point between deductive and inductive approaches is

the relevance of hypotheses to the study (Burrell & Morgan, 2016). While the deductive approach starts with a theory (or theories/hypotheses), which tests the validity of the assumption, an inductive approach involves data collection and, later, the development of a theory based on the results of the data analysis. (Bhushan Mishra & Alok, 2017). In other words, The deductive approach involves the researcher identifying theories and ideas that are then tested against the data (Croty, 1998). In contrast, the inductive approach allows new theories and generalisations to emerge (Bhushan Mishra & Alok, 2017).

Accordingly, the research will follow the inductive approach for the present study because no initial hypotheses or theories are considered. At the same time, the inductive reasoning is based on Mediator learning from their experience with older people in elder abuse, similarities and regularities in experience (premises) are observed to reach conclusions (or generate a theory). It starts with observations, and theories are proposed towards the end of the research process due to the observations (Bryman, 2012).

The researcher is free to modify the direction of the study once the research process has begun (Kumar, 2012). However, following Bryman (2012), the inductive approach does not prevent the researcher from using existing theory to formulate the research question to be explored to determine the extent to which mediators in Ireland use Mediation to resolve conflicts related to elder abuse.

### 3.4 Research Strategy:

The research strategy explains how the investigator plans to carry out the work (Saunders et al., 2007). The approach can contain several methods, such as experimental research, ethnography, case study research, Narrative, Grounded theory, archival research, surveys, or action research (Saunders, et al., 2019)

Briefly, it explains each of them and the final election for this research:

- Experimental research is a study that rigorously obeys a scientific research design. In other words, It consists of a hypothesis, a variable (two or more) that the researcher can control, and this or those variables can be quantified, determined and associated. Most importantly, experimental research is completed in a controlled environment, and the researcher collects data and results will either support or reject the hypothesis (Gravetter & Forzano, 2018). Therefore, this research is not the strategy due to does not meet any of the required conditions.

- On the other hand, ethnographic research as qualitative research is not possible in this study as this type of research is a direct observation by the researcher of a group of people, their behaviours, and social interactions in context.
- Similar facts happen with Narrative and Grounded theory, where the first is all about collecting and telling a story or stories (in detail), usually focused on studying a person (Brown & Thompson, 2013) and the second set out to discover or construct theory from data, systematically obtained and analysed using comparative analysis and can be used in qualitative or quantitative studies (Chun Tie, et al., 2019); therefore both it can not be applied in this research.
- According to Reason and Bradbury (2008), action research is a method used to design research that aims to inform and influence practice. It is a methodical analysis to address real-life (Saunders, et al., 2007). They state that action research is a particular orientation and purpose of enquiry rather than a research methodology (Reason & Bradbury, 2008); therefore, it does not fit this research on elder Mediation.
- The same situation for Archival research is based only on archived data. (Creswell, 2014). The investigator does not apply secondary sources related to the research topic (Saunders, et al., 2019)
- A case study is conducted to explore an area where little is known or investigate the possibilities of undertaking a particular research study (Bhushan Mishra & Alok, 2017). This strategy focuses on only one specific situation to research.
- Finally, Survey research is a process of descriptive research utilised to collect primary information centred on verbal or written communication with a representative sample of individuals or respondents from the objective population (Ranjit, 2011). The survey strategy is focused on people, beliefs, attitudes, behaviour, motivation, experiences and opinions. The researcher attempts to find answers for what, who, where, how much and how many kinds of research questions (Saunders, et al., 2007).

Therefore, the survey is the strategy chosen because it fits with the research. There is a proper flow, starting with the survey's objectives, naming each step to be taken and ending with the final report.

### 3.5 Methodological Choice

Methodological choice means selecting and using quantitative, qualitative or mixed methods (Saunders, et al., 2019)

Firstly, choosing a single method would mean using a qualitative method otherwise a quantitative method. For example, if a study investigates the quality of product "X", an interview can be used to gather data and a qualitative approach to analyse what participants, who buy at that place, think about the product sold. (Kumar, 2012)

Secondly, a mixed-method would involve the use of qualitative and quantitative data. If we follow the example above, it can also be assessed how many people buy the original product "X" and how many buy the market alternative on the spot as an option. For this, the research can be carried out through survey, which could collect this kind of data, and as a result, it would have both qualitative and quantitative information. (Kumar, 2012)

Thirdly, there is the multimethod, which means using more than one quantitative and one qualitative approach. It can use more than one qualitative method (such as interview and observation) and, in addition, use quantitative methods to analyse the numerical data. (Kumar, 2012)

As Saunders (2009) argues, the logic used by the researcher in this type of study is according to premises developed from observations in order to draw unproven conclusions then. Therefore, the methodology to be used is qualitative. A qualitative methodology is a research tool used primarily in the social sciences to explore relationships and describe the reality experienced by the subjects reality (Bryman, 2012). According to Flink (2011), qualitative methods use means of data collection such as interviews, observations, and document review, which is necessary to learn more about what an individual feels and thinks about the stated objective. As Kumer (2012) points out, in this kind of study, the study's parameters, methods and data collection processes are more flexible and changeable.

A study is classified as qualitative if the purpose of the study is primarily to describe a situation, phenomenon, problem or event; if the information is gathered through the use of variables measured on nominal or ordinal scales (qualitative measurement scales); and if the analysis is done to establish the variation in the situation, phenomenon or problem without quantifying it (Kumar, 2012).

The scope of practical situations, the enumeration of events, account of the different opinions and experiences of Mediators are the scope of this qualitative research about the abuse in the case of older adults and a perspective of their living conditions.

Mason (2002) also states that through qualitative research, we can explore a wide range of dimensions of the social world, including research participants, how social processes, institutions, discourses or relationships operate, and the meaning they generate. The mediators interviewed have a direct relationship with specialised bodies such as the Health Service Executive (HSE) as elderly support agencies. In short, this means that they have an unrivalled ability to present convincing arguments about how things work in a specific context (Mason 2002).

### 3.6 Time Horizon

This term is used here to describe the time to conduct the study. Two types of time horizons are specified: cross-sectional and longitudinal (Bryman, 2012).

A longitudinal time horizon means to the data set repetitively over a prolonged period it is applied where a significant factor for the study is analysed how to change over time (Goddard & Melville, 2004).

The cross-sectional time horizon is used when the investigation is concerned with studying a particular phenomenon at a specific time.

According to the purpose of the investigation, the time horizon of the study can be chosen as the long term, medium term, short term future, and backwards-looking time horizon ( Melnikovas, 2018).

In this case, the research is cross-sectional as the time horizon since a longitudinal study is not appropriate because it may take many years and would be inappropriate for this research project.

In this study, the mediators give their descriptives data about Elder Mediation at a particular time (e.g., in 2020- 2021); therefore, data would not be collected to see how the opinion changes but rather what exists at a given point in time.

### 3.7 Population and Sampling

Following Kumar (2012), sampling is the process of choosing a few (a sample) from a more extensive set (the sampled population) to form the basis for predicting or estimating the incidence

of unknown information, circumstance or effect in the more extensive set. The sample is a subset of the population of interest.

The researcher must decide how to select a sample or choose a sampling design for his/her study. In other words, a sampling design is an exact scheme determined prior to any kind of data collection to obtain a sample from a given universe ( Bhushan Mishra & Alok, 2011).

There are two types of sampling: non-probability and probability sampling.

- In a probability sample, all population elements have an identical and independent probability of being chosen in the sample. Equality assumes that the probability of choosing each element of the population is the same, i.e. the probability of choosing a sample element is not conditioned by other circumstances, such as the choices themselves. Independence implies that the selection of one element is not conditioned by selecting another element in the sample, i.e. the selection or exclusion of one element does not influence the selection or exclusion of another ( Bhushan Mishra & Alok, 2011)
- Non-probability sampling designs are not governed by probability theory in selecting the elements of the sampling population. Non-probability sampling types are used when the total population is unknown or cannot be determined individually. Under these conditions, the choice of individual elements is based on other considerations. This type of sampling is commonly used in qualitative and quantitative research and includes quota sampling, accidental Sampling, judgmental or purposive Sampling, expert Sampling and snowball sampling. (Saunders, et al., 2007)

This stage describes different aspects of the procedure, including inclusion and exclusion criteria, sample size, sampling method, sampling details, and sourcing of samples.

Therefore, following this method, the data source is defined as the population of all mediators and other professionals working in Elder Mediation with specialisation in older adult mediation and other professionals working in Elder Mediation without specialisation in Elder Mediation in Ireland. It has decided to take the sample in the Mediators' Institute of Ireland (MII) because most of the mediators are associated with this organisation, and also, it is considering the certificated International Mediators in Elder Mediation. There are only thirteen in Ireland. Moreover, it includes alternatively some attorneys' studios that work in Elder Mediation.

An age range of 40 to 75 was considered, seeking Mediators with experience in Elder Mediation. As this is a large and diverse group, it is impossible to identify all population elements, so probability sampling cannot be used. Therefore, this study uses non-probability sampling to select a convenience sample of ten mediators. In convenience sampling, the researcher chooses representative samples that include specific groups. Due to time and resource constraints, it has been proposed to choose fifty per cent; five mediators with specialisation in older adults and the other fifty per cent five other mediation professionals without specialisation are chosen to detect differences of opinion regarding the stated objectives. The sample subjects can generally be chosen because they are easily accessible or available, and the snowball technique can also be used. In a qualitative study, the most important thing is not the size of the sample but the participants' contribution.

The information collected may be primary data (direct data), which is all data collected from first-hand sources, and secondary data (indirect data), which may originate from the opinions of other researchers or research work done.

### 3.8 Data Collection Technique:

Sander (2016) refers to this point as the techniques and procedures for data collection and analysis, such as surveys, questionnaires scale, and interviews, between others; are defined as the primary type of data collection and analysis procedures which will help answer the research question. That is, determining what data to collect and which method to use. In the words of Mason (2002), data sources are all the points or phenomena through which you think data can be generated; asking questions such as could I find data from this source, and data generation methods are the techniques and strategies you use to do so.

According to Sanders (2016), The aspects to describe are:

- a. Data collection instruments and procedures: questionnaires, surveys, scales and techniques such as focus groups, interviews, and scale construction.
- b. Study area: A brief explanation of the study area and why this locality has been selected supported by consistent information.
- c. Study population and sampling methods: include exclusion criteria, sample size, sampling method, sampling plan and sources of study samples. (explained in section 3.8).

Specifically, all aspects of answering the research question are defined. It should be noted that these procedures and techniques have to be consistent with all layers of the research onion (Saunders et al., 2007). In other words, Saunders (2007) argued that the research philosophy, research approaches, research strategy, options and time horizon must be aligned. The method used in this phase of the study contributes significantly to the overall reliability and validity of the research (Saunders et al., 2007).

Most data collection techniques can be used in both qualitative and quantitative research. The difference is mainly due to the limits imposed on the structure, sequence, flexibility, depth and choice of the researcher in their work during the study method. (Ranjit, 2011)

The present research has a descriptive phase as it aims to characterise a specific situation by indicating its most peculiar or differentiating features. Here we try to obtain valuable information from a specific group: mediators and other professionals involved in Elder Abuse Mediation in Ireland.

The descriptive phase allows us to learn and present the respondents' views on the proposed questions. In addition, delving into excellent past or future proposals leads to an explanation or solution that can be worked on later.

The data collection instrument is a questionnaire of 11 open questions that will be applied through an interview. The questionnaire will be self-developed after the literature review and the research objectives. The interview requirements will be sent by email with the research presentation through the Mediation Institute to its 260 mediator members. Additionally, the Consent Informed will be given to the interviewees before the interview to ensure that all ethical aspects are planned and mentioned. The in-depth interview will be conducted via Zoom and, if possible, in person. The questions are open-ended, all of them about the general and specific objectives of the research.

### 3.9 Data Analysis

Thematic Analysis is used for this data analysis, a methodology to identify, analyse, and report patterns within data. It organises and describes the data set in (much) detail. (Braun & Clarke, 2008) According to Braun & Clarke, a theme reflects something significant about the data in terms of the research question and provides a degree of response or explanation in the data set

Because thematic analysis does not require the detailed theoretical and technological knowledge of other qualitative approaches, it can be a more accessible form of qualitative research analysis. The-

matic analysis can be a procedure that describes reality and reveals the surface of "reality". (Braun & Clarke, 2008)

Braun and Clarke (2008) propose a six-step guideline that is an efficient framework for conducting this kind of analysis, which is not necessarily linear:

**Step 1: Familiarise with the data:** The first level of any qualitative analysis is reading and reviewing the transcripts to get acquainted with the entire data set, i.e. all the interviews conducted.

**Step 2: Generate initial codes:** Organise the contents coherently and methodically. Coding allows us to summarise a large part of the data into small meaning sets. There are different ways of coding, and the method will be determined by the researcher's perspective and the research questions, which were intended to be answered and analysed.

With this in mind, coding was carried out using open coding, i.e. without pre-established codes, but developed and modified as the research progressed.

If we had conducted a more inductive analysis, the coding would have been done line by line.

**Step 3: Search for themes:** There are no fixed rules about what is considered a theme, and a theme is determined by its relevance. If the corpus of information is tiny, there may be a significant overlap between the coding stage and this initial stage of defining themes.

In this case, the parameters are analysed if several of them fit perfectly into a theme.

**Step 4: Review of the issues:** The initial themes identified in step 3 are reviewed at this stage: do they make sense? It is essential to collect all relevant information details of each theme sorted by colour.

The linked data is examined for each theme and whether the data support it. The next step is to analyse whether the themes work within the scope of the information cluster.

The themes should be consistent and differentiated from each other. Consider the different themes: Are they consistent, do the data support the themes, does it try to fit much into one theme, and does it try to fit too much into one theme? If the themes overlap, are they different themes, are there themes contained in the themes (sub-themes), and are there more themes in the data?

**Step 5: Define the themes:** It is the last adjustment of the themes, and the purpose is to "... pinpoint the 'core' of each theme". What does the theme indicate?; if there are other sub-themes, how do they relate to the overall theme; how do the themes connect?

**Step 6: Drafting.:** Usually, the final point of the research is the writing of conclusions or some report.

Finally, after following all steps, the results, conclusions, and possible proposals will be presented in the third part of the research.

#### 4.0 Ethical aspects of the research

In order to give a solid ethical character to the research, some aspects were previously established to be considered during the interviews with the selected subjects and the general development of the present study. These aspects are consent informed of the participants in the study, permission to record the conversation, and informed that it is only listened to and worked on by the researcher.

Objectives and methodology of the study: when they were invited to participate in the research, and at the time of each interview, the justification for the research, the objectives and the data collection technique were explained to the interviewees that they understood the study's purposes. Confidentiality concerning the interviewee's data: to achieve this aspect, the identity of the interviewees is changed, and the data of the biographical setting is kept reliable—non-judgement during the interview.

#### 4.1 Research Limitations:

The first issue is that the object of study is related to or explained by various factors and disciplines, theoretical frameworks, and diverse content such as sociology, law, psychology and media. In addition to the fact that the interviews will possibly be conducted online with people from different backgrounds and with relatively restricted access to non-verbal communication, which often provides essential information about emphasis or nuance. This situation can be a problem or, at the same time, an advantage because it allows for the objectification of responses, which limits the researcher's bias considerably.

In non-probability sampling methodology, results cannot be generalised to the entire population. Research subjects are chosen by convenience. In the case of the questionnaire and, in the case of this study, by self-selection, as they are interviews. These selections may not reflect the opinions, attitudes or behaviour of the whole population.

Furthermore, an inductive ontology has been selected as the most appropriate approach due to the nature of the research. It should also be noted that this type of research is context-bound and can be applied to similar contexts; it cannot be assumed that it will apply to the population as a whole, and relativist Ontology has the same limitation.

On the other hand, if we refer to those who mediate cases associated with violence against the elderly, they may not dare to express it openly or make their reflections or data public, considering that the questions break client confidentiality.

## CHAPTER 4 PRESENTATION OF DATA

The present research is based on whether Mediation for older people a good way could be to resolve conflicts arising in elder abuse cases. The researcher has been providing direct services to older people for four years. Given the lack of information on elder Mediation, even working with them, it was interesting to investigate the current state of Mediation for older people, its projection, and the development of this field in Ireland.

It is important to note that the researcher was aware that elder abuse cases must be immediately reported and denounced because it is a criminal offence in Ireland. However, in her work experience, and according to the literature review, she has observed many behaviours that, although not criminalised, are mistreatment. From this point of view, the study was initiated, and the objectives of this research were developed.

At this point, it is essential to remember that the results of this study cannot be extrapolated to the general population; instead, it is a qualitative study that aims to reveal the view of some mediators on the Mediation of older people and the use of that in the field of elder abuse.

Following Kumar (2012), the type of sampling used is the so-called snowball sampling, the procedure of which consists of choosing a sample using nets. For this purpose, an invitation to participate in the research was sent to the MII mediators, and participants were chosen from among those who responded. The required information was then collected from them. They were then asked to refer others from the group, and those selected by them became part of the sample. This process continued until the necessary number, or saturation point, was reached to collect the baseline information to answer the research questions. According to Bhushan Mishra, Dr Shanti and Alok (2011), data saturation is the filter used to assess the size of qualitative samples. Thus, the sample consisted of seven mediators who met the required profile for this research.

Kumar (2012) points out that this technique has its disadvantages, as the choice of the entire sample depends on the choice of the first few selected, and it may happen that if they belong to a specific faction or have strong biases, the study may be biased.

In the case of three internationally certified mediators, who had agreed to participate, they did not want to continue collaborating when asked questions about elder abuse. As a result, two of them withdrew at the time of the survey, and in the third case, it was obtained partial information.

4.1 Thematic Analysis: For the analysis of the data obtained, first of all, the method of thematic analysis was chosen. Steiner (2008) explains that the thematic focus establishes which parts of a subject matter the questions centre upon and which parts remain in the background.

Therefore, following the steps outlined by Braun & Clarke (2008):

Step 1: Familiarise with the data:

After all the interviews, the researcher transcribed the meetings using the “Happyscript” program. The information has been transcribed in an adequate level of detail. After reading and re-reading the seven interviews, it has been contrasted against the tapes for accuracy, highlighting the most important points that emerged, where they had similarities with the literature review or a relevant comment regarding the topic.

In order to sort and subsequently classify the information, a preliminary table of themes (Table 1) was drawn up, in which the primary responses from each interview were extracted about each interview question.

Step 2: To elaborate on the initial codes, the data were classified orderly and systematically to obtain a result "in small sets of meanings" (Braun & Clarke, 2008) related to the research questions to be answered and analysed.

Based on this, coding was conducted employing open coding, i.e. without pre-established codes, but developed and modified as the research progressed. In this way, the researcher ensured that all information was included.

The first and second tables below illustrate the first two steps:

Pre table of data	Table No1		
What is EM	When Acces EM	How to access EM	How Evolved EM
<p>Specific area of mediation practice.</p> <p>Can be abuse or bullying of the elder</p>	<p>When issues or needs have been identified and discussed, they can be resolved by the parties themselves through mediation.</p> <p>There has to be a point of contact.</p> <p>Over the burden of care, who was doing how much.</p>	<p>The public, in general, does not even know what mediation is, let alone early mediation.</p>	<p>It has evolved at a high level.</p>

What is EM	When Acces EM	How to access EM	How Evolved EM
<p>Relatively new or comparatively new to Ireland</p> <p>Mediation is about people, and whether you are old or young and there is a problem, it needs to be</p>	<p>For any older person who is having any difficulties</p> <p>The breakdown that there is in mediation in the sense that access mediation.</p>	<p>the public need to understand what mediation is</p>	<p>So the answer is no. Ireland has not developed the practice of Elder mediation. Moreover, I would think that Elder Mediation has stepped back in its development in Ireland.</p>
<p>We have to agree that in Ireland, what exactly is elder mediation does.</p> <p>Do we require specific trading for elder mediation?</p> <p>It is still being pioneered</p>	<p>when there is a disagreement among family members or others in positions of responsibility for the care and welfare of an elderly person</p> <p>it is not appropriate where there may be a lack of mental capacity</p>	<p>We have had doctors contact us and ask us to talk to their patients.</p>	<p>the Mediators Institute of Ireland never recognized it as a required or mandatory piece of training</p>

What is EM	When Acces EM	How to access EM	How Evolved EM
<p>It is a family mediation because is an intervention. it is the same as any mediation</p> <p>I don't think the word mediation has sunk into the psychics of people.</p>	<p>After the disagreement with family members</p> <p>They disputed the burden of care and who was doing how much.</p>	<p>The most significant issue is how many people are practising mediation in Ireland?</p>	<p>We do not have specific training standards for elder mediation now</p> <p>It is in the broader family mediation space.</p> <p>We have a world summit every other year, and people come to the summit, and they report on what has happened</p>
<p>Assisted conversation to meet their own needs an older person</p> <p>There is a whole political discussion on it</p>	<p>Disagreement among family members or others in positions of responsibility for the care and welfare of an older adult</p> <p>They did not earlier come to mediation</p>	<p>if you look at what is required to deliver assisted decision-making legislation in Ireland and all the support and assistant decision-making agreements and everything like that, I think there is probably an opportunity for experienced elder mediators to do mediation</p>	<p>Mediation, in general, is not just elder mediation. Mediation, in general, needs to have training and practice standards established, and this is something which will happen hopefully soon with the setup of the Mediation Council, but it is not in place at the moment.</p>

<p>It is very closely aligned to the sort of services that support family relationships</p> <p>So It is to do with where a person themselves, due to their age, wants assistance from a professional to help them make decisions.</p>	<p>If you do not have that support, that person is dumped in the home and becomes a number.</p> <p>To plan for the future before there is a dispute.</p> <p>It would be good to preempt some of that.</p> <p>Contact their line supervisor or whatever management structure is there and say, look, we need help here with mediation</p>	<p>We only know what we are hearing.</p>	<p>Nothing is happening in Ireland about elder mediation, so It has never really developed. I think that is probably because mediation itself is not yet sufficiently mainstream in Ireland, which is a critical problem.</p> <p>I think It is the reason elder mediation has not evolved because elder mediation, in twelve years of practice, has always been a discussion point between mediators, but I have never seen it in practice on the ground.</p>
<p>What is EM</p>	<p>When Acces EM</p>	<p>How to access EM</p>	<p>How Evolved EM</p>
<p>Involved the person who requires such care due to ageing.</p> <p>It is where care and welfare decisions need to be made about a person or with a person due to ageing</p>	<p>It could do pre-dispute elder mediation to help a family have the framework for how they will make decisions around and with their elder parents.</p>	<p>I think we need to define an area of elder mediation practice within family mediation. However, first, we have got to get the big picture of mediation and then</p>	<p>The profession cannot develop, and if it cannot develop, the public will not access it.</p> <p>any mediator doing it in retirement may see it almost like a vaca-</p>

<p>Can be issued very specific</p> <p>Power imbalance, Negotiate issues</p>	<p>They just did not know how to have a difficult conversation with each other So mediation can help facilitate those discussions</p> <p>If mediation was freely</p>	<p>move into the specialist areas of practice that will be given, naturally.</p> <p>the biggest challenge with elder mediation is people do not know, they do not know. That is the biggest challenge</p>	<p>tion, and they do not view it as a professional activity</p>
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Categories Elder abuse & EM used	Valuable means in EA	Advantages EM	Disadvantages EM
<p>The mediation, I think, is so limited in this area</p>	<p>If we accept that the definition of abuse should not conform to the criminal standard, so if it is an allegation of abuse, financial or psychological, made by family members about another family member, mediation can be very effective</p>	<p>Very different specialized types of mediation</p>	<p>There is not enough sympathy for the elderly in society</p>
<p>Physical abuse, sexual abuse, and psychological abuse under the Mediation Act, mediation should not take place when those things are happening</p>	<p>About financial abuse, we explore what kind of framework could be agreed upon around most bank cards and how the money would be spent and how the information would be</p>	<p>Mediation is confidential, but there are limits</p>	<p>Elder Mediation in isolation has no hope</p>

	shared between the brothers so that everyone understands.		
Categories Elder abuse & EM used	Valuable means in EA	Advantages EM	Disadvantages EM
Not everything that, in hindsight, might seem abusive would have been criminal, and not every elderly mediation has an allegation of abuse	Mediation for older people is very appropriate in those circumstances and may be one of the only ways to achieve some kind of resolution for the family,	We discover that they are not necessarily thinking of the best interest of the older adult, and they may not have thought of those interests before. So as mediators, we are helping them to do that.	The amount of mediation, even in the workplace, is limited, and it is not to the scale
	What you are trying to do is recognise elder abuse more than resolve it	It reduced the visits to hospitals, and it reduced the early placement in long term care.	In a situation where the older person lacks capacity, if there is dementia or cannot participate in mediation, then those who are in mediation are the adult children.

	EM helps people to talk and share and to build trust.	EM has a component where it has a resource team.	It is complicated to work out a way forward or whether there should be a process under that kind of case,
No, for physical abuse, we do not do mediation in that cases. There is no family mediation in cases of physical abuse; therefore is the same with EM	Either the legal profession or the public at large has yet to recognize the value of EM fully	EM provides a user-friendly, effective means of conflict resolution for families.	It may not be clear that anything is going on, or even if you think there is, it may not qualify for criminal prosecution.
Institutional abuse, definitely there is some evidence. About conditions in nursing homes, et cetera, and certainly in the context of the pandemic	There is some interest around the world, actually preventing some	They did not know how to have a challenging conversation with each other, so EM could help to facilitate those discussions	I think until we have a clear understanding of what mediation is itself and what trading standards are required to be a mediator, that is going to act as a barrier to elder mediation development

Promote EM	Obstacles availing of EM	Legislation of EM	Facts to evidence of EA
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<p>I just think it's not high enough in people's agenda to promote. The availability of mediation to resource a nursing home.</p>	<p>I just have not had the opportunity to get into elderly mediation, that requires other services to be aware of elder mediation as a concept, and also groups that represent older mediators, professional membership bodies, training standards, certification and quality of the elder mediator.</p>	<p>The availability of mediation had to almost become compulsory. Maybe there are issues that need to be looked at in the legislation, but It is not apparent right now.</p>	<p>Listening skills for a mediator is number one</p>
<p>But people in the area that are over have responsibility within the HSE for elderly mediation or for elderly people</p>	<p>there's a lack of knowledge about the availability of mediation and the core for this. the bigger problem is mediation itself hasn't got the traction that it has to get because if it did get that traction</p>	<p>And mediators are more worried about protecting themselves as mediators within the legislation, how they might be exposed</p>	<p>If there is genuine evidence of physical abuse, for example, assault, fear, threats, et cetera, then I do not think that would be a suitable case for elder mediation. Part of your training is to recognise where such conditions exist, and in those cases, there is an obligation on you as the mediator to report that directly to HSE safeguarding of vulnerable adults</p>

<p>I think culture is the glue to any organization</p>	<p>the core for this is that the owner of that has to be the HSE because the HSE is responsible for healthcare. The culture toward accepting mediation as a natural support tool for older adults is the nut that we have to crack. Moreover, that is almost a political question.</p>	<p>The fact that it is voluntary loses the power that I might have had. They probably need more specific legislation around the development of elder mediation.</p>	<p>I was saying, answering the question, that I personally would not see elder mediation as a tool to resolve severe and well-established elder abuse. I do not think it would work, and I think it might do more harm than good</p>
<p>Promote EM</p>	<p>Obstacles availing of EM</p>	<p>Legislation of EM</p>	<p>Facts to evidence of EA</p>
<p>There is nothing like the economic necessity to generate business in any profession as a way of actually encouraging that profession to develop, but also the profession to be promoted to the general public.</p>	<p>What hope has elderly mediation of getting its foot on the ladder or the first run of the ladder in a meaningful sense?</p>	<p>Unless the mediation itself gets traction recognition compulsory. Legislation for the development, but it hasn't been helpful.</p>	<p>I think as I said earlier, it has a possibility of providing a safety environment with the assistance of the mediator for the family members to speak openly and honestly and to hear the voice of the person who is at the centre of the care and to decide together on what needs to happen.</p>

<p>There is a need for the state intervention; then there is a need for this thing of voluntary mediation.</p>	<p>Some kind of a questionnaire has to fill out a lot of documents and others. But there is not one question about mediation and the availability of mediation</p>	<p>Grab the attention, the political bite that mediation itself needs—assisted Decision-Making Capacity Act 2015.</p>	<p>When you have a good day, and you get results, it's mind-blowing.</p>
<p>Physical abuse and psychological and sexual abuse are crimes. So, I think the difficulty would be how you could mediate in those three areas where the law does not offer any protection.</p>	<p>The bureaucracy within the HSE and lack of ownership of the importance of why mediation would be such an invaluable tool for people</p>	<p>Some parts of the Act do not fit some areas of practice, or they create difficulties</p>	<p>you are going to find that people who Ireland is actually really well-positioned because they have really great learning, a really great team</p>
<p>The law states that you have to go out of mediation to report it.</p>	<p>Who is going to pay for it?" Moreover, the cost of mediation perceived cost of mediation. It means it is available, but people do not know. There is a culture change needed within the organizations that are driving that</p>	<p>This creates difficulties. It is the choice of the parties in a mediation to have a legally binding outcome from mediation. I think the specific cases where the mediation Act has applied is where we are dealing with cases where there is a capacity issue</p>	<p>The group that developed the Safeguarding Vulnerable Adults document. Later Life Mediation, which provides mediation and sensitive training in Ireland. And all of the training in Ireland is under the standards of the Elder Mediation International Network</p>

CODE FOR	DATA EXTRACT
Definition EM	<p>Assisted conversation to meet their own needs an older person For any elder person who is having any difficulties.</p> <p>I think we need to define an area of elder mediation practice within family mediation. However, I think we have got to get the big picture of mediation and then move into the specialist areas of practice given to nature.</p> <p>It is a family intervention. It is where care and welfare decisions need to be made about a person or with a person due to ageing</p> <p>It is very closely aligned to the sort of services that support family relationships. So It is to do with where a person themselves, due to their age, wants assistance from a professional to help them make decisions. Elder Mediation is about people, and whether you are old or young and there is a problem, it needs to be—power imbalance.</p> <p>It is relatively new or comparatively new to Ireland, and It is the same as any mediation. We have to agree in Ireland; what exactly is elder mediation? Do we require specific trading for elder mediation?</p> <p>Specific area of mediation practice. Involved for the person who requires such care due to ageing. There is a whole political discussion on it</p> <p>When an issue needs to be identified and discussed. The parties themselves can resolve it through mediation</p> <p>When there is a disagreement among family members or others in positions of responsibility for the care and welfare of an older adult. It's not appropriate where there may be a lack of mental capacity. If mediation was freely available</p> <p>You could do pre-dispute elder mediation to help a family have the framework for how they will make decisions around and with their elder parents. If you do not have that support, that person is dumped in the home and becomes a number.</p>
Develop EM	<p>When the older adult lacks capacity, there is either no power of attorney established, in which case they potentially become a ward of cour.</p>

	<p>THEy did not earlier come to mediation. To plan for the future before there is a dispute.</p> <p>However, mediation, in general, is not just elder mediation. Mediation, in general, needs to have training and practice standards established, and this is something which will happen hopefully soon with the setup of the Mediation Council, but it is not in place.</p> <p>It can be abuse or bullying. Negotiate issues. Can be issued very specific issues.</p> <p>Contact their line supervisor or whatever management structure is there and say, look, we need help with mediation. Whatever the disagreement with family members. There has to be a point of contact</p> <p>It has evolved at a high level, and it is in the broader family mediation space. We have a world summit every other year, and people come to the summit and report on what has happened.</p> <p>It is still being pioneered, and I do not think the word mediation has sunk into the psychic of people.</p>
CODE FOR	DATA EXTRACT
Future opportunity EM	<p>if you look at what is required to deliver assisted decision-making legislation in Ireland and all the support and assistant decision-making agreements and everything like that, I think there is probably an opportunity for experienced elder mediators to</p> <p>We have had doctors contact us and ask us to talk to their patients.</p>
Lack of knowledge EM	<p>So the answer is no. Ireland has not developed the practice of Elder mediation. And in fact, I would think that Elder Mediation has stepped back in its development in Ireland.</p> <p>The breakdown that there is in mediation in the sense of mediation access</p> <p>The most significant issue is how many people are practising mediation in Ireland?</p> <p>The profession cannot develop, and if the profession cannot develop, the public will not access it. any mediator doing it in retirement may</p>

	<p>see it almost like a vocation, and they do not view it as a professional activity</p> <p>the public need to understand what mediation is</p> <p>There is nothing happening in Ireland about elder mediation, so It has never really developed. I think probably because mediation itself is not yet sufficiently mainstream in Ireland. I think that is the key problem.</p> <p>We do not have specific training standards for elder mediation at the moment. I think It is the reason elder mediation has not evolved because elder mediation in my twelve years of practice, has always been a discussion point between mediators, but I have</p> <p>We only know what we are hearing. The biggest challenge with elder mediation is that people do not know; they do not know. That is the biggest challenge</p>
Planning EM	<p>Disagreement among family members or others in positions of responsibility for the care and welfare of an elderly person. It would be good to preempt some of that over the burden of care who was doing how much.</p>
Challenge EM	<p>the Mediators Institute of Ireland never recognized it as a required or mandatory piece of training</p> <p>The public, in general, does not even know what mediation is, let alone early mediation.</p>
Effectivity in cases of elder abuse	<p>when you have a good day, and you get results, it's mind-blowing.</p>
Improve Communication and security to older people	<p>Listening skills for a mediator are number one</p> <p>EM helps people to talk and, share and to build trust.</p> <p>EM provides a user-friendly, effective means of conflict resolution for families.</p> <p>I think as I said earlier, it has the possibility of providing a safting environment with the assistance of the mediator for the family members to speak openly and honestly and to hear the voice of the person who is at the centre of the care and to decide</p>

	<p>It reduced the visitors to hospitals and it reduced the early placement in long term care.</p> <p>They just did not know how to have a difficult conversation with each other, so, EM can help to facilitate those discussions</p>
CODE FOR	DATA EXTRACT
it has limitations	<p>I was saying, answering the question, that I personally would not see elder mediation as a tool to resolve severe and well-established elder abuse. I do not think it would work, and I think it might do more harm than good</p> <p>If there is genuine evidence of physical abuse, for example, assault, fear, threats, et cetera, then I do not think that would be a suitable case for elder mediation. Part of your training is to recognise where such conditions exist, and in those cases, t</p> <p>In a situation where the older person lacks capacity, if there is dementia or just doesn't have the capacity to participate in mediation, then those who are in mediation are the adult children.</p> <p>It is very difficult to work out a way forward or whether there should be a process under that kind of case,</p> <p>It may not be at all clear that there's anything going on, or even if you think there is, it may not qualify for criminal prosecution.</p> <p>Mediation is confidential, but there are limits</p> <p>The amount of mediation, even in the workplace, is limited and it is not to the scale</p> <p>What you are trying to do is recognise elder abuse more than resolve it</p>
Low clarity of concepts	<p>I think until we have a clear understanding of what mediation is itself and what trading standards are required to be a mediator, that is going to act as a barrier to elder mediation development</p>
Low valuing EM	<p>Either the legal profession or the public at large has yet to fully recognize the value of EM</p> <p>Elder Mediation in isolation has no hope</p> <p>There is not enough sympathy for the elderly in society</p>

	<p>We discover that they are not necessarily thinking of the best interest of the elderly person, and they may not have thought of those interests before. So as mediators, we are helping them to do that.</p>
<p>Positive in Financial and psychological abuse</p>	<p>If we accept that the definition of abuse should not conform to the criminal standard, so if it is an allegation of abuse, financial or psychological, made by family members about another family member, mediation can be very effective</p> <p>Concerning financial abuse, we explore what kind of framework could be agreed upon around most bank cards, how the money would be spent and how the information would be shared between the brothers so that everyone understands.</p> <p>Mediation for older people is very appropriate in those circumstances and may be one of the only ways to achieve some kind of resolution for the family,</p>
<p>Prevention EM</p>	<p>There is some interest around the world, actually preventing some</p>
<p>Prepared professionals EM</p>	<p>EM has a component where it has a resource team.</p> <p>The group that developed the Safeguarding Vulnerable Adults documents. Later Life Mediation provides mediation and sensitive training in Ireland. And all of the training in Ireland is under the standards of the Elder Mediation International Network</p> <p>Many different specialized types of mediation and mediators you are going to find that people who Ireland is actually really well-positioned because they have really great learning, a really great team</p>

CODE FOR	DATA EXTRACT
<p>Coordination with other services</p>	<p>The bureaucracy within the HSE and lack of ownership of the importance of why mediation would be such an invaluable tool for people</p> <p>The core for this is that the owner of that has to be the HSE because the HSE is responsible for healthcare. The culture toward the acceptance of mediation as a natural support tool for older adults is the nut that we have to crack. And that's almost a poli</p>

Financial issues	<p>Who is going to pay for it?" And that the cost of mediation, perceived cost of mediation. It means it is available, but people do not know.</p> <p>There is a culture change needed within the organizations that are driving that</p>
It is a cultural issue	I think culture is the glue to any organization
Lack of promote	<p>There is nothing like the economic necessity to generate business in any profession as a way of actually encouraging that profession to develop, but also the profession to be promoted to the general public.</p> <p>Some kind of a questionnaire there has to fill out a whole lot of documents and others. But there is not one question about mediation and the availability of mediation</p>
Legally difficulties	<p>And mediators are more worried about protecting themselves as mediators within the legislation and how they might be exposed</p> <p>Grab the attention, the political bite that mediation itself needs. Assisted Decision-Making Capacity Act 2015.</p> <p>Physical abuse and psychological and sexual abuse are crimes. So I think the difficulty would be how you could mediate in those three areas where the law does not offer any protection, and the law states that you have to go out of mediation to report it.</p> <p>Some parts of the Act do not fit in some areas of practice, or they create difficulties</p> <p>This creates difficulties. It is the choice of the parties in a mediation to have a legally binding outcome from mediation. I think the specific cases where the mediation Act has applied is where we are dealing with cases where there is a capacity issue</p>
Must be mandatory	<p>the availability of mediation had almost become compulsory. Maybe some issues need to be looked at in the legislation, but It is not apparent now.</p> <p>The fact that it's voluntary loses the power that I might have had. They probably need more specific legislation around the development of elder mediation.</p> <p>There is a need for state intervention; then there is a need for voluntary mediation.</p>

	<p>Unless the mediation itself gets traction, recognition is compulsory. Legislation for the development has not been helpful.</p>
Obstacles to application of EM in cases of older abuse	<p>But people in the area that are over have responsibility within the HSE for elderly mediation or for elderly people I just think it is not high enough on people's agenda to promote. The availability of mediation to resource a nursing home.</p>
To be aware of EM	<p>I just have not had the opportunity to get into EM, which requires other services to be aware of elder mediation as a concept and also groups that represent older mediators, professional membership bodies, training standards, certification there is a lack of knowledge about the availability of mediation and the core for this. the bigger problem is mediation itself has not got the traction that it has to get because if it did get that traction</p>
Uncertain future	<p>What hope has elderly mediation of getting its foot on the ladder or the first run of the ladder in a meaningful sense?</p>

Step 3: Search for themes: All the information collected was grouped around the general ideas, following the specific aims as a base. Subsequently, using a pivot table, it was doing the final organization. A theme was considered when it was related to the research questions that served as the basis for generating them.

Stage 4: In this stage, all the themes identified in stage 3 were reviewed: they were sorted by colour as suggested by the authors, and the ideas supporting the chosen concepts were explored one by one to ensure that they were classified under the appropriate theme.

Step 5: Finally, the themes were defined by considering the overall theme's central core and underlying sub-themes.

The selected methodology for data analysis allowed all relevant and secondary information to be considered, sorted and classified for further in-depth analysis.

Step 6: Drafting.: this point is developed in the data analysis and subsequently in the results and conclusions.

#### 4.2 DEVELOPED THEMATIC MAP

This study considered three thematic axes directly related to the research objectives.

**Thematic axis 1**      **Current State Elder Mediation:** It is referred to as currently, Elder Mediation is in Ireland; including how the mediator defines Elder Mediation, planning, development and future opportunities and finally, the lack of knowledge regarding Elder Mediation in Ireland by part of professionals and the people who can count with this tool of conflict resolution.

**Thematic axis 2**      **Effectiveness Elder Mediation:** The research findings and available experience support the view that the families whose mediation report better average quality of life, improved environments, and decreased or prevented elder abuse and neglect. In reaching this conclusion, mediators mentioned some areas and were analyzed: communication and security, prevention of older abuse, and limitations that include the decrease in the comprehension of basic concepts and the necessity of an assessment.

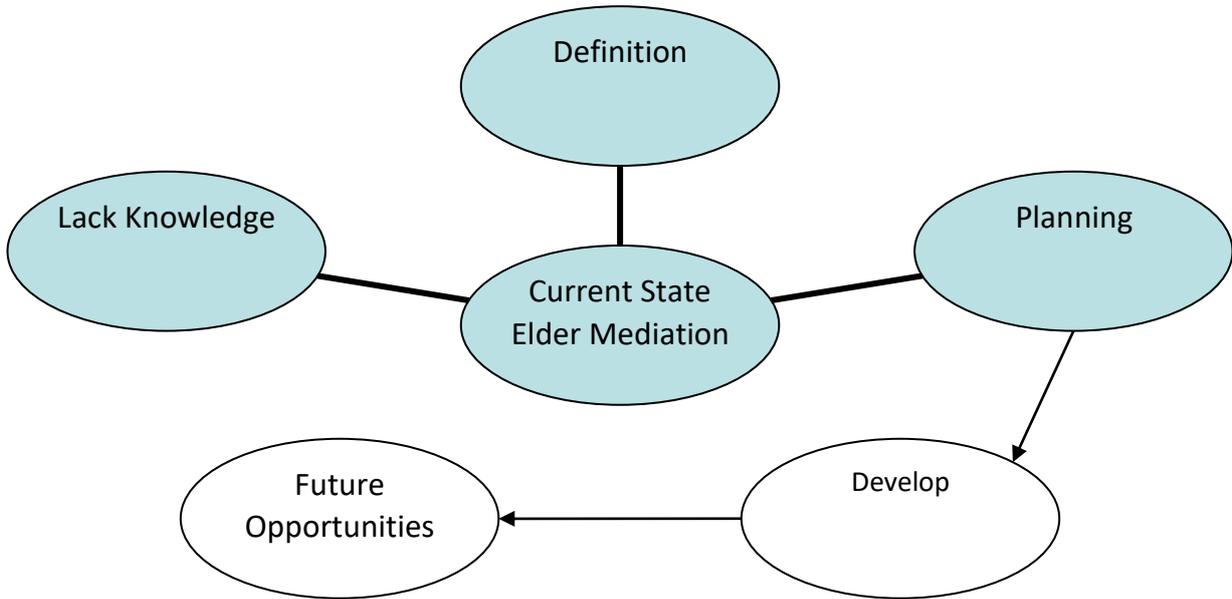
**Thematic axis 3**      **Limitations Elder Mediation:** Any circumstance or condition of something or someone prevents or complicates its progress. Therefore, when the restrictions are established, and the expectations of what is being studied are reviewed in order to avoid starting projects that exceed the possibilities of carrying them out.

Any circumstance or condition of something or someone prevents or complicates its progress. Therefore, when the restrictions are established, and the expectations of what is being studied are reviewed in order to avoid starting projects that exceed the possibilities of carrying them out.

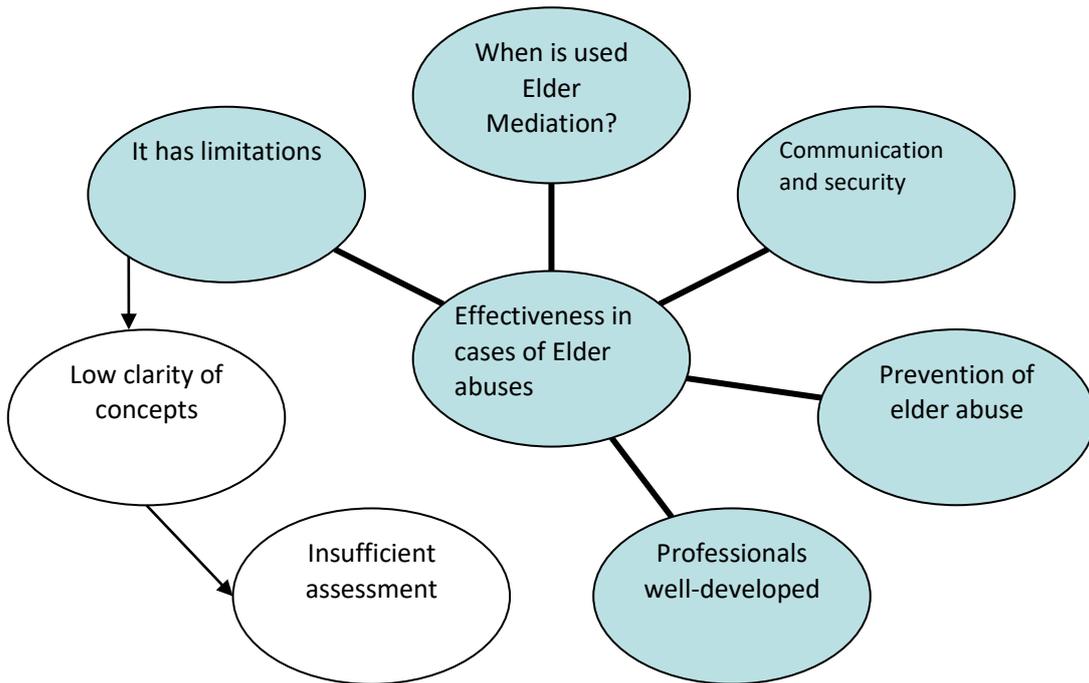
From the discourses of the mediators participating in this study, dimensions or sub-themes emerge in the areas raised, which will be explored in more detail in chapter 5; at the moment, the diagrams will show the information previously pointed.

4.3 THEMATIC DIAGRAM

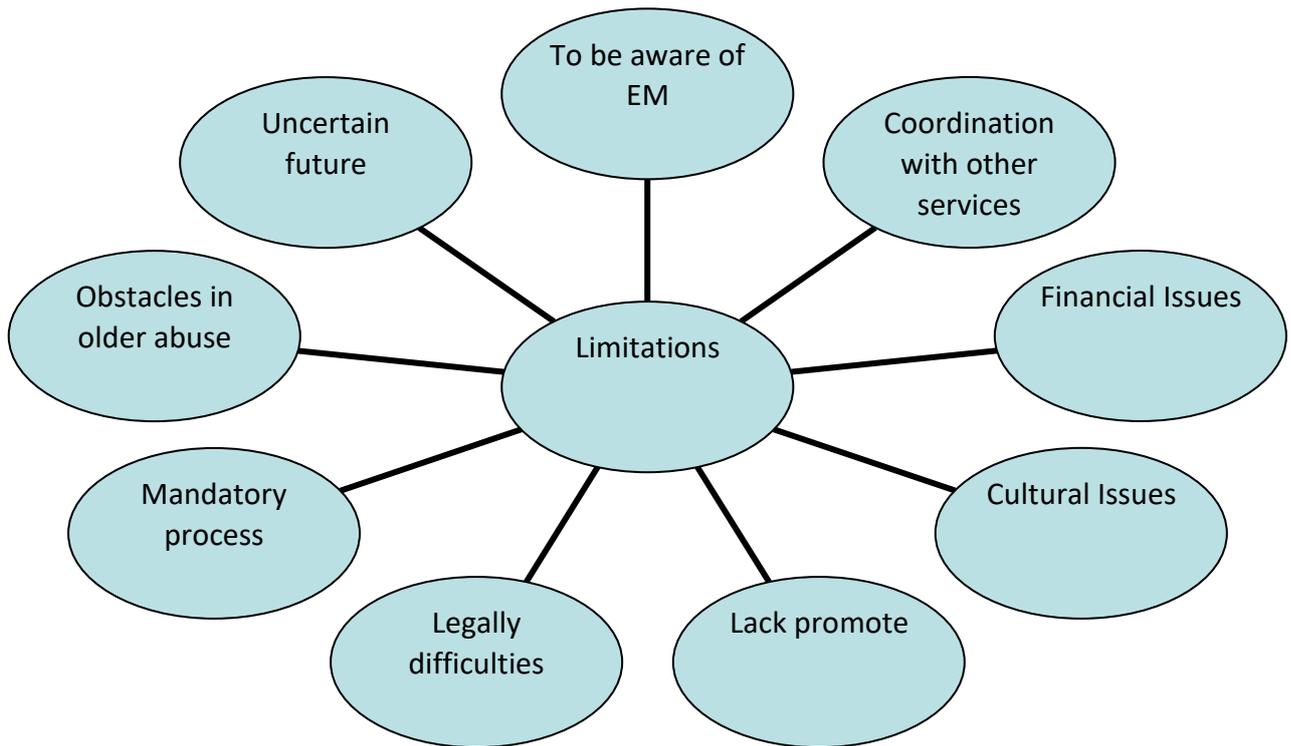
Thematic axis 1



Thematic axis 2



Thematic axel 3



## CHAPTER 5 DATA ANALYSIS AND DISCUSSION

5.1 Current State of Elder Mediation: This thematic focus is a snapshot of the current state of Elder Mediation in Ireland. In the next paragraph, the lector can distinguish relevant sub-themes from the discourses of the mediators participating in this study.

5.1.1 Definition of Elder Mediation: According to the literature review, the Commission, Law Reform (2019) points out that reaching one definition is complex, and effectively the interviewees express the same: “...we have to agree in Ireland, what exactly is elder mediation do we require specific training for elder mediation?...”, “... There is a whole political discussion on it...”.

Bonnie RJ, Wallace RB, (2003) said that the age considered can be 60 years of age as the starting age and others 65 years of age, and it was a coincidence with one who expresses a similar idea: “...I think some people use a definition of elder mediation that says any mediation where a person is over the age of 65, other 60 but there is no consensus...”

Overall involves descriptive concepts such as a: “... family intervention, issues due to ageing, assisted conversation, support families and needs of someone old...”.

Rather than arriving at a definition of what an Elder Mediation is, the interviewees agree with McCann-Beranger (2010), on certain concepts that should be clear to every mediator such as: “...mediation is confidential, it is private, it is not a private mediation...”: Mediation is confidential, it is private, voluntary, where the mediator is a facilitator in the communication between the parties involved and the process is cooperative.

5.1.2 Develop of Elder Mediation: The ideas put forward and documented in the literature review related to Elder Mediation being considered a new specialism, Commission, Law Reform (2019). This is in line with the idea that: “...mediation for older people is still pioneering...”. However, most opinions are contradictory that it is an accepted, reliable and widespread method of conflict resolution (Doyle, 2020). For example: “...Ireland has not developed the practice of Elder mediation...”, “...Mediation, in general, needs to have training and practice standards established...”, “...It has never really developed. I think probably because mediation itself is not yet sufficiently mainstream in Ireland...”, “...We do not have specific training standards for elder mediation at the moment...”

5.1.3 Future opportunities and planning: some mediators consider using more planned elder mediation: *"...You could do a pre-dispute mediation of the elders to help the family have the scenario of how they will make decisions around and with their elderly parents...."*

Which would generate more practice opportunities for mediators: *"...I think we need to define a practice area of elder mediation within family mediation..."*, *"...first, we need to have the general overview of mediation and then move on to the specialized practice areas that will naturally occur..."*.

5.1.4 Lack of Knowledge: The mediators' discourses clearly show the lack of knowledge or visualization of mediation for older people: *"... the public, in general, does not even know what mediation is, let alone early mediation..."* *the public needs to understand what mediation is..... "the biggest challenge of mediation for older people is that people do not know it exists."*

It is interesting to uncover these views because many public and private organizations have increased the provision of mediation services (National Safeguarding Office, 2016). Moreover, the Irish government has generally promoted mediation, which includes mediation for older people even with special programs, as indicated in the revised documentation: In 2009, the "Minister launched mediation service for families of elderly people with dementia" (Coulter, 2009).

5.2 Effectiveness of Elder Mediation: From the mediators' accounts, it is possible to infer that the effectiveness of senior mediation in Ireland as an alternative conflict resolution process is valued by all mediators, as it promotes a non-confrontational culture and balances power and encourages people's protagonism. It is a step forward in the cultural change that an evolved society tends to have.

Notwithstanding the above, it also appears recurrently in the mediators' discourse that the application of mediation in cases of elder abuse is a remarkably complex field as it is a criminal conflict: *"...mediation should not take place when these things are happening..."*; *"...No, not for physical abuse, we do not do mediation in those cases..."*. Reports from the National Safeguarding Office (from 2016 to 2019) show how elder abuse reporting increases yearly. Therefore, it is proof that something is not working in public and private policies regarding Mediation in general: *"...It*

*has a limitation..."*, *"...Elderly Mediation is confidential, but it has limits..."* are the opinions of some Mediators.

Given the above, the mediator must be in permanent training to ensure that he/she is fully qualified when need distinguishing cases that are not for mediation.

Moreover, there are limitations related to the cognitive impairment of the person; in these cases, also, mediation cannot be carried out: *"... In a situation where the older person lacks capacity, if there is dementia or cannot participate in mediation, then those who are in mediation are the adult children..."*

Following the recommendations of McCann-Beranger (2010), the older mediator should have the following qualifications and knowledge about the problem of elder abuse:

- Competence in detecting abuse and establishing the relevance of mediation;
- Competence to take steps to ensure that information about dates, times, places of abuse, assessments, residential addresses and telephone numbers are not disclosed, unless abuse is present, to other family members or participants in abuse cases;
- Awareness about when the report should be submitted to another specialist. This professional must have experienced abuse issues to examine an older person.
- An understanding that mediation, when there is abuse, is never appropriate in these cases.

In other circumstances, mediators also mentioned abuse, whether it is neglect, physical abuse or psychological: *"...It may not be clear that anything is going on, or even if you think there is, it may not qualify criminal prosecution..."*. When this happens, mediators are confronted with a case of elder abuse, yet there is not enough evidence to make a complaint.

As Daly et al. (2011) warn, there is insufficient evidence to support interventions to prevent elder abuse; despite the numbers, there is an urgent need for evaluation and financial support for more rigorous research in this area.

Some Mediators are agreed that in Elder abuse cases, mediation is possible as long as it is in financial and psychological abuse situations:

*"...If we accept that the definition of abuse should not conform to the criminal standard, so if it is an allegation of abuse, financial or psychological, made by family members about another family member, mediation can be very effective..."*

*“...Mediation for older people is very appropriate in those circumstances (financial and psychological abuse) and maybe one of the only ways to achieve some kind of resolution for the family...”*

Similarly, McCann-Beranger argues that about abuse and neglect, mediation can provide a framework of safety and trust in which any signs of abuse can be raised and safeguards put in place so that future abuse or neglect can be avoided and safety measures can be put in place so that any future abuse or neglect can be avoided. In this situation, preventing elder abuse events takes preponderance, and most the Mediators mention it as a crucial part of Elder Mediation: *”... There is some interest around elder mediation, actually prevent some elder abuse ...”*.

In summary, both psychological and financial abuse are positively related to the general advantages of the use of mediation and alternative dispute resolution mechanisms because one of the arguments for the use of mediation is that it generates a more humane environment and a better quality of life, conflict resolution mechanism creates a more humane and flexible environment for dealing with this sensitive

In summary, both psychological abuse, neglect and financial abuse are positively related to the overall advantages of elder mediation and alternative dispute resolution mechanisms because one of the arguments for the use of mediation is that it creates a more humane environment and a better quality of life:

Notably, most mediators noted that there are teams that are sufficiently prepared in Ireland to deal with and assess whether or not a case qualifies for mediation and training the mediators:

- *“...EM, it has a component where it has a good resource and team...”*
- *”... Later Life Mediation provides mediation and sensitive training in Ireland. Furthermore, all of the training in Ireland is under the standards of the Elder Mediation International Network...”*,
- *“...there are many different specialized types of mediation and mediators...”*
- *“... You will find that the people in Ireland are very well positioned because they have a really great learning and great team...”*

The different types of abuse (specified in the literature review) imply a constant challenge to society as a whole and thus also to the area of mediation. It is relevant because it is experienced in various parts of older people's lives, always representing an exercise of power by one person over another.

It is experienced in various aspects of the lives of older adults, always representing an exercise of the power of one person over the other as it is generally configured as a threat or use of force that aims to obtain from another person something that he/she would not freely give or simply to cause harm to the other. Therefore, explore the possibilities that exist through Elder Mediation. It Involves a conscious effort and requires much generosity and patience from those involved.

### 5.3 Limitation of Elder Mediation

5.3.1 To be aware of Elder Mediation: Some mediators highlight the lack of awareness of the general public of companies or services that could use elder mediation as a tool for conflict resolution. There is a disconnect between what the government is doing and what people are getting:

*“... There is a lack of awareness about the availability of mediation and its core. The biggest problem is that mediation itself does not have the traction it needs to get because if it had that traction, it would be different...”*

*“...I just do not think it is high enough on people's agenda to promote it. The availability of mediation to resource a nursing home...”*

5.3.2 Coordination with other services: From the Mediators' accounts, it can be inferred that the implementation of mediation in Ireland, as an alternative dispute resolution process, is valued by all mediators since raising a non-confrontational relation, which promotes the protagonism of people in resolving their conflicts, is an advance to the cultural change that an evolved society tends to have.

Notwithstanding the above, it is also clear from the mediators' discourse that they question how the implementation of Mediation for Older People in Ireland has been carried out. They agree that the lack of coordination with other services is the most challenging part, as there is no accurate, fast and efficient process. Most importantly, connecting the mediation process with other social services that can use it.

*- "...In Ireland, it requires other services to be aware of elder mediation as a concept, as well as groups representing older mediators, professional membership bodies, training standards, certification and quality of the elder mediator..."*

*- “...The culture towards accepting mediation as a natural support tool for elderly people is the nut that we have to crack. Furthermore, that is almost a political question...”*

Some mediators agree that there is a lack of appreciation of mediation by essential services such as the HSE.

*“... Bureaucracy within the HSE and lack of ownership of the importance of why mediation would be such a valuable tool for individuals...”*

*“...(HSE). Some questionnaire has to fill out many documents and others. However, there is not one question of mediation and the availability of mediation...”*

5.3.3 Financial and Cultural Issues: Two of the interviewees commented that people's lack of concern for the elderly is more of a cultural origin.

*“...There's the neglect of honouring and respecting elderly people in our culture...”*

*“...because I really have seen and feel that they are often very diminished, not just in the situation that they're experiencing, but culturally, societally...” (referring to older adults)*

5.3.4 Legally issues: At this point, there is agreement that there are some legal conflicts in applying mediation for older people. These are related to the lack of support in physical, psychological and sexual abuse cases, as reporting is mandatory. Therefore, there is a rupture in these cases, and the possibility of mediation disappears:

*“...physical, psychological and sexual abuse are crimes. So I think the difficulty would be how to mediate in those three areas where the law does not offer any protection, and the law states that you have to go out of mediation to report it...”*

This point is crucial because it can be said there is a gap between criminal behaviour and minor abusive behaviours where the latter are left without any possibility of visualization and even less of resolving them.

On the other hand, the fact that the outcomes of mediations are free choice as binding creates some difficulties that also affect a successful outcome.

*“...This creates difficulties in the parties' choice to mediation to have a legally binding outcome of the mediation. I think the specific cases where the Mediation Act has been applied is when it comes to cases where there is a capacity problem...”*

It is relevant to establish that the problems generated by abuse of the elderly are in the private sphere, so that legislating in this regard means taking them out of the private sphere and into what is considered the public sphere and which is related to autonomy, justice and

rights, while the domestic sphere has been permanently related to dependence, need and solidarity.

5.3.5 Mandatory process: Four of the six mediators mentioned the voluntariness of the process as a limitation of the effectiveness of older adult mediation, and it was suggested that it be mandatory.

*“...The availability of mediation had to become almost mandatory. perhaps some issues need to be addressed in legislation, but it is not evident right now...”*

*“...The fact that it is voluntary loses the power it could have had. probably need more specific legislation around the development of elder mediation...”*

*“...Unless mediation itself gets recognition as mandatory. development legislation, but it has not been helpful...”*

*“...There is a need for state intervention, so there is a need for this voluntary mediation to change. ...”*

5.3.6 Obstacles in older abuse: The internal organisation of the institutions regarding Elderly Mediation is presented as a limitation because it is not enough visualized or it is not a priority.

*"...I just don't think it's high enough on people's agendas to promote the availability of mediation as a resource in a nursing home..."*

*"...But the people who work in the HSE in the older people's section are the ones responsible for requesting within the HSE the mediation of older people..."*

- What hope has elderly mediation of getting its foot on the ladder or the first run of the ladder in a meaningful sense?

- CONCLUSIONS

As mentioned at the beginning, this paper aims to establish whether elder mediation is an appropriate mechanism for dealing with the conflict posed by elder abuse. In order to do so, it is essential to consider the essence of conflict before establishing whether the method to be used to solve the problem is appropriate. The characteristics of the conflict must be taken into account and analysed in terms of its personal, social and political implications while at the same time being aware of the structures that govern our society.

Considering the importance of this analysis, we can characterise elder abuse as an essentially complex and dynamic conflict, as it involves a clear violation of human rights.

It also contains the complexities of family life framed throughout history within what has been considered a "private sphere". In contrast, it is rather a matter of the public sphere, which, in particular, must be dealt with by the state as the representative of society as a whole.

Therefore, elder abuse not only shows a particularly complex situation, i.e. it does not only refer to the individuals who perpetrate or suffer violence in the specific case, but it is a problem that reflects the relations of society as a whole. Evidence shows that there has been an increase in the abuse of the elderly and their subjugation to the will of their carers, i.e. there is no equal relationship whatsoever.

Against this background, violence must be addressed through a multidimensional process that runs in parallel between the personal, the political and the social.

This research collected the experiences of six mediators working in mediation with older adults. Two are international mediators; two are lawyers specialising in mediation and two are mediators with experience in mediation with older people. All of them are certificated from the Institute of Mediation of Ireland and currently working in Ireland. The two international mediators are also working in Canada or wherever their help is needed. All of them are highly motivated to collaborate and to bring their expertise with a lot of passion and dedication.

I had set out to conduct research that would answer the initial questions and serve as a platform for further studies. The former was achieved, and I hope that soon, other studies will emerge soon concerning elder abuse and mediation as a conflict resolution tool.

About the research question, to what extent do mediators in Ireland use mediation to resolve conflicts related to elder abuse? It is possible to state that all six mediators are strict in reporting

abuse in cases where the older person's rights are violated; As seen throughout the thesis, there are positive and successful experiences in the area of elder mediation related to elder abuse. At the same time, the opinion of all mediators is clear when cases of elder abuse are detected; they should be identified and reported when there is sufficient evidence. In that cases, mediation does not work. However, they all agree that there is a kind of "limbo" in which abuse is not recognised or evidenced only suspected. In these cases, mediation takes on a leading role as a regulator, as a referee, and there is general agreement that early intervention can prevent elder abuse.

When deciding in which cases elder mediation is appropriate, financial abuse was most regularly mentioned, as Bagshaw said in his report on evaluations of family mediation: "The premise is that specialised family mediation models for the prevention of financial abuse of older people by a family member can be effective in some cases".

Within the framework of existing legislation, there are situations of elder abuse that are amenable to mediation, especially financial abuse or some psychological abuse or neglect, which requires specialisation and specific skills. The mediator must recognise when there is an imbalance of power and when an elder is at risk of physical or psychological harm. To make all these distinctions, mediators agree that specialisation and specific skills are required, including the ability to identify and filter out possible cases of elder abuse. This is entirely in line with the studies carried out by the two international experts whose experience in Canada and Ireland is the same, and they agree with this conclusion.

On the other hand, Lack of support in financial terms and insufficient institutional coordination were other main difficulties. In addition, there is a need to create more connections to refer to detected cases.

Additionally, there are other general conclusions such as:

- Elder mediation favours the recognition of responsibility since, in the experiences of EM, one of the recurrent problems is the lack of delimitation of responsibilities regarding caregivers or the imbalance of responsibilities among those in charge of the elderly.
- Safe space: In Elder, conditions exist for a victim of abuse of any category to freely and safely express his or her version of events.
- Elder Mediation through its voluntary and non-coercive process, it can help better manage the conflicts faced by older adults at this stage of life, offering an acceptable form of minimal social

intervention and contributing to the prevention of elder abuse in the early phases of relational conflicts between the elderly and their carers.

- There cannot be a one-size-fits-all response. Each situation must be thoroughly assessed and respond to the particularities of the case.

Finally, this research also aimed to describe the state of mediation for older people in Ireland through the experience of people conducting mediation procedures for older people. Unfortunately, few mediators were willing to participate, and even some of them, after agreeing to be interviewed, dropped out of the research when asked about elder abuse, refusing to cooperate.

Therefore, my firm conviction is that there is a need to research, learn more, and go deeper into elder abuse and mediation. The researcher intends that this work can contribute to a more flexible and open debate and reflection on the current situation of elder mediation and elder abuse. I hope as awareness increases and it is recognised that there are situations in which elder abuse occurs, who escape criminal reports, additionally the possibility that mediation can be a powerful and effective tool will grow to the same extent as a way to resolve conflict even in difficult cases as elder abuse.

- REFLEXIÓN

I was naturally drawn to this area of mediation for older people, as my training and experience as a psychologist leads me to be particularly interested in the areas of service to others, for the value this work can have in improving people's lives and for contributing to an area that, in my opinion, is of little interest to most young professionals. The research process became more and more interesting as I got deeper into it. It was beneficial to learn how the discipline has emerged and, in particular, how it is experienced in the Irish environment. I think it is crucial to point out that, as there is no Elder Mediation in my country (as a speciality), my view as a practitioner is less contaminated by prejudices and preconceived ideas that could influence the development of the research. From the results, I learned that there is a strong commitment on the part of practitioners to ensure that when clients use mediation, it is successful. At the same time, they have a legitimate interest in contributing to the development of the specialism, and, in the longer term, this may become a more generalised contribution to mediation in Ireland.

The enthusiasm and commitment of the interviewees are inspiring and motivating to me to continue to contribute to strengthening the field of mediation for older people. I hope that this work will initiate further research, especially on the issue of elder abuse. Furthermore, it is of particular interest to show the reality around this speciality and to generate further reflection on the opportunities and challenges facing mediators. At the same time, it is also an opportunity to explore more "dry" issues that few are willing to confront and that hinder honest and in-depth communication between professionals.

The relevant point is that the study invites mediators to a medium- and long-term challenge regarding how to coordinate the different levels that might be involved in mediation so that this discipline becomes a more preventive and multi-systemic discipline. In other words, everyone counts on and trusts in this conflict resolution tool, coordinating among themselves to increase the efficiency of mediation. Moreover, reality shows that it is challenging to keep professionals more coordinated and reach agreements cooperatively, more than from competition. Maintaining professional balance, which could also support their development, would keep people motivated to train as mediators and invest their best efforts in the field.

Finally, despite, many different obstacles I encountered along the way, I feel that I was able to overcome them in the best possible way and finally, put my thesis on paper.

## APPENDIX A

### INTERVIEW QUESTIONS

1. What is Elder Mediation?
2. When is it appropriate to access elder Mediation?
3. How does a person/family access elder Mediation?
4. How has Elder Mediation evolved in Ireland?
5. These are the different categories of elder abuse. In your experience, in which cases is elder Mediation currently used?
6. In your experience, is elder Mediation a valuable means of conflict resolution in elder abuse cases? Why?
7. What are the advantages or disadvantages of using elder Mediation over other interventions?
8. Do you consider it necessary to promote elder Mediation (to whom?) in older abuse cases? Why.
9. What are the obstacles to families/health professionals availing of elder Mediation?
10. Irish legislation promotes the use of Mediation; is the current legislation appropriate and adequate to the current needs of elder Mediation?
11. What facts do you consider to be evidence that elder Mediation is an efficient alternative for resolving conflicts in elder abuse cases?

## APPENDIX B

### CONSENT FORM

#### **PROJECT TITLE**

You are being asked to participate in a research study on “**Elder Mediation, a way to resolve Elder abuse in Ireland.**”

I am Karin Leiva, a student of a Master’s in Conflict Resolutions in Independent College Dublin. Paul Crowther is the research supervisor, and the Research Ethics Committee has approved the project.

In this study, you will be asked to:

#### **RESEARCH QUESTION**

The research aims to find out the extent to which mediators in Ireland use Elder Mediation to resolve conflicts related to elder abuse.

#### **SPECIFIC OBJECTIVES**

In order to facilitate the approach and development of this general objective, the researcher has set the following specific objectives.

- To evaluate the current state of Elder Mediation for the resolution of conflicts related to elder abuse in Ireland.
- To Determine how effective elder Mediation has been in resolving elder abuse cases in Ireland.
- To identify the obstacles to the application of Mediation in cases of elder abuse in Ireland.

#### **TIME COMMITMENT**

In this study, you will be asked to participate in a research-related interview. There are 11 open-ended questions on elder mediation, all related to the research objectives explained above in Ireland.

The interview usually lasts between 45 minutes to one hour. The participants are you and the researcher.

### **PARTICIPANTS' RIGHTS**

- You may decide to stop taking part in the research study at any time, without explanation.
- You have the right to request the withdrawal/destroy the data you have provided up to that point.
- You have the right to omit or refuse to answer or respond to any questions asked of you.
- You have the right to have your questions about the procedures answered (unless answering these questions would interfere with the study's outcome). Once the study is completed, you will be offered a full debriefing).

If you have any questions after reading this information sheet, you should ask the investigator before the study begins.

### **CONFIDENTIALITY/ANONYMITY**

The data I collect does not contain any personal information except your name. The data only will be used in this research, and it will be printed in three copies; all of them will belong only to Independent College.

### **FOR FURTHER INFORMATION**

I and/or Paul Crowther will be happy to answer your questions about this study. You may contact my supervisor at [Paul.Crowther@independentcolleges.ie](mailto:Paul.Crowther@independentcolleges.ie) phone number +35316355800

By signing below, you agree that:

- (1) you have read and understood the Participant Information Sheet,
- (2) questions about your participation in this study have been answered satisfactorily,
- (3) you are aware of the potential risks (if any), and
- (4) You participate in this research study voluntarily (without coercion).

---

Participant's Name (PRINTED)

---

Participant's signature

## APPENDIX C

### BRIEF DESCRIPTION OF THE RESEARCH

#### **Description of the research project: “Elder Mediation, a way to resolve Elder abuse in Ireland.”**

As a MA in Conflict Resolution at Independent College participant, I am working on the final research project to complete the training process. The topic selected is: “Elder Mediation, a way to resolve Elder abuse in Ireland.”

The research aims to explore, know, and understand the practice of Community Mediation in the Irish context through the study of the work of Community Mediation Services. In order to gain a better understanding, it is necessary to know the context where the practice is executed, the organisation and actions implemented, and the views about the obstacles, achievements, and challenges that the people who executed this action face in their work.

The information gathered will allow to analyse and reflect on the practice in different contexts and how the theory of Community Mediation adapts to the Irish context. The research's projection is to contribute to the development of the field in the country and, in general, to Dispute Resolution and Elder Mediation disciplines.

- Research Question and specific objectives:

#### 1. Research Question

The research aims to find out the extent to which mediators in Ireland use Mediation for the resolution of conflicts related to elder abuse.

#### 2. Specific Objectives

In order to facilitate the approach and development of this general objective, the researcher has set the following specific objectives.

2.1 To evaluate the current state of Elder Mediation for the resolution of conflicts related to elder abuse in Ireland.

2.2 To Determine how effective elder Mediation has been in resolving elder abuse cases in Ireland.

2.3 To identify the obstacles to the application of Mediation in cases of elder abuse in Ireland.

The interviewees participating in this study are people who carry out mediation for older people in different private and/or public settings. By the nature of their work, they are the ones who best know the reality and difficulties of their work when defining whether a case is for mediation or for reporting as elder abuse. They face the different challenges of the practice of elder mediation, and in order to deepen the knowledge gained, semi-structured interviews will be conducted to gain a better understanding of their experiences.

Once the interviews have been completed, an analysis of the information will be carried out with a literature review to contrast, analyse and reflect on the information gathered and draw parallels between theory and practice regarding mediation and elder abuse in Ireland.

I appreciate the interest and collaboration with this project. If you have any questions, do not hesitate to ask at any time before, during or after the research.

Karin Leiva Vega

Student MA in Dispute Resolution

Independent College Dublin

May 2022

## APPENDIX D

### INTERVIEW TRANSCRIPTIONS

#### INTERVIEWEE 1

Interviewer [\(00:00\)](#) Okay, great. To start, What is elder mediation?

Interviewed 1 [\(00:21\)](#) So? Elder mediation is the same as any mediation, but there might be some more specific issues there because you can be dealing with there can be issues of power imbalance in somebody's elderly, and there may be a certain amount of lack of capacity happening. Not that they do not have the capacity, but there can be. So, for me, elder mediation is where you have mutual consent to sit down confidentially with the agreement of both parties, to discuss whatever the issues might be, identify them and facilitate a mutually acceptable agreement between the two parties. But for me, with elder mediation, there are often issues, specific issues to elder mediation that sometimes will be there, such as a power imbalance. There can be abuse or bullying of the elder party going on that may have to be very specific sort of identified and dealt with by the mediator as well to discern. Is there an underlying issue not just a disagreement but also that other layer? So, it is when you are helping people in the latter end of their life, negotiate issues, quite often the issues are going to be around the end of life issues, things that they need to do with properties, Wills, nursing homes, care, death wishes, things like that. So quite often, there can be a lot of these issues around precisely the person's needs for care towards the end of their life. So, there can be issues particular to remediation that are going to come up in other mediations; indeed, the ones that they sort of informally helped with, these were the issues.

Interviewer [\(02:48\)](#) And when is it appropriate to access Elder Mediation?

Interviewed 1 [\(02:57\)](#) Any time an issue needs to be discussed, do you know what I mean? For any older person who is having any difficulties around whatever the issues might be for them, it is the same as any mediation. It is appropriate in every circumstance where an issue needs to be identified and discussed that can be resolved by the parties themselves through mediation. So it is appropriate the times when it is not appropriate where there may be a lack of mental capacity by the party actually engage, that they cannot consent or give solutions knowingly. So if there is any issue around mental health capacity or failing faculty, if someone has dementia or Alzheimer's, then they can not be a party in the mediation. It would not be appropriate then, yeah.

Interviewer [\(04:05\)](#) How does a person or family access elder mediation?

Interviewed 1 [\(04:17\)](#) Well, they have a few options open to them. They can go to many of the centres like through the legal board, run which free legal aid and mediation clinics for families, especially ones that may not be able to pay for private mediation. So they can access to any of the community and law centres around the country, any of the Legal Aid Board mediation services around the country, and as well as contacting through something like the Mediators Institute of Ireland, where they will find mediators listed who will be able to assist them with mediation or through the Legal Aid Board or community and law mediation centres. There are's several different; what would you say? Organisations that offer mediation services and all of them would offer elder mediation as well as remediation public and private. Yes, yes. So the Legal Aid Board and, let us say, community law and mediation in the north side. Now, there is another community land aw, and there are other state-funded mediation services. They would be called something else in another county. So any of the public ones the MII will list tend to list, obviously, individual private mediators, but I think they probably also list resources.

Interviewed 1 [\(06:06\)](#) The Citizens Information Centre, which can be accessed online, would also give links to the services. So it is another place that people could find out to access mediation.

Interviewer [\(06:23\)](#) And now I would like to show you. I want to share it with you. Can you see that something's coming up now? It is just sort of doing the little wheel. Yeah, I can see this. Yeah, there are different categories of abuse. We have physical abuse, sexual abuse, psychological abuse, financial abuse, neglect, discriminatory abuse, and institutional abuse. In your experience, in your knowledge, in which cases is elder mediation currently used?

Interviewed 1 [\(07:58\)](#) Well, certainly not the more personal case that I wondered. There would have been neglect and actually kind of a type of. I mean, it was definitely an issue. There was financial and material abuse as well. So that is just a private family personal case. Do you know what I mean? There was neglect, and there was this financial material abuse that the weekly money needed to be paid for was not being managed correctly, not so much psychological abuse or physical. The other abuses were not in that case. However, I would believe that there could be institutional abuse for people in care homes, but that is, unfortunately, quite common. So that institutional abuse obviously includes physical abuse, psychological abuse, neglect of the case I was neglecting, financial material abuse, and neglect and financial abuse. The one case that I was helping with they were the issue. But I would imagine that quite often, once people even have to care that there is that

it would be to do with a kind of like physical abuse or psychological abuse of elders. I believe that is quite common. There is been a lot of scandals here about it. See, they kind of intertwined. What I would say is that there is an overlap. Like while the case I did was which you have done, you've asked me out of these, I would name neglect and the financial material there. But that is a form of psychological abuse. Exactly. Because the elderly lady, in that case, was becoming paranoid, upset, anxious all the time, unsettled because of her situation. She didn't feel safe. So this was psychological abuse, but it stemmed from the neglect and the finances. So they overlap. There is a lot of overlap. Obviously, the one that is probably a little bit rarer than the others is sexual abuse. I do not think that is that common. And that is in a category of its own because all the others happen together. Do you know what I mean? What if someone is being neglected, if someone is being physically abused, or if somebody's being the psychological abuse is part of that? I think they are all connected. Yes, exactly.

Interviewer [\(12:18\)](#) The last percentage, since 2016, until 2020, are the same. This is a report from the National Safeguarding.

Interviewed 1 [\(13:17\)](#)

That is quite a big jump. The other thing about that, and I think it is always a caveat to be aware of and include is that while you have reported with these figures, the data does not always represent the true situation or story, I think it is a problem. I think very few people report institutional abuse. It can happen without the amount. Okay. So, a little bit gets reported. So this ends up as 1%. However, there is often a lot more happening than they get the data on. Yeah. Because people are afraid, even if they discover it, they will deal with the problem, but they will not report the problem. So, I'm always just a little bit. I suspect it is a little bit higher than that statistic because I know that there have been many problems with care here. It is a big problem. Even the covert that we saw that family is not being allowed into homes during covert and all of that, really, essentially, you have no real way of knowing or controlling or getting the information. And in and of itself is a form of abuse that someone would not have access to their family during this time is for me as a mediator, because how can this person, if this person needs or the family needs to go in separately to see you cannot. So, I'm just a little bit with data for me. It never fully tells the true story. It is a statistic. It is very helpful. But I always tend to think it is a little bit more than they have. The statistic on people is reluctant to report. They are very reluctant to report.

Particularly, I think with the elderly here, there is not a huge number of elderly rights, and it is not something that Ireland is not. You might get to other countries where the elders are a little bit more integrated with the culture, like in Spain, for example. Do you know what I mean?

Interviewed 1 (16:06) You are going to see the youngsters out in the evening with the elders. It is a little bit more integrated. And here, it is not so much that people do not have an awareness of elder needs in the same way they tend to get retired and boxed off, useless. Now, it is a terrible thing that society is more, I suppose more, youth-focused. Not even youth-focused. It is gone a little bit utilitarian; you know what I mean? So, we do not seem to have as many services and awareness of that. The elderly are very important, very important members of our society with everything to give us that they give us when they are with the elders. So, we do not really take this view in Ireland as a culture or society. We probably did a long time ago, but not the modern. I think that is one of the big there is a culture piece. So, I think there can be a lot of neglect and abuse then because of this. That is not even named neglect and abuse because we do not see it as neglect and abuse. But somebody now is considered sort of out of the society. And, of course, that makes it much easier to treat them in a way that is othering or not as human or not as full of respect and needs.

Interviewed 1 (18:07) So I think there is a cultural piece of us like even saying, well, neglect should not just be seen as the worst type of neglect. There is a neglect of honouring and respecting older adults in our culture. That is the wider thing. But I think it is why it is so easy for older adults to receive power. Imbalances do not have their needs respected and listened to. It is so easy for that to happen because when you do not have that kind of culture, you know that they are still a full person with their full capacities and needs, and they are just as active and alive. They are just older. Yeah. And that is certainly what I saw in this lady's case, the informal case that I was helping facilitate between her and her son. She was a very independent woman all her life and is still independent at 92, three years of age. But she had certain needs because, of course, she is older. I need certain support with that. But she was not getting them. So she ended up with not having choices, choices that she is creating and saying, I want this or I do not want that. So she ended up sort of railroading a bit into something that it was put on her, imposed a solution imposed on her as opposed to chosen by her because she was not seen as she is still completely in charge of herself, independent.

Interviewed 1 (20:05) I'm capable. Her capacity was fine. She just needed help for her age.

Interviewer (20:15) It is not that.

Interviewed 1 [\(20:17\)](#) Yes, of course, you become slower, and you are older, and it is going to happen, that is all. But it does not mean that you are not you and that you know your own mind and that, you know, there are things you want. So I think it is just very easy in a culture where we do not honour or see or integrate older people, you know, in every day a lot more that cultural piece makes it a lot easier for older people to be respected or receive abuse on how we even name or see that abuse. There are things that I think we do that we might not call it neglect, but it still is neglect.

Interviewer [\(21:02\)](#) Yeah, absolutely. The next question is, In your experience, is elder mediation available means of conflict resolution in elder abuse cases and why?

Interviewed 1 [\(21:19\)](#) Yes, it is very valuable, and it is always valuable because normally, especially in elder mediation, usually the power imbalance is normally that the older person is being abused, that they are powerless, and they are afraid, of course, to speak up for their needs. So, coming into mediation, is a non-judgmental space with no judgement. They get their voice in that process because there is equal time given because it is a listening process that they can not be spoken over, that they have to be heard, that they are given the space to talk and say what they need to say. And that is because it is confidential support of space. It takes the fear away. They know that they do not have to be afraid. So now, because of the support and the confidentiality, they get to speak, and they get to be heard. They are actually being heard, actually being listened to. So it is very valuable because then the other party also gets to hear them, that you get that shift, that the other person gets to see and hear them as a person. They do not just get to other them in that room or if it is on a Zoom or whatever now. So I think that is a very even if the case does not become fully resolved, even if it doesn't, it is still very valuable because they will take away with the parties the sense of empowerment, you know what I mean?. That they have something to say, that they have interests and needs and that there is a process, there is a way for them to assert themselves and be hurt. So they will also realise that it is about solutions, and it is about them getting acceptable needs met, not agreeing to something that is not in their interests.

Interviewed 1 [\(23:50\)](#) Just to sort of get something done and dusted to get the situation over. So the mediation process will empower them to realise that it has to be an acceptable agreement, acceptable resolution, something that they can really live with. And so the process of the mediation really helps resolve in a sustainable way, a long term way. It is not a temporary solution; it is a proper long term solution. And mediation is very successful at this because it gives people the space, the time, and the support. It is facilitating them to come up with a to really air the issue and then for them to hear one another's interests and then to have a real solution because they have to

come up with the right solution that is really agreeable, considering you also do reality testing of those solutions, you know what I mean? How will this actually work? Will this be sustainable? How does that look like? What's the detail the mediation process can take them through in a very supportive way, but very detailed way that is a proper solution. All of the studies and all the outcomes from successful mediation show that when people themselves resolve their issues, the solutions tend to be lasting as opposed to.

And it is more important than elder mediation because the older person has nearly always experienced, again, there is some abuse issue in some form, a power imbalance. So the worst outcome, really, for the elder issue is if they end up having a solution imposed on them because they already have things imposed on them. So I think elder mediation is even more important in that respect, that they are already experiencing this, you know, lessening their own natural rights and voice. So, mediation is an especially powerful tool because it restores quite often the power and voice taken away by the othering that happens to aged or elder people, and they are often up against their much younger family members. And there is quite a lot of control where a family emotion and someone's younger and they are just telling their parents, or they are telling their elderly aunt, do you know what I mean? So it is especially useful for this, but even if it is to go to court, they are taking what happens in the mediation with them. I still think it gives them more tools if they end up in a more adversarial solution, that they realise from having been in the mediation that they need to state their needs and how to do that and what that is.

So it still will empower them, although the best outcome always is to resolve it fully, if you can, through mediation, because it eliminates that adversarial, especially for me, the big why it is so powerful and so important for elders is that they are already disempowered, they are already voiceless quite often. So this gives restoring that and empowering it for the future, you know what I mean? Moving forward as well. Yeah. Only 1 second, please.

Interviewer [\(28:12\)](#): [W](#)hat are the advantages or disadvantages of using elder mediation over other interventions?

Interviewed 1 [\(28:26\)](#) Well, the advantage, I suppose they touched on that already in the last question. The advantage is empowerment. It is people led. So, in this case, the older person they are getting to lead. Do you know what I mean? They get to lead their story, their issues, and what they want. They get to name what solutions they would like and what they would see as the best outcome for them. So that is the advantage.

Interviewer [\(29:03\)](#) In relation to other interventions.

Interviewed 1 [\(29:05\)](#) Yeah, exactly. I think the advantage of the mediation over going to the courts is that it is not adversarial and that they get to it is non-exposed. It is the person led solution. So for me, that is a big advantage, the empowerment of that, and its confidence. Do you know what I mean? That is a really important thing, restoring that sense of agency, the sense of agency in mediation, instead of the legal process. The legal process takes a lot of it away from you. It is solicitors and barristers. So in terms of, let's say, maybe counselling, some sort of open counselling, I think mediation has the advantage over that, in that other therapeutic modes are excellent for treating the emotional issues, a trauma that may be there listening and giving somebody a sense of being hurt. But they are not solution-focused; they are not necessarily working towards an outcome, a goal for the people in the problem. So they are very good at hearing the problem, and they are very good at allowing an emotional outlet. So I think they are very good for that. But mediation also does that by people sitting in the room telling their stories. They do get time to vent.

Quite often in a mediation session, people will be angry they will be sad, so they still get the listening part. It is still an emotional process. There is still a therapeutic piece in mediation. It is not just all the solution, but I think the advantage is that it is solution-focused. Essentially, you are there to help them resolve, find solutions, and resolve the issue. So that is the advantage over, let's say, therapy. And it is certainly that there is an agency for the people in the process is the advantage over the legal solution solving and the disadvantage of mediation can be if the two parties are not really engaged if the two parties do not come willingly or entirely open for the mediation process if you have got one party who really wants to engage in mediation, but the other one is just there to go through the motions or tick the box to say, they did us before they go to court, you can have bad-faith actors, people who come into the mediation and they are really not open to the process, they are not really going to agree. There can be forms of resistance that, if you cannot get past them, the mediation will not work.

Interviewed 1 [\(32:23\)](#) So that is the disadvantage, I think, that you do not always get the two parties equally willing to participate. Another disadvantage is if one of the parties is incapacitated anyway. If there is a mental health or mental faculty issue, then the mediation just can not help them, and they have to go to another solution, legal or a facility for their problem or whatever. So they have to end up in a different therapy or solution that will not be imposed. That, I suppose, is the disadvantage of mediation is that it very much relies on the kind of willingness to engage with both parties, the consciousness level. Do you know what I mean?

What they both want to bring to us. It also is just not suitable in certain situations. You cannot use it where there is a mental capacity issue, mental health issue, or addiction issue. Also, in certain situations, if the physical abuse, for example, is if there is a consistent and very deep level of domestic abuse, then that will have to be a legal issue. You are going to have to report that to the guards. If something there is seriously dangerous, that is not a situation you can mediate. Do you know what I mean? There needs to be an immediate intervention if somebody is at serious risk from the other party. So, I suppose they are the disadvantages of it. There are certain situations that you cannot mediate in. Yeah.

Interviewer [\(34:25\)](#) Because someone can feel confident with you and report in the interview with you that she has physical abuse. And in that case.

Interviewed 1 [\(34:48\)](#) You must, if it is very serious, you always let, of course, at the top of every mediation, go through the principles with people, and always let them know about the cases. You know what I mean? The circumstances upon which you would have to report to the guards. And this comes into it also does actually enter into separating couples' mediation, too, actually, if there is severe domestic abuse or severe risk of harm to somebody's life or another person like you discovered that the children are being abused, then you have to report that is it. So there are certain situations, but in elder abuse, if you identify and you discern that there is a severe risk of harm, then you have to report that it needs to go somewhere else. Yeah, but I suppose that is an exceptional case. They are exceptional cases. I think the main disadvantage in a case that can be mediated is that if you do not have the two, if the parties are not willing, equally willing to engage with the process, that is always very difficult. And mediation is only going to get so far. And that is a disadvantage of mediation that you are relying you have to rely on the good faith that the two people have contacted you for mediation because they genuinely want to mediate. But sometimes, that is not the case.

Interviewer [\(36:30\)](#) And do you consider it necessary to promote elder mediation? To whom and of course, in all their abuse cases?

Interviewed 1 [\(36:45\)](#) I think so. I think it is actually very necessary. I do not think there is enough promotion, and I do not think many people know about us with mediation.

Yeah, I think it will be necessary to promote it. I do not think, in fact, it is very promotion. I think a lot of people would not know about elder mediation. I think a lot of people would not realise that they can. Yeah. I do not think it is something that many people are aware of. I think it is something people are only becoming aware of, for example, with separating couples, because the courts will

say, have you been for mediation, you have to go for mediation. So now it is beginning to become, but I think for many areas, especially elder mediation, I do not think that many people access it or know about us. And I think it does need to be promoted. I think there needs to be government; you know what I mean? Promotion to it. I think it should be promoted to all of the bodies that would regulate, for example, care homes, elder care homes, charities, to do with the elderly and age action, people like that. So I do not think there is a lack of joined-up thinking. There is a lack of connection between the different organisations and the government, state legislation and state promotion of mediation and creating that alternative dispute resolution, creating as a more normal thing. I think a lot of families feel that they need to fix it, especially in this area. It is a private business. We will figure it out ourselves. Think of they do not even realise that there is a kind of service, elder mediation, on offer, and they do not realise what it is and how helpful it is. So I do. I think we definitely need a lot more promotion.

Interviewer [\(39:18\)](#) Promotion. Yeah, sure. And what are the obstacles to families/ health professionals availing of elder mediation?

Interviewed 1 [\(39:39\)](#) What are the obstacles to going to mediation for families or professionals or health professionals?

Interviewer [\(39:51\)](#) To get.

Interviewed 1 [\(39:53\)](#) Secrecy? I think this is one of the problems with elder mediation with the elderly. Again, the cultural piece there is that if it is a family thing, the family feels this is a private issue, we'll handle it ourselves. If it is a serious situation in terms of that, the family is abused within the family, well, then there is secrecy. They are not going to be looking for help with that. If somebody in the family, if a son or a daughter, is abusing an elderly parent, any combination of those situations that can happen with an elderly within a family, they are toxic situations, so they are not going to go and find help with it. It is something that they are willingly and knowingly doing to one of their relatives. So I think that is why we do not get so many family elder mediation cases because families themselves will not bring it to the mediator. I think the cases that end up with mediators is because a report is made by somebody else, and then the mediation is brought in. So I think that is the big obstacle is that quite often, it relies on in a family situation where there is abuse. It will rely on a sort of alertness by authorities or the culture, the society that someone is alert to see.

Oh, I think there is something very wrong here before that case will come to mediation. I think the obstacle with, let's say, health professionals, if it is in care homes, our hospitals, or again, there is a culture of shame and secrecy. They are not they are afraid to be to be seen as a whistle-blower. I say nothing again, maybe if they are very conscientious, they might approach the person that they see is not treating the person right, and they might think that that is enough. They say, oh, I'll say something I'll do myself, but people are very reluctant. That is why I question that 1% statistic. I think people are very reluctant to report. I think it is a culture of shame and secrecy. They are afraid that if you are the one that says something. So that is the big obstacle to mediation is that there is a lot of secrecy and shame, I think, around this, whether it is in a professional health setting or whether it is a family situation, I think that there is fear. I think the biggest obstacle is the fear of being the person to say something. They'll be seen as causing problems, a whistle-blower, this kind of thing. And certainly, in Ireland, anytime people have in lots of different situations in this country said, oh, there is a problem, you know what I mean?

The person, they tend to get punished instead of rewarded. So I think that is a big problem. That is a big obstacle. I think there is a lot of shame. There is an embarrassment and there is fear.

Interviewer [\(44:23\)](#) do you think legislation promotes the usage of mediation? Is the current legislation appropriate and adequate to the current needs of Elder Mediation?

Interviewed 1 [\(44:31\)](#) Yeah, that is since the mediation Act 2017... I think, isn't it? in 2017 or 18, they passed the mediation. Do you know? I do not know. I have to say to that question because I haven't studied the mediation legislation in detail. So I do not actually know exactly what the clauses are, you know, what it sets out. So I can not, unfortunately, answer that because I'm not knowledgeable enough about the exact bill to say, is that adequate, or is that not adequate? I would like to look at it first before I know what else.

Interviewer [\(45:28\)](#) The last question is what facts do you consider to be evidence that elder mediation is an efficient alternative for resolving conflict in cases of elder abuse?

Interviewed 1 [\(45:47\)](#) For me fact, sadly, I would love to do more elder mediation, but I have not done many cases. So the only fact for me is that the outcome, like in the one that I did informally facilitate because it was not a formal mediation, was that a good and suitable outcome was achieved for the woman in this particular case, the elder party in this particular case, who was suffering neglect. And now, when the family member was brought in and alerted, you know what I mean? And they sat down together and had a chat and that there was an acceptable resolution. So for

me....Oh, yes, with all the colleagues, for example. That is true. Yes. Okay. Because I'm kind of careful, I do not want to be setting up.

Interviewer [\(47:08\)](#) Why do you think that you have seen about that?

Interviewed 1 [\(47:18\)](#) The facts for me about why it is so good. The evidence that says this is a good way to do something is the fact that the dignity quite often of one party that is suffering a serious power imbalance, gets restored, that it is very restorative, that it restores that. It is not just there is a solution, but it does more than that. It restores that person that is very interesting to see and their happiness. It also gives them future peace of mind. It is not just a solution for this one present problem right now. It gives them a sort of forward-looking, changes the Vista, changes the future for them as well because they realise, okay, I am still powerful, I still have needs, I can make them be mesh, what I need, I am being listened to. So it is a mixture for me that it creates good solutions; the solutions are sustainable, long-term, and move forward into the future. It is not just for the present, it is also moving forward, but it also very importantly restores its restorative. It restores something to that party, their dignity, their well-being, their happiness. It is very powerful.

There is a power to it for older people because I really believe that kind of communication. After all, they get to communicate and get listened to normally, quite often, especially with the elder, as I said earlier, they are kind of voiceless or they are side-lined, they feel invisible, so now they feel visible, they are seen, they are heard, they are attended to. So, again, it kind of does the opposite. It gives them that thing that is missing very much. It takes the isolation, a lot of elder people, the mediation very much addresses the loneliness, the isolation that they are feeling in an abuse situation or in an issue situation. And they feel alone a lot of the time, very alone. For me, that is the kind of what I see. And I've heard the evidence of that restorative piece to them restoring their dignity and restoring their sense of agency and the sense of themselves, plus the outcome. They get to decide. They get a say, It is not imposed. They say, yes, I want it. No, I do not. And they get to figure this out. They get to come up with, and it could be anything. The great thing about mediation is that the solution is always very personal. It is different for everyone. It is different for every situation. So there is creativity there still in the solution as well. One of the strongest things about it is that it is a very creative problem-solving process. Open. Very open. Anything. It is lovely.

It is like there is nothing too small or too big or too wild or too ordinary or too. It is whatever the people can really come up with. And there is just a lot of power for both parties. It is not just the older person, because quite often the other person, the health care worker or the family member,

quite often there are exceptions, but they do not realise. They do not fully realise it. They do not fully hear or understand that person till they hear this. And that is the kind of magic in a way that they really get to empathise with one another. There is so much empathy in that process, and that brings that resolution that it is not just, okay, I want to walk a tree every day, okay. It is not just that kind of, you know what I mean? Outcomes. It is much deeper than that. So I think it is that resolution piece that really recommends you, especially for elderly, because I really have seen and feel and in other things that they are often very diminished, not just in the situation that they are experiencing, but culturally, societally. And they feel very unseen, unheard, alone, isolated. And the mediation exactly addresses, restores and creates that for them. So that is what I really love about us. It is very powerful. And I really think that I would love to see a lot more. I really would like a lot more people to understand its processes and know about it and realise that this is available and use it a lot more. Because the confidentiality of it, too, is brilliant. Nothing that the parties share with you. It is entirely confidential. So they do not have to worry about filling out reports or forms, or it is going to court. Do you know what I mean? It gives them a lot of freedom and space, which really helps them sort the problem because they are allowed in that space. They can, yeah. So it is such a positive way to address issues.

Interviewer [\(54:21\)](#)The people is more open to showing what happened to them?

Interviewed 1 [\(54:32\)](#)Exactly. Do you know what I mean? That they can really show. It is very empathetic, and it is very open. And I think it is also because it is very impartial, because of the mediator, while you are empathetic, while you are able to feel for both parties and really listen, you are not judging because you are impartial. There is equality, there is a balance in the process, and that is a very important part of it, as well again, especially for elder people who already are feeling an imbalance. They already feel, well, I'm old, I think that is really important that they are not being judged. That you are not sitting there thinking, oh, well, they are elderly. She does not know what she is saying. Oh, she is gone a little bit. Dotty these are all the things that you will hear and see in other situations with someone who's maybe older trying to assert themselves. There can be a dismissal, a diminishing of them, but in mediation, because it is impartial non-judgmental, that never ever happens. You are really listening.

Interviewer [\(55:52\)](#)

So I am going to stop the record now. Thank you so much for the interview

## INTERVIEWEE 2

*Interviewer*[\(00:01\)](#)

If you agree, we can start with the questions.

*Interviewed 2*[\(00:06\)](#)

Yes.

*Interviewer*[\(00:09\)](#)

A simple question. The first question is, what is Elder mediation for you?

*Interviewed 2*[\(00:16\)](#)

Well, alternative for me is especially a specific area of mediation practice, relatively new or comparatively new to Ireland. It is well established in America, the United States, Canada, and Australia and New Zealand. But beyond those countries, Switzerland may come to mind as one other European country, Germany perhaps, but it is still being pioneered for me as well. Remediation is a very beneficial family intervention, enabling and facilitating family members to have an assisted conversation, meet their own needs, and meet the needs of an older adult who is really at the centre of the care within the family grouping.

*Interviewer*[\(02:10\)](#)

So when I started working here, I could not work as a psychologist. So I start to work as a care assistant. And I discovered I love to work with older people. And I was thinking, what can I do after the master's to continue working with older people and at the same time use new bits of knowledge through this master. And I saw the elder mediation, but I did not know anything about Elder mediation here because even working with older people, I have never heard something about it.

*Interviewed 2*[\(03:15\)](#)

I'm not surprised that you say that, Karen. Yes, that would not come as a surprise to me.

*Interviewer*[\(03:23\)](#)

So for that reason, I started to say what happened with Denver mediation here and why the people don't use it, why I never heard about that, why nobody talked about that. The families never. Because I have contact with a lot of families and even my coworkers or coworkers. I work in a

place the name Einyscare. But I was working before in Bluebird and I was never in the company. I never hear anything about mediation, even family mediation. So for me, I was curious to know why people don't use this tool if we have this tool in Ireland. For that reason, I start to do this research. I want to explain you that.

*Interviewed 2(04:26)*

Yeah, very good. Another thought on what Elder mediation might look like based on some exposures that I've had to how it's developing, particularly in the United States and in Australia in recent years. It is being very closely aligned to sort of services that support family relationships. And that is something that you might be able to include in your thesis and in your description. Excuse me. Sorry. I beg your pardon.

*Interviewer(05:14)*

No worries.

*Interviewed 2(05:16)*

Does that make sense to you? Yes, it's actually an intervention that is used and being sort of closely aligned to other professions that might become involved in intervening in families and one aspect of a particular family Might be where they have responsibility for the care of an elderly person.

*Interviewer(05:48)*

Okay, I go with the second question when is it appropriate to access elder mediation?

*Interviewed 2(06:05)*

Very good question. And I'm hesitating because I have to think about how it might be done. It might be accessed at any time Depending on the circumstances within their family setting. And elder mediation might come about when an elderly or older person discovers that they might be facing a deterioration in either their physical or mental health and that they need ahead about their living arrangements and about what they might like to have in place in terms of their living out the rest of their days. Usually, in my experience, it has been accessed by families who are experiencing difficulties in providing the level of care required and maybe in family situations Where one or two people are taking responsibility for the caring and the other members of the family Are either not aware or not at all involved in assisting with the care Be that financial or be it support to the other cares or whatever might be appropriate to the particular case. I hope now that that answers.

*Interviewer*([08:06](#))

And how a person or a family can access what they have to do when they decide maybe suppose a family said, okay, maybe we need mediation. It is not in that way, but when they start to think in, that is what they can do. How can they access elder mediation?

*Interviewed 2*([08:36](#))

Well, the information about elder mediation and practicing elder mediators Is not very well established in Ireland. Now, I'm part of an elder mediators group and we are working on creating a greater awareness and in networking with other organisations who are involved in representing or supporting older people in the country. So I'm hoping that that situation may change in the next five to ten years. Enormously in that elder mediation will be as well known as other forms of mediation like workplace like family separation couples like community mediation and so on.

*Interviewer*([09:40](#))

How elder mediation evolved in Ireland.

*Interviewed 2*([09:48](#))

It started with the specialist training of about twelve or 13 members of the Mediators Institute of Ireland.

*Interviewed 2*([00:00](#))

Annual summit in Dublin, and some of the mediators, particularly Karen Irwin and Shaun Carney, participated in that conference. And I suppose I should be careful not to name people because I don't know for sure, but I know of those two people who were involved in the organising of the summit. Elder Mediation was very well developed in Canada, and one of the things that came out of that contact was the provision of the specialist Elder Mediation training by Judy McCann Barrongae, who would be very well known and published and is involved, is one of the founding members of the Elder Mediation International Network. Those mediators were trained, and in 2012, I myself trained with Judy McCann Barangay and her husband, who is the Registrar for Elder Mediation International Network, which I will describe as Emma in future. They provided the specialist training for about ten of us at that time in 2012. Now, I was the late developer personally because I was working full time as a public servant, so I wasn't able to do all of the extra training there and then other things were going on in my life. So it took me quite a number of years to

actually meet the criteria to apply for the certification as an outer medianship, but some of the others were way ahead and got their certificates at that time.

*Interviewed 2* ([02:09](#))

Now, quite a number of them come from an organisation which is registered is based in Dublin called Leisure Life Mediation, and you will be able to visit their website and read about the services that they offer and provide. They are perhaps unique in being one of a very few service providers. The remainder of the mediators who trained actually became trainers in their own right and they are now seeking to train more mediators. If you look at the training criteria that's published on Women's website, you will know that it is very rigorous. There are several additional training pieces involved in it and you have to be able to produce all the certificates for those additional pieces of training and then you want to go the assessment. Thankfully, I eventually succeeded and I have my piece of paper. Yeah, but I think that's a fairly accurate assessment of where Intermediation is that in Ireland and how it has evolved. I think today in Ireland there are about ten to twelve organisations, many of them at the stage, who are actually engaged in representing older people's interests and interests and needs. So as time goes forward, I think Elder Mediation will become better known and will become established.

*Interviewed 2* ([04:15](#))

And there is no doubt the title of your project is very relevant because there are several examples of where families are broken down. We have recent huge tragedies, particularly in the farming community, around succession planning and delivering of property and land. Particularly, we have, I'm sure, documented evidence of older people being financially or physically abused or neglected in other ways. Rare, I would say, in our culture but it certainly does happen.

I'm hoping that how I've described it is going to be useful for you.

*Interviewer* ([05:35](#))

Absolutely. No, it's okay. Very good. No worries. I am putting a lot of attention when you talk so I don't want to interrupt you. Yeah, it's okay. I want to do something in the region.

*Interviewer* ([00:00](#))

Now, again, you know that there are different categories of elder abuse in Ireland, not only in Ireland, really. In your experience, I want to mention these kinds of categories. One is physical abuse; another one is psychological abuse, institutional abuse, neglect, financial abuse, and abuse.

Even there is discriminatory abuse when you have problems with the colour or maybe when someone comes from another country or have any physical difficulty, that is another kind of abuse. In your experience, in those categories, in which cases is the mediation currently used?

*Interviewed 2(01:50)*

I'd like to get massive water. Would that be okay? Because I'm really finding it very hard. I'll continue for the moment, but I may need to go away and get a glass of water. I would say finance and finance and psychological maybe would be the top of the list. We would certainly have some evidence of tensions and difficulties arising from property ownership.

Institutional abuse definitely there is some evidence out there about institutional abuse, and I'm sure that you will have access to some of the programs that would have been broadcast on RTE in recent years about conditions in nursing homes, et cetera, and certainly in the context of the pandemic. I'm absolutely sure going into the future; there will be documenting of how older people are treated in the community and by the health systems and how older people may have been discriminated against in terms of how the whole pandemic was managed in the nursing home settings.

*Interviewer(03:56)*

Yeah, I understand that when there is physical abuse, it's a crime. If you have to report it, you cannot mediate in that case. I know that. But are there another kind of abuse where you can apply elder mediation? . you mention that financial abuse is prevalent, not because the people are stealing money, but sometimes it's not balanced in the family and they use the money or they don't live to use the money. There are other circumstances and no a crime, but it's financial abuse. And in your current experience, can you use it in financial abuse or another type of abuse?.

*Interviewed 2(05:02)*

Not so much... financial abuse as psychological, maybe. And again, while we're talking, I'm thinking about the extreme cases that would be in the public domain anyway rate because they are being reported by the media. But in my experience, what I have found is a lot of really great caring on the part of the children, the adult children of older people. I have experienced the problems that they identify in providing the care and how they are working. So hard to do their best for the older member of their family. It's very often a breakdown in communications or an inability to communicate over the generations and within the kind of parent-child relationship about their different needs and interests at that point in time. I'm hoping that might make sense to you.

*Interviewer*([06:25](#))

Yes, it makes sense, absolutely. And in your opinion, is elder mediation a valuable means of conflict resolution in LDW cases, and why?

*Interviewed 2*([06:52](#))

It certainly has a huge preventative role, and I suppose the principles of elder mediation are at its heart. It promotes wellness for all concerned, and wellness meaning just not just physical comfort but also psychological comfort.

*Interviewer*([07:20](#))

Exactly.

*Interviewed 2*([07:22](#))

Yeah.

*Interviewer*([07:24](#))

Even I can see that in my job because sometimes the family tries to do the best, of course, but sometimes they think the best is only food and clothes, but sometimes other people need more company. No decision for them because still, they can think, well, her mind is okay, but they need more companionship, or they need companionship from the family, not from the care.

Well, I think, like all mediations, elder mediation provides a means for the family to have an assisted conversation with an independent, trained person to work through the main issues and challenges that they are facing together. And it's very different to kind of going through another service provider and having that service provider make decisions for them. It puts the decision making very much back in their own hands. The mediator is really a facilitator to actually get them to speak openly and honestly together. And it also, I suppose, involves everyone not only in describing the problems but also in identifying the options that might be available to improve matters and to then decide together on the best option available to them at this point in time. I think it gives back control to the family members. It enables them to communicate much better, but it also enables them to share the responsibility to protect or to rebuild their relationships as family members and absolutely supports them to move forward in the best interest of everyone.

*Interviewer*([10:36](#))

Do you consider it necessary to promote elder mediation in older abuse cases?

*Interviewed 2*([10:48](#))

I am sure that in part of your studies, you are aware that we have a specific department dealing with South Garden through the HSE

*Interviewer*([11:03](#))

Yes.

*Interviewed 2*([11:05](#))

Vulnerable adults, not exclusively older people, are older community members.

Yes, for the reasons I've just outlined, if abuse occurs, it's a symptom of other underlying needs or issues and a lack of understanding or a lack of respect for the totality of the family and the family relationships and interests and needs. Now I suppose that's a very idealistic way of describing it in all societies, you're going to encounter sort of learned behaviours. It depends on the particular family. It depends on their background. It probably depends on their education.

*Interviewer*([12:17](#))

Who must promote this?

*Interviewed 2*([12:23](#))

I'm not quite hearing I can't hear that question, Karen.

*Interviewer*([12:29](#))

Who must promote this? What do you think? Because you are agree, and I agree too. I think it's necessary to promote more mediation. But whom do you think has to promote it?

*Interviewed 2*([12:54](#))

I think if it's promoted by the organisations that are already established, like the senior citizens, Parliament, like Age Action Ireland, like the HSE, that particular service. I think that if they are willing to invest, it's very difficult for individual, self-employed mediators to undertake huge marketing campaigns. We simply wouldn't have the resources and possibly not the skills to do that. But I think if it could be recognised as a really valuable service to families and older people by the statutory bodies and government level, that would go a long way towards having it better known and becoming embedded in the suite of mediation services that are available in other areas of life.

*Interviewer*([14:13](#))

From this point of view, this is like an obstacle. Yeah. Because my next question is precisely about what are the art of obstacles to families, a professional availing of elder mediation.

*Interviewed 2*([14:37](#))

I think it's a lack of awareness of elder mediation that we actually have trained and certified and registered elder mediators available. I think it might be the fear of involving an external person within the family structure, I think because Ireland would traditionally be very closed if you like culture in terms of what happens in the home.

*Interviewer*([15:28](#))

Okay.

*Interviewed 2*([15:35](#))

I think that the obstacles based certainly would be some of the obstacles, I think not only for families to know and be aware of the possibilities and the potential of elder mediation, but also some of the other professions that would normally be involved in supporting families, like the medical profession, like legal professionals, clergy, public health practitioners, gerontologists, and so on and so forth. A big information campaign or marketing campaign needs to happen to raise awareness of how useful and how constructive this area of mediation could be, could become not only for the individuals and their families, but for society as a whole.

*Interviewer*([16:44](#))

Yeah. Moreover, this legislation promotes mediation, even since the Mediation Act 2017. Nevertheless, what do you see about the current legislation? Do you think it is appropriate or adequate to the current needs of elder mediation?

*Interviewed 2*([17:46](#))

I suppose it provides a framework for all mediations if you like. It sets out the basic principles and the behaviours within an engagement mediation, probably an emphasis on court-based mediations, particularly in the second half of it, and has a recognition that many members of the elite console act as mediators. So what I was saying is that it provides a framework for mediators and for people participating in mediation. It seems to emphasise recognising mediations that may be court-ordered, and they may be referred to the courts also recognises that many legal professionals may act as

mediators from time to time. So it set out precisely the relationship, I suppose, between legal professionals and mediators.

*Interviewer*([19:34](#))

Okay.

*Interviewed 2*([19:35](#))

But you will know that yourself from looking at the act and looking at what it contains. Yeah.

*Interviewer*([19:43](#))

Do you think that elder mediation needs another help in legally way?

*Interviewed 2*([19:50](#))

No, I wouldn't, actually. I think the very same framework is useful for elder mediation. The one thing that might be problematic, but my experience, it's not. The Mediation Act requires the parties and the mediator to sign an agreement to mediate, which is a contract that governs the relationship between the mediator and the parties. Now, in my experience, that never has been an obstacle once. It's clearly explained by far, and it's there to protect their interests as much as it is to protect the mediator in their practice. I think there's enough flexibility within the legislation. At the other end of the mediation process, we have to look at what the mediation settlement might look like. And mediation settlement is described in the act as an agreement in writing, signed by the parties and by the mediation. But there are different understandings of what that mediation settlement might consist of. It doesn't have to be always legally binding settlement unless the parties so wishes to be legally binding. It can be a nonbinding agreement that they reach. Or as the amount I quote of ethics and practice sets out, it may be a note of understanding. So a much more friendly, understandable everyday language document.

*Interviewed 2*([22:05](#))

Does that make sense?

*Interviewer*([22:07](#))

Yeah, it makes sense. What fact do you consider to be evidence that elder mediation is an efficient alternative for resolving conflict in elder abuse cases? If you want, I can repeat the question again.

*Interviewed 2*([22:40](#))

Yes, I understand the question. Well, I think as a mediator, you have to be very careful in assessing the suitability of the particular case and the parties involved to engage in mediation. That is the first thing. If there is genuine evidence of physical abuse, for example, assault, fear, threats, et cetera, then I do not think that would be a suitable case for elder mediation. Part of your training is to recognise where such conditions exist, and in those cases, there is an obligation on you as the mediator to report that directly to HSE safeguarding of vulnerable adults. I was saying, answering the question, that I personally would not see elder mediation as a tool to resolve severe and well-established elder abuse. I do not think it would work, and I think it might do more harm than good. The law elsewhere provides for the actions that need to be taken by a person who becomes aware of serious elder use

I think as I said earlier, it has possibility of providing a safting environment with the assistance of the mediator for the family members to speak openly and honestly and to hear the voice of the person who is at the centre of the care and to decide together on what needs to happen.

*Interviewer*([26:07](#))

And you mentioned it that elder mediation is perfect for prevention. So in what way can be a good way to prevent a problem or maybe know how to resolve it because I understand you cannot resolve this kind of problem concerning elder abuse, but to prevent elder abuse?

*Interviewed 2*([27:15](#))

Well, I think when a family is under stress for one reason or another in maintaining support and care for an older person, there is undoubtedly the engagement in elder mediation absolutely will help to promote a better understanding of the stress that an individual or a group of individuals might be under. It also helps to take the fear and worry away from all of the members of the family, including the person at the centre of the care, because very often, an older person they have the capacity to understand their own life experience, and tells them that they are getting old, that probably facing the end of life kind of decisions that they need to make. So there's a lot of fear and worry around that for the person at the centre of the care. So you have different interests and needs across the generations. And I suppose older mediation really helps them speak and think in a very different way than the regular familial conversations would enable them to have a really good, honest conversation and assessment of the situation affecting them so deeply. Now you might need to repeat the question from the current because I may have lost my thoughts on the way.

*Interviewer*([29:30](#))

No, you answered me because I told you that most of the mediator that I had the interview have the same opinion about the prevention of like elder mediation is good, like a prevention. So my question is in what way do you think? Because you say the same. So in what way would I answer?

*Interviewed 2*([30:04](#))

Well, I will give you My own experience. My own family experience would have been I'm 70 years old this year.

*Interviewer*([30:15](#))

No, but when I don't believe you.

*Interviewed 2*([30:21](#))

But in about 2008- 2009, my old mother with whom I was living. She displayed the symptoms of dementia and not so much Alzheimer's, but dementia, definitely. And we knew she was weakening. She had fallen. She had broken her hip. She needed a hip replace, a knee replacement. And these operations Were being done when she was in her mid 80s. She didn't come out of them. Well, let's say her mental capacity Was deteriorating. So I have one sibling, my sister, and we had to make and have some of the most challenging discussions that I have ever experienced in my entire life. It was really heart-breaking and so hard and the decision had to be made that we could no longer take care of my mother at home and that she needed to go into full time care. Now, my sister, for her own reasons, she was not in agreement with that. She found it very difficult and we were very lucky to be facilitated by a public health nurse who may not have been trained mediator, but she certainly was very skilled at having these family conversations. And believe it or not, It was my mother who told us that she herself was going to make the decision and go into full time care.

*Interviewed 2*([32:25](#))

But I can't tell you how valuable, how vital that intervention on the part of an outsider was to us at that stage in providing and making decisions in relation to our mother's care. So I translate that into the intervention that elder mediation might make.

*Interviewer*([32:53](#))

Thank you for sharing this experience with me. It was a challenging experience, but it's good to hear your experience because it was directly experienced.

*Interviewed 2*([33:09](#))

We should never underestimate the capacity of the older person to understand what's going on within their own family and further adult children because I've witnessed it with even families of six and seven siblings, the power of the parent in within that family setting and their ability to know each and every one of their children individually and to identify what their individual needs might be.

*Interviewer*([34:10](#)) I will say thank you for the answers and all your cooperation because I will stop the record.

## INTERVIEWEE 3 and 4

Interviewer [\(01:42\)](#) Yeah. So, if you do not have a problem, I can start with the questions. The idea is you can answer me each question. So the first question is, what is elder mediation? I do not know who wants to start.

Interviewed 4 [\(02:16\)](#) So, in my view, elder mediation is mediation where the subject of the mediation involves the care involved for the person who requires such care due to ageing. I think some people use a definition of elder mediation that says any mediation where a person is over the age of 65, or some people say any mediation where a party to the mediation is elderly. And I think that is difficult because when you said a certain age, people of that age do not necessarily believe that they are elderly, so they could actually find it quite offensive if they are being characterized as elderly. And also, in our experience, somebody who is at the edge or past the age of retirement could be involved in the mediation over many issues, such as property, business ownership, business succession, and various things, with no suggestion that they need care at all. So I think It is important not to be ageist and not to say that elder mediation is automatically elder mediation just because someone is over the age of 65. What does Ro think?

Interviewed 3 [\(03:51\)](#) The definition I would give is that It is where the care and welfare of a person due to ageing. So deal mediation is where care and welfare decisions need to be made about a person or with a person due to ageing, say care is required or financial planning or accommodation needs or succession issues. So It is to do with where a person themselves, due to their age, wants assistance from a professional to help them make decisions.

Interviewer [\(04:26\)](#) When is it appropriate to access mediation?

Interviewed 3 [\(04:37\)](#) From our point of view as mediators, whatever the disagreement with family members, that is the appropriate moment to enter mediation. So elder mediation in our experience is usually between family members, the elder parents, and the grown-up children, and usually, mediation is required where there is a dispute between the elder children, the older children grown-up children, and their elder parent or parents about that parent going into a caring environment or needing assistance with their financial ratios or succession planning. The appropriate moment is when a dispute arises.

Interviewed 4 [\(05:36\)](#) When there is a disagreement, yeah, I am the same when there is a disagreement among family members or others in positions of responsibility for the care and

welfare of an elderly person. I mean, mediation is about resolving disagreements. Coming up with an agreement.

Interviewed 3 (05:55) And I have heard us argue that elder mediation can be used to plan for the future before there is a dispute.

Interviewed 4 (06:05) Sure.

Interviewed 3 (06:06) But that is possible. But I have not heard of it being used like that.

Interviewer (06:11) Like prevention.

Interviewed 3 (06:15) Almost like a prenuptial agreement. It is something that we are considering in other areas of practice because, for example, we are looking at start-up companies, and we are talking to them about doing mediation at the very beginning about what they will do when they have a dispute. So to have an agreement about how to manage the dispute, you could do something very similar to elder mediation before somebody gets to where their capacity might be a different doubt, but just to have a conversation and help them have a framework. So you could do pre-dispute elder mediation to help a family have the framework for how they will make decisions around and with their elder parents.

Interviewed 4 (07:04) Yes. A classic example is an agreement about the registration of an enduring power of attorney. So it is a complicated process. A person has to go into their solicitor. They have to be assessed that they have the capacity to make this decision, to donate a power of attorney at some stage in the future when they lack capacity, and then at some stage in the future if they do lack capacity, that has to be assessed by a medical professional such as the GP, Gerontologist, etc. Then that has to be registered with the courts. And I think it would be we see circumstances where it would have been much better for a family to talk about this beforehand because at the stage the elderly person lacks capacity, there is either no power of attorney established, in which case they potentially become a Ward of court, which is a legally-complicated process. Or there is actually a disagreement over who is going to be the enduring to get the enduring power of attorney. And that could be more than one person. And we have seen quite a few situations where, let us say the enduring power of attorney was created, but the children or the people who were going to get it could be children, niece and nephew, that kind of thing, where they never really thought about this and where it is cleared, they did not agree on the care for the person, and they had never thought about it.

Interviewed 4 (08:54)And then suddenly it happens, and they are on the spot. As Ro said, I think it would be good to preempt some of that by maybe having the discussion earlier rather than at the stage that you are in a heated dispute.

Interviewer (09:12)Yeah, I can see that in my job normally, like an example, because I am a carer assistant. Ro is your name. Can I pronounce it that way, Ro? I see this in families.

Interviewed 4 (09:39)It is really common.

Interviewer (09:40)Yeah, It is common.

Interviewed 3 (09:43)Well, an example of a case that we had and that they should have come to mediation sooner. So just around the question of when is it appropriate for active elder mediation? Two sisters came to me whose mother had gotten old and with a little bit of dementia all the way into full dementia. And one sister. The two sisters lived close to the mother, but one sister lived a bit closer and was more available. So she started doing more of the care for the mother and began to resent the other sister, who was not doing as much care. But they never had a discussion about it. And they would go week by week with one sister getting angrier and angrier with the other sister, and they put no arrangements in place. So after two years, the two sisters had become so angry with one another, they had stopped talking to each other completely. Not only that, but their husband had stopped talking. Their children are angry with each other. So two big families were all angry with one another, all because they did not earlier come to mediation. They obviously were not able...., and what happened when they did come to mediation, it was very clear that they were unable to have the conversation about the changes that were happening to their mother.

Interviewed 3 (11:11)They did not want to think about what was happening to their mother, but if they had come to mediation earlier, they could have had a conversation about how we will, too, care for our mother. They did not want to bring in another care. They loved their mother, and they wanted to provide the care, but they were in dispute over the burden of care who was doing how much. So the time for them was much sooner. It would have been a year sooner than they came to me.

Interviewed 4 (11:41)It is also important to acknowledge caring for our parents is a total reversal of the role that we had that we were in when we were children. And for a lot of people, that is really difficult. It is a really difficult, emotional, psychological thing for them to grasp. And It is difficult to talk about. And it can be difficult to talk about with their other family members who are expected

to care for that person, too. So mediation can help facilitate those discussions. But very often, they will not happen unless someone is encouraging them [those conversations] to happen. And mediator is a good person to do that. Thinking about the example that Ro gave, it was not that these were unreasonable people or that they were prone to conflict or anything like that. They just did not know how to have a really difficult conversation with each other. And so they became angry over time, whereas it did not need to happen that way.

Interviewer (12:42) And It is increasing, increasing as time passes.

Interviewed 3 (12:48) Yes, sure.

Interviewer (12:50) How has elder mediation evolved in Ireland?

Interviewed 3 (13:00)No [it hasn't]. So we came into the mediation space in 2008, 2009. We started practice, and we were members of the Mediators Institute of Ireland at that time. And the Elder mediation was a separate area of practice. And I remember going to a couple of seminars. I did some training where the training and the seminars were very specific about Elder Mediation being a distinct area of mediation practice. And I remember there was the Elder Mediation Network, which was headed up by a well-known mediator who goes by Later Life Mediation, which is the name of her practice. And also, there was another, who is now retired. But those two people were driving Elder Mediation in Ireland, and they were looking at Dale Bagshaw in Australia and Anita Frayman, who also lives in Australia. They were the two people who were leading the international discussions around Elder Mediation. But what happened in Ireland then is that Elder Mediation just moved into the general space of family mediation and was no longer considered a stand-alone area of practice. And in more recent times, I left the organization last year, but in the year before I left, elder mediation was agreed to be completely part of the practice of family mediation.

Interviewed 3 (14:49) So not a stand-alone distinct area of practice, and no time or effort or consideration has gone into developing it further. So the answer is no. Ireland has not developed the practice of Elder mediation. And in fact, I would think that Elder Mediation has stepped back in its development in Ireland.

Interviewed 4 (15:10) Yeah. I would distinguish between individuals who are interested in practising and who develop a niche [mediation] business versus at a national level, there being, let's say, practice standards and training and training requirements. So that is not the case. So there is no

requirement for people to do a certain amount of CPD courses in Elder Mediation to become an Elder mediator.

Interviewed 3 (15:44) Yeah. That is the interesting thing because where the discussion was in 2009 in the MII was that another person who was also practising but was heading up the organization at the time was a well-known mediator. And she was of the view that there had to be specific training to be an elder mediator. And the training was through this Emin Network, but the Mediators Institute of Ireland never recognized it as a required or mandatory piece of training. And as time went by, it was just considered that if you did 32 hours of family mediation training, you could automatically do Elder mediation. I do know that the current President of the MII has asked one of the Family Committee to specifically look at Elder mediation and to try and decide if specific practice requirements exist for that space, or should be looked at again.

Interviewed 4 (16:52) We have our own professional membership organization, the Irish Professional Mediators' Organization, ... We do not have specific training standards for elder mediation at the moment. It does not mean we are not looking at it. I would say, though, I am suspicious and sceptical in general, of course, based on certification where there is not some form of supervision in practice. So I think that people learn best about things like mediation by having basic skills and some experience of mediation. Right. And then, if you want to be an elder mediator, you would do something like an apprenticeship or some supervision with someone who is already an experienced elder mediator because you can learn a lot from them. I think It is very difficult to teach someone how to be a specific type of mediator based on just slideware and some role-plays. I think you need a bit more than that. But mediation, in general, is not just elder mediation. Mediation, in general, needs to have training and practice standards established, and this is something which will happen hopefully soon with the setup of the Mediation Council, but it is not in place at the moment.

Interviewed 4 ([18:35](#)) There are different membership bodies, and they have different views of what would be reasonable in terms of training standards and also codes of practice for mediation. So elder mediation is no different from other types of mediation, including family, which is extraordinary if you consider how many family mediators, how many people advertise themselves as family mediators and are trained as family mediators? Probably hundreds.

Interviewer [\(19:06\)](#) Yeah. I understand that there are only 13 people with a certificate in international mediation, a certificate in elder international mediation, including Belfast, the north of Ireland. 13. That is a small amount of all mediators

Interviewed 3 [\(19:45\)](#) That is because any membership body did not recognize it as an area that required specialist training. So if you are not required to get the specialist training, then you are not going to go get it.

Interviewed 4 [\(20:02\)](#) Yeah, it really is as simple as that. I am not sure I could say whether that is a significant problem in relation to a specific training course or a specific accreditation. I think there needs to be a holistic approach in Ireland about understanding in general. If you are doing a mediation specialization, what type of CPD requirements should there be for you to do that? So, for example, if you are a workplace mediator, should you be doing workplace mediation CPD? If you are an elder mediator, what level of CPD should you be doing? When I say CPD, continuous professional development, ongoing courses every year, and basic training, you know what I mean. So this needs to be established for elder mediation and for all types of mediation but it has not been yet. So It is not unique to elder mediation at all, this problem.

Interviewer [\(21:16\)](#) There are different categories of elder abuse. What categories are physical abuse, psychological abuse, financial or material abuse, neglect, discriminatory abuse, and institutional abuse. So in your experience, in which cases are elder mediation currently used?

Interviewed 3 [\(21:52\)](#) But I think the first difficulty is in the first three. Physical abuse, sexual abuse, and psychological abuse under the Mediation Act, under section ten of the Mediation Act, mediation should not take place when those things are happening. So the Mediation Act is very specific. It tends to be, which is that the confidentiality of mediation does not apply to prevent physical or psychological injury to a party or threat to a party or concealment of a crime. So physical abuse and sexual abuse are both crimes. So I think the difficulty would be how could those three areas be mediated where the law provides no protection? The law provides that you have to come out of mediation to report it.

Interviewed 4 [\(22:46\)](#) Yes.

Interviewed 3 [\(22:47\)](#) And then I suppose financial material is it depends on what level, but financial material difficulties in between family members, which could border on abuse where they are using their parent's bank card to go get money out of the bank, or the two sisters fought about

this. One of them is taking the mother's money and buying extra things that were for the mother. But if It is actual abuse, financial abuse, It is actually a crime in Ireland. So again, section ten of the act would kick in in the case of discrimination and institutional abuse. So It is a difficult one because if elder abuse is happening, it should be reported as a crime.

Interviewed 4 (23:35) If it is within the definition of criminal acts in Ireland, obviously. Not everything would be.

Interviewed 3 (23:41) So if there is an allegation of elder abuse and the mediator is satisfied that It is not to the standard of being a crime, but It is an issue that is developing between family members and an elderly parent, then I think the most common thing that has been said to us would be around financial because It is usually about money..

Interviewed 4 (24:09) I would say neglect is possible as well..

Interviewer (24:17) I was thinking about that because that was the problem for the other mediators who did not want to give me the interview because they are not agreed with the words in the title, like elder abuse, like a way to resolve elder abuse. I tried to understand why the other mediator did not want to give me the interview in relation to this that you are explained to me.

Interviewed 3 (25:04) I do not know.

Interviewed 4 (25:07) I do not know why anybody would not give you an interview because you can always just answer questions and give your honest view, and then It is up to you how you interpret them. We are not shy about telling you what we think!

Interviewed 3 (25:22) For example, we have mediated where somebody in a caring environment has said to us, "look, we are a bit concerned about this person's money in their room because family members are taking money away when they come to visit." That is abuse. But It is not to the level of, say, the criminal standard. If that parent is in mediation, it is something. What you do is you can address it, but you do not address it by accusing somebody of stealing money from their mother or their father. But you say it by saying, "how can we all agree how Mum's money is managed?" Especially if mom is beginning to lose the capacity to make a decision, because you will find those grown-up children will then say, but I have to manage her money or I have to manage his money.

Interviewer (26:19) In the case of neglect? Because I can see that a lot in my job, too, neglect. And I understand that we are talking about behaviour where It is not criminal behaviour.

Interviewed 4 (26:42) This is my point, I suppose. Karen, I agree with you. Section ten of the Act that Ro is referring to is talking about confidentiality. It does not necessarily mean that you have to withdraw from mediation if you find that there is such an allegation. But I would always say to the clients, and we explain at the start of any mediation, that “mediation is confidential but there are limits on that.” So, for example, a limitation is if you believe that there is a threat of physical or psychological harm to somebody or that there is a crime which is about to be committed or has been committed. I explained to people if this comes up in mediation, It is not confidential. We can tell the police. We can be asked to testify in a court case. There is, as you say, a grey area where there are things which are not criminal, for example neglect.

We had a case once where I think Ro will remember this. There was possibly a situation of neglect of an elderly person and the reason was effectively, all the family members were just standing back. They did not get on with each other. They were not talking to each other about what was happening. And this elderly person could not look after themselves. And they were in a very bad way. And eventually, they had to be taken into institutional care and there was a lot of disagreement over what was going to happen but it would probably not have led to any criminal prosecution. But it was a very difficult situation and very unpleasant for the elderly person who was experiencing it, who also had a capacity issue.

So I think we have to be careful that not everything that, in hindsight, could appear to have been abusive would have been criminal, and that not every elder mediation has an allegation of abuse. We would have had elder mediations where there is no suggestion of anybody being abused and you would not want to have the stigma where people feel if they are attending elder mediation, It is because there must be some allegation that someone is abusing an elderly relative. I think that would be, you know, we would not want that as a perception because that would actually discourage people from attending elder mediation.

Interviewed 3 (29:40) If we look at your next question. Is elder mediation a valuable means of conflict resolution in elder abuse cases?

So if we accept that the definition of abuse should not meet the criminal standard, so if It is an allegation of abuse, financial or psychological, that is being made by family members about another family member, then mediation can be very effective. But I think what we have to also distinguish

is, who is in the mediation? So in a situation where the elderly person lacks capacity, if there is dementia or they just do not have the capacity to engage in mediation, then who is in the mediation are the grown-up children. So those grown-up children, it can be really effective for them to be in mediation, to talk about the concerns they have about each other and what they are doing or saying to their parents because that is really effective because what we do is we talk about what is the best way for your parents to be taken care of? And we almost treat it like we treat parenting agreements. So when we are doing a parenting agreement, we ask a lot of questions about what happens on a Monday, on a Tuesday, on a Wednesday, and on a Thursday.

Interviewed 3 ([31:03](#)) So you get the patterns of the elderly parent. You find out what their sleeping patterns are like. You find out what their feeding patterns are like. You find out if any carers coming in, if the person is at home or if the person is in a caring environment. And then you build up a pattern about what care are each of the grown-up children provides to that parent. So that is kind of a nice way of finding out all of who is doing what and what is happening. And then you get into the difficult questions of saying, right, what are the problems? What are the issues? And you will usually have one grown-up child saying, “well, my brother comes in and takes my mother's bank card and uses her money.” And then the brother will say, “no, no, I only take the bank card to use the money to get something, cigarettes or whatever it is that the mother has asked for.” So what we do is we explore what kind of framework could- be agreed around most bank cards and how the money would be spent and how the information then be shared among the siblings so that they all understand.

Interviewed 3 ([32:17](#)) So in one case, the father who had dementia was in a care home, but one of the grown-up children had his bank card. So they were using the card for all kinds of things. So, what was agreed between the siblings was the bank card would only be used for things for the parent. There would be receipts provided. There was an EPA, which was part of the mediation. So the EPA was by agreement triggered. So, in other words, the family formed a committee, and then we agreed on how bank statements would be shared so that the parent's money was protected as being the parent's property that could not be used by any of the children for themselves, for personal gate for the grown-up children of somebody with dementia who is very elderly and there is lacking capacity. It does not even have to be dementia. They just could lack sufficient capacity to engage in mediation then for the growth of children It is really useful to resolve it.

Interviewed 4 ([33:27](#)) And just to say, under those kinds of circumstances, so you could say “all of this is abuse and this potential theft going on there”.

Coming to that conclusion. I mean, the Garda and the state are often... It is very difficult for to figure out a way forward or whether there should be a prosecution under that kind of case because, let's say someone is doing groceries for an elderly person and they are spending 50 Euro on that and they buy something for themselves, and It is maybe ten Euro or 20, or they are doing it every week. But then they say, "well, I have been told I can do this". It might not be in any way clear cut that there is anything on toward going on, or even if you felt there was, it may not meet the standard for criminal prosecution.

So there are an awful lot of cases where you might wonder about behaviours and where people might have different views on how an elderly person could be looked after, but they do not meet the threshold of being, let's say, a criminal risk or a criminal activity. And so therefore, elder mediation is quite suitable under those circumstances and may indeed be one of the only ways to achieve any kind of resolution for the family because people can be in dispute for years in our experience, and so we have helped people come to resolutions after months, but also years of dispute over the care of an elderly relative.

Interviewed 4 (35:21)I would say sometimes you see circumstances where It is not a difference of opinion, where it is simply somebody who is behaving in a very negative way towards an elderly relative, but there may be opportunistically targeting them for money or something like that. That, of course, can happen and if it came out in mediation, we are not bound by our confidentiality agreement, and you would certainly try to rectify that kind of situation, but even then, it can be very difficult.

Interviewed 3 (36:03)So that would take you to the next question, What are the advantages or disadvantages of using elder mediation or have I missed the question there? Is that okay?

Interviewer (36:18)Connect with question number ten, because both of you are lawyers? No. Are you a lawyer?

Interviewed 3 (36:29)I am.

Interviewer (36:32)But the question is about the Iris legislation and about is promoted. And I remember 2017 started to promote the use of mediation in Ireland, but I do not know if the current legislation is appropriate and adequate for the current needs of mediation. What do you think about it?

Interviewed 3 [\(37:03\)](#) Well, I suppose the starting point is that the Mediation Act was intended to be an alternative to litigation, and elder mediation would not necessarily be something that goes to litigation. I suppose It is just something to be aware that the Act was not designed without elder mediation. It was meant for disputes that would otherwise go to court. That is how the Act was written. It does all of mediation except for the one set out in section three of the Act, which it does not apply there. So by default, the Act applies to the practice of elder mediation, but it was not designed for elder mediation

Our organization, at the moment are reviewing the Act. I am looking at it to see because there are things that are not good in the Act, they do not work because the Act applies to every form of mediation, like workplace mediation, family mediation, civil, commercial, contractor, state, personal injury. It applies to everything apart from specific exclusions in section 3 [of the act].. Some parts of the Act do not fit for some areas of practice, or they create difficulties. So we are looking at it. But so far, I am not seeing anything that creates significant difficulty for elder mediation other than the piece that now says it is the choice of the parties in a mediation to have a legally binding outcome from mediation.

Interviewed 3 [\(38:50\)](#) So if a person if an elderly person who is in an elderly mediation wants to have a legally binding outcome, then that is their choice. And I think that is good, to be clear difficulty for mediators, because there are many mediators who do not want to draft legally binding documents or documents that are intended to be legally binding. But the choice does not lie with the mediators. The choice lies with the parties. It is section eleven of the Act. And so it is empowering the parties to say, this agreement that I come to should be binding, legally binding between us, or this agreement that I come to is not intended to be binding between us. So, It is a lipstick piece because the elder mediation I can not speak off the top of my head. Why would not want a legally binding document? So it depends. If the definition of elder mediation moves further out and we are talking about succession or inheritance planning, then, yeah, you might want to a legally binding document, but even then you can not contract away your right to make a will.

Interviewed 4 [\(40:14\)](#) I think the specific cases where the mediation Act has applied is where we are dealing with cases where there is a capacity issue. So they are before the high court, the subject is to do with the registration of an enduring power of attorney. And there is a disagreement among or grantees of the EPA. And so that is a case, where, that is a situation where there is litigation, there are court proceedings underway. It actually makes sense that the Mediation Act maybe fits there because it is about some kind of civil legal dispute. It [the Mediation Act] does cover

mediation as an alternative to litigation or to resolve litigation. So those are kind of circumstances, but they are really interesting because there are circumstances where people are talking about the care of another person who does not have capacity. So that person is technically not a party to the mediation, but their care and welfare is potentially being decided in an agreement or aspects of it.

The Act is not really about that, but it is something that is covered . And one thing that occurs to me is that eventually we will have this assisted decision making capacity act commenced, ...what is it called... Assisted Decision Making Capacity Act 2015.

Interviewed 4 ([42:08](#))The interesting thing about that is it then opens up the possibility of discussions about whether somebody could be functionally able to make decisions about A and B, but not able to make any decisions about C, because they just lack the capacity to do that. I think that is going to be really difficult and I think It is going to require more assistance, like mediation, to actually help that work. I think we, Ireland, are obliged to commence this under EU law. We are obliged to not have the blunt system, which is just lack capacity or have capacity, because that is the situation now. That is just blunt, right? It is just not working for people. I think there is going to be more and more need for elder mediation, and we are going to have to think then if legislation needs to be changed or if there needs to be in that context, because it is different, because in every other mediation we deal with, apart from these capacity cases, everyone who is concerned with the subject of the dispute is generally also be a party to the mediation. Both people will have, let's say, some dispute, which is the subject, or two or three people have some dispute which is the subject of the mediation, and they are all parties to the mediation.

Interviewed 4 (43:40)They are not talking about someone else, they are talking about themselves. So It is quite different. And I do not know, maybe there are issues that need to be looked at in the legislation, but It is not obvious right now. So, yeah, It is very complicated. I think It is.

What do you think yourself, based on your experience as a care assistant? What do you think in terms of assistive decision making? Do you know much about this? ....You do.

Interviewer ([44:24](#)) Yes. I can see many problems between the families. When the people have to make a decision about their parents. It is very difficult for them, and they have different opinions. And It is not easy because people usually do not consider what their parent wants. They are more rational, and they do not think about what is happening with the patterns in a psychological way, what they feel because most families try to resolve the problem without the parent's opinion.

Sometimes they have good health, they can think they have their own opinion, and the family is not considered that. So It is sad for the parents.

Interviewed 4 ([45:45](#)) Absolutely. A really good example is in relation to an enduring power of attorney. There are a few cases we have done, and I always come back to this. So It is like the attorney may make personal care decisions on behalf of the elderly person who lacks capacity and who the GPS has been registered for. What they are supposed to do is understand well. They are supposed to act in the best interests of the elderly person. So they have to ask themselves the question, do I reasonably believe that what I decide is in the best interest of the person? And very often in mediation, as you have said, we discover that they are not necessarily thinking of the best interest of the elderly person, and they may not have thought of those interests before. So as mediators, we are helping them to do that.

As you say, It is difficult because no one wants it to appear that they are actually being, say, mean or they are being cold, or that they are not thinking about their elderly relative or their parents, but they also have their own lives. They are maybe not getting on with their siblings. It is very complicated.

Interviewed 3 ([47:17](#)) I think the way for elder mediation. First of all, I think we have to agree in Ireland, what exactly is elder mediation do we require specific training for elder mediation? Is there a specific process or delineation about what elder mediation is doing and then getting information into the care providing space? So the professional organizations that provide care information about mediation so they could give that information to the families. So the way the care sees the difficulty happening between grown-up children and the parents, they could have them the information and say, look, perhaps you could try mediation to work this out with your parents. I think the people who go into care who have capacity, they should be told about mediation. So if they can see that their children are in disputes or maybe not listening to them, they know that there is this thing called mediation. They can ask for it. So I think the issue will be cost and who is doing it and what is it?

At the moment, the public in general do not even know what mediation is, let alone early mediation.

Interviewer ([48:38](#)) So that you consider, like, obstacles to the families or the health professionals.

Interviewed 3 ([48:44](#)) Yeah. I think until we have a clear understanding of what mediation is itself and what training standards are required to be a mediator, that is going to act as a barrier to elder mediation development because the public need to understand what mediation is. And then, once that general understanding starts happening, people will know to look for something more specific.

Like if I am in a workplace dispute, I know I will go look for somebody who does workplace mediation. If my mom is in a care home or we are arguing about how her care is going to be done, unknown that I should go look for an elder mediator.

Interviewed 4 (49:30) And so that requires other services to be aware of elder mediation as a concept, and also groups that represent elder mediators, professional membership bodies, training standards, certification and quality of the elder mediator.

So groups that you would want to be aware of elder mediation services include care providers; so private care providers, care homes and institutional care and solicitors. Solicitors are often made aware of disputes that are going on in families. And I do not know that their first call or their first response is to say, “I think you should go to elder mediation.”

Interviewed 3 (50:31) We have had doctors contact us and ask us to talk to their patients. So It is GPS that has reached out to us and said their patients will ring us and say, my GP says that I should talk to you because they are elderly parents who are in disputes with somebody in their family. They are elderly people. And so I think local doctors would be a good way to... if they had information about it.

But I think the greatest issue is how many people are actually practising mediation in Ireland? Out of those, how many are actually practising any form of elder mediation?. I personally am not aware of anybody who is doing a specific practice that is just elder mediation. I have mediated on hundreds of cases, but I have not come across anybody else who is practising and saying I am an elder mediator and It is working Monday to Friday delivering that work. I am not aware of that happening.

Interviewed 4 (51:45)No, I think our experience with a lot of mediators is that they are often retired or semiretired and that they are doing a small number of cases on an annual basis. And so they may have particular expertise, but they are not doing a lot of cases. It is not a nine to five job.

We call ourselves ‘general practitioner mediators’. We are doing every kind of case and we are very busy, but we are very busy because we are doing so many different types of cases. I am not sure if we said “no, we are going to specialize in elder mediation” if that would be an economically viable thing to do?

On the other hand, I think if you look at what is required to deliver assisted decision-making legislation in Ireland and all the support and assistant decision-making agreements and everything like that, I think there is probably an opportunity for experienced elder mediators to do that but how long that takes to realize, I do not know.

Interviewer [\(53:12\)](#) Everything that you say has a sense for me because It is similar to the other opinions in the other interviews that I had had, and even with my personal experience, as a career assistant here, It has a sense to me. What you are saying, that was the idea of the research, too, because I work in this profession here for almost four years, I had never heard about elder mediation, and I have direct contact with the families too, a lot and with my co-workers in my company. So you say, is mediation being promoted in Ireland? And why nobody knows [about it]?

Interviewed 3 [\(54:16\)](#) The only place I have heard about elder mediation is above mediators at trading or at seminars. So mediators talk to other mediators. That is where I have heard it. And I received lots of emails. Seosamh used to be the guy that was the elder mediation person in the MII. He is now retired, but he used to send emails all the time, but always about international papers or international conferences. There is nothing happening in Ireland about elder mediation, so It has never really developed. I think probably because mediation itself is not yet sufficiently mainstream in Ireland. I think that is the key problem.

Interviewed 4 [\(55:05\)](#) What I would be really interested to learn is, and I do not know if anyone has done this research, are there countries which have this more specific assistive decision-making processes, and they have been rolled out and the state is helping elderly people who may not have functional capacity for some things to make decisions? And if mediators play a role in facilitating those decisions in actually other countries? This is a Europe wide issue where I do not know what the answer is, the only research that I have seen about elder mediation is places like the US and Canada. I could not tell you what is happening in Ireland. We only know what we are hearing.

Interviewer [\(56:02\)](#) There is another one in Australia.

Interviewed 4 [\(56:06\)](#) Very good. Please send info on. I would love to see it.

Interviewer [\(56:14\)](#) Sorry. This research is only about the literature of elder mediation, and they show all the documents about elder medication during a period,

Interviewed 4 [\(56:37\)](#) But not practice?

Interviewer: No

Okay, so It is about a literature review of the literature. What would worry me is that Canada has been very advanced in relation to family mediation, sometimes decades. Published by the Department of justice. I thought this was really interesting. I had this quote “when participants in other mediation agreed to work together to provide optimal support. Compliance with the plan with the mediator plan is higher than any other process. The success rate for compliance with an elder mediation agreement was estimated to be between 80 and 85%.”Cooper, Gordon, 2010. So there is a link for that. I thought that was really interesting. It is our experience. Well, however, they go on to say elder mediation provides a user-friendly, effective means of conflict resolution for families. Other methods of conflict resolution litigation, for instance, are generally seen to be ill-suited to dealing with these types of conflicts. I would agree. Litigation tends to be a great way to spend an extraordinary amount of money with people making allegations about each other when they really need to sit down and have a conversation about the care of an elderly relative. Right. But then, it concludes that neither the legal profession nor the public at large has yet to fully recognize the value of elder mediation.

Interviewed 4 (58:21)And this is Canada. Right? So I would be really concerned that there may be very few countries where, or even that it is almost an accident, if elder mediation has enough mind-share such that it is being used frequently in resolving disputes over the care of elderly relatives. This is the concern for me. And Ireland could do something great and innovative, but It is difficult where I think there needs to research in Ireland but also internationally. [The problem with adoption of elder mediation] ... is not just Ireland.

Do you mind me asking what motivated you to do this as a thesis?

Interviewer (59:19)Like I said before, because I had worked in this job for almost four years, and my master is in conflict resolution, in other words, mediation. I had never heard about mediation in this area. So I thought, why do people not know about mediation? And about elder mediation is worse. They do not know for that reason,

I thought about what happened, and I was curious to know what was going on with the mediation in Ireland. Is it something about the professionals? Is it something about the families? or something about the legislation? I do not know. Maybe they need to promote more people? I do not know. Maybe It is necessary to promote more specific training for the people who work in mediation. That was my question.

Interviewed 3 ([01:01:00](#)) We set up a professional membership organization for mediators, and we are looking at all areas of practice to see what is happening. I mean, we Sh and I, are probably the only two mediators in the country that work at mediation every day of the week, Monday to Friday every week we are meditating. We are really busy but we have not come across any other mediators who work full time in the country. We have not come across any mediation practice like ours in the country.

So that is not great. That means that most people who are doing mediation are doing it part-time or they are retired and doing it part-time. So when you have people who are doing a part-time activity as a profession, the profession cannot develop, and if the profession cannot develop, the public will not access it.

The profession needs to literally sell itself more. That is why we set up an organization to actually begin to sell to the public what mediation is, because the barrier is not legislation; the barrier is the mediator themselves and who is coming into the mediator. Like, for example, in the other organization that I was formerly a member of, there were 750 members, but the average age was over 60 years.

Interviewed 3 ([01:02:25](#)) It was white and it was female, so it was retired white women who were practising as mediators, and that means they were doing it occasionally. Professional careers need 20 something, 30 somethings and 40 somethings to enter into the profession. So I think we have to make mediation more attractive to people who come into it as a dedicated profession. And when you have people in it practising as a dedicated profession, the profession itself will develop and the public will start to use it more, and then you will be able to really develop the specialist areas of practice, like elder mediation.

But I think the first job is actually to get mediation properly established in the mind of the public and then move to develop the specialist basis.

Interviewed 4 ([01:03:25](#)) There is nothing like the economic necessity to generate business in any profession as a way of actually encouraging that profession to develop, but also the profession to be promoted to the general public. And I think we set up a mediation practice and we realized we have to make money from this! And so we did. We went about trying to do that. I think, as Ro points out, if you become a mediator as kind of a background hobby, where you do not mind if you do four or five cases a year, you are unlikely to be that concerned about it as a full-time profession and It is

promotion nationally. You are not necessarily going to have a personal interest in that. Whereas if you are motivated, if you are someone who is motivated to develop a career over 10, 15 or 20 years, it is a different thing. You have something very different at stake. You have to figure out how to [commercially] unlock a particular niche. How do you get business? So for example, for you, if you are thinking of elder mediation, you have to think about how that works. How do you promote it? What is the service you are providing, who is going to pay you, what your process would look like?

Interviewed 3 (01:04:57) All of these things, there are no longer theoretical. This is my concern about slideware and theoretical discussions about training to be an elder mediator or training to be a family media or whatever, It is like, It is great but when you are dealing with someone who is actually practicing and they have had to figure out how to make that work for five or ten years or more, It is a different thing because you get it a different kind of insight. For example, if you were training as a solicitor, you would practice with somebody who had experience and who would be able to show you the ropes. If you were doing it as a barrister, be the same or an accountant or an architect or some other kind of professional activity where the profession needs you to do it to a certain standard. So, yeah, this is something for mediators to think about. I know I have said it a few times, It is really not unique to elder mediation. This is a broad problem of mediation, and you are just encountering the specific issues that relate to specialism that you are talking about.

Interviewed 3 (01:06:09)Mediation as a profession is a really rewarding area of work, but it is a profession. In the same way as being a nurse is is a professional activity or being a carer, the work that you do, It is a professional activity. You get paid for your work. So, any mediator doing it in retirement may see it almost like a vocation, and they do not view it as a professional activity [to create an income]. When you do not treat something like a professional activity, then the professional standards that should come with the practice do not evolve. And I think It is the reason elder mediation has not evolved because elder mediation in my twelve years of practice, has always been a discussion point between mediators, but I have never seen it in practice on the ground. I have never heard any customer or clients say to me that they have heard about elder mediation. From our own practice point of view, we do a lot of work that would actually sit in the space of elder mediation, but we do not call it elder mediation. It is in the broader family mediation space.

Interviewed 4 (01:07:20)And that is a good point. No one picks up the phone and says, “do you do elder mediation?”

Interviewed 4 (01:07:28) No, where when people pick up the phone and they say something like, “I have got an elderly mother. She is not well. I am looking after her. My brother said that can we get mediation” So we will get that phone call and we will get that issue and the issue is actually older mediation

Interviewed 4 (01:07:43) So, yeah I agree with Roisin. [How elder mediation comes to us] is an interesting thing. Has this been helpful?

Interviewer (01:07:50) Yes, it has. I suppose because I had never seen in practice how it works, but I thought because I saw the problem in the families and my job. So I thought, why is this tool for the families, why people do not use it, and why companies do not offer this way to resolve this kind of problem. So for me, I am curious about that.

Interviewed 4 (01:08:57)

I think you hit your microphone.

Interviewer (01:09:00)

Yeah. Now I can hear.

Interviewed 4 (01:09:08) In Ireland, the theory of mediation is often discussed by mediators, but it has not moved into practice. I thought you were frozen there.

Interviewed 3 (01:09:26) I do think we need to define an area of practice of elder mediation within family mediation. But first, we have got to get the big picture of mediation and then move into the specialist areas of practice that will be given to naturally I think..

Interviewed 4 (01:09:49) Okay, I am sorry. Go on.

Interviewer (01:09:54) No, you can say it to me.

Interviewed 4 (01:09:59) I think if you want to practice as a mediator, we would be interested in having you in our organization, which is the Irish professional mediators’ organization, and also interested in people who want to develop particular niches of expertise because I think It is required.

But it requires, in order for that to happen, someone to be passionate about that niche and want to develop it professionally and commercially and kind of understand that they are committed to doing that because it requires a lot of work. And I think, for a membership body, if we are talking about

someone to contribute to the professionalization of family mediation..., for example, Ro knows pretty much everything there is to know about family mediation in Ireland and has been in two professional membership bodies and provided input on that.

There are people who can tell you about particular kinds of mediation, but for elder mediation, It is very difficult to be very difficult even for me to identify someone who could go, who could realistically say they are the expert on elder mediation, and we can help guide its professionalisation. If you want to do that in Ireland, you kind of have to figure out, “how do I become the expert?”

Interviewed 4 (01:11:28)[think of the question] “Who do people think of when they think elder mediation in Ireland?. “They think of me. I have a platform to discuss it. I understand about it. I am involved in research” All of those things will not happen overnight but if that is what you really want to do? It is worth doing. I think.

Interviewed 3Ro (01:11:53) We finished. I think we have given you as much as you could guess.

Interviewer (01:11:57) I think you have given me enough information and you have covered all my questions. Thank you very much for all your help.

## INTERVIEWEE 5

Interviewer: Starting with What is Elder Mediation for you?

Interviewed 5 (00:01)My mother was in different homes before the end of her life, and now she was well looked after, mainly because my wife was very good and very kind to her and was more so with my sisters. So I know not the client, I know what you are outlining and the concerns and they are not criminal. I also saw it in another Institute in a similar with an uncle of mine who was well looked after. I was going to visit him and he bought those people. My uncle and my mother were

lucky in the sense that they had people, family, people, to ensure that the conditions and their standard of living was acceptable. But if you do not have that support, then that person then is dumped in the home and becomes a number. And the issues that you outlined are raised, I suppose. And in the home where my mother was in, she was in a very good place. It is called Sue Riders. It is a nurse. No, but you have to be able to get up and find yourself. But everything is provided for you. It is a brilliant standard, but it is self managed. You have to be able to get up and dress yourself, but you can.

Interviewed 5 [\(01:35\)](#) Sorry, it is a very flexible but let me just turn this off. Sorry. So I know that the examples of what you are given are very real, but I have them only from personal experience. That is thing from mediation in the home my mother was. I left in my card, my business card, if there was any future need. But that was three or four years ago and I never got contact. So mediation, you see itself, in my opinion, hasn't got the traction that it mirrors because I'm passionate about mediation. I think it is a brilliant tool. But in workplace my main background would be workplace. It is very cost effective. It is very effective personally, but it just hasn't had contraction. And I do not know whether HR people see it as an intrusion on their area. So I think there is a whole political discussion on it and just I'll finish on my general view. I have problems in a sense with saying elderly mediation. I distinct from mediation because mediation to me is about people and whether you are old or young and there is a problem, it needs to be. It needs mediation to address it in the people skills. Now, I noticed certain areas that you have to specialize in, but at the same time, I did a case there recently for marriage mediation.

Interviewed 5 [\(03:13\)](#). I haven't got all that. The course is done. But at the end of the day it was two people. It was still a people issue. And when it came to the legal side of it, I separated that and made them go to this list. But the core mediation is the people. I do not think the traction I lend this section. I'm involved in the Ga in my hometown. You know what Ga do? Okay. It is an amateur sporting organization. It is very big in Ireland. And I put signs up in the wall for businesses to sponsor. And I put up one for myself. And it is quite a good sign, if I say so myself. Mediation, and a lot of people think is meditation. And I said, no, I never went to India. But like reality, I do not think the word mediation has sunk into the psychic of people. And I know I'm involved. I'm registered with Ireland Mediation Institution of Ireland, and they do their best, but I just do not think so. Therefore, to summarize getting mediation into elder mediation into where it needs to be, the difficulty is when it is not been bought into in the workplace, which is more, I guess, in some of the areas. But I'm making a generalization it is very hard to get the step where people see that

always get an immediate here to address this, because who's going to do it if the person is on their own? The only place where I can see it happen is if they were fighting over who's going to mind mammy or who's going to mind Daddy, and we get somebody under mind.

Interviewed 5 [\(05:13\)](#) And I've done that in role playing. And you could see that the one of the sisters or one of the brothers or one of the family might say, hold on now. We need to get this resolved. I'll call an immediate, but the core message is there is still a family around that person. And in your case, they are so isolated, they are in the home, they are in number. And how do you get in there to help that person? I haven't got the answer right away.

Interviewer [\(05:37\)](#) Yes. My first question is what is Elder Mediation? So I do not know if you want to add anything else about that because you give me an answer without know the question.

Interviewed 5 [\(05:57\)](#) Before we did the interview. I better get in early. My general thinking on mediation in general and then narrow it down then to the elderly, which is the topic that you are talking about. I'm open to questions after that.

Interviewer [\(06:17\)](#) Yes. My first question was now, can you hear me now? Yeah. My first question is what is Eldermediation? And my next question is when it is appropriate to access Elder mediation? When is appropriate to access elder mediation? To access Elder mediation.

Interviewed 5 [\(06:57\)](#) You see, my view is there is a myth around mediation. So your question in itself, when is it right to access mediation in itself, the question itself is telling of the breakdown that there is in mediation in the sense that access mediation. Sure. The word access is such a almost military. It is a very defined word. And if mediation was freely available, you would not be using that word access. But you are right to use it because it links into what I had said in the beginning about mediation. So the reality is it would have to be the ethos of the nursing home of where the person is, that they would see that there is issues, but that in itself. Do you remember you were given your various different bullet points? So if I'm the owner of a nursing home and Johnny is there, he has no people visiting him unless my ethos is right and I will designate cares to look, Johnny needs to be taken out in the afternoon from one to two. Johnny hasn't got the proper clause or the designated career has to be able to have a safe understanding that they can say, Look, Johnny is in the corner, I'm putting on the same clothes for the last two months.

Interviewed 5 [\(08:37\)](#) We need to look at Johnny has a problem. Johnny is neat and Johnny and this. So the person in the home, there has to be a point of contact. The ethos in the home has to say, well,

okay, we do not have to worry about Mary or all the other people in the room, but there is a problem with two of our art. What word do you use? Clients, customers, patients, even that in itself is an interesting challenge. Or are they just a number and hence so if they are just a number, then the care will not be able to. The culture isn't right if they are just a number and there is revenue coming in and they sign the form and we get the money from the government and whatever it might be. So I think the challenge, I think, is access to mediation to break down the boundaries around mediation. That access is in the freer sense of the word, that availability of mediation and how do we source mediation? Language is important and the availability of mediation to resource a nursing home. Why is mediation freely available in all nurse and homes? Regardless of whether there is a challenge, the care should be working in an organization where mediation is freely available and all the care has to do is contact their line supervisor or whatever management structure is there and say, look, we need help here with mediation.

Interviewed 5 [\(10:31\)](#)The flip side of it, it might be somebody with kin being a daughter, son, husband, whatever it might be. And they come in and the care notes that they are not being treated properly or this abuse going on or whatever that means. And the definition of abuse is, you touched it, I think, in your introduction. So the benefit of that care been able to say, look, we need those issues there that we need for this patient or whatever it might be. To answer your question in black and white isn't easy, because I do not think it is black and white. Answer to your question.

Interviewer [\(11:23\)](#)Yes.

Interviewed 5 [\(11:28\)](#) There is my summary. The culture towards the acceptance of mediation as a natural support tool for elderly people is the nut that we have to crack. And that is almost a political question. Sorry, you are not based in Ireland? No.

Interviewer [\(11:47\)](#)Sorry. What did you say? What is your question? Can you hear me now? Can you hear me now? Can you hear me? Can you hear me now? Yeah. What did you say? Sorry. Yes. I'm living in Dublin. I am working here in Ireland since 2018 and I have been working with other people since the same year. 2018. Yeah.

Interviewed 5 [\(12:55\)](#)You'll pick up the punch lines. The punch that I'm trying to make as regards to politics and the culture of Ireland and the culture of the HSE and that whole elephant called the HSE. I just wanted to clarify, you understood what my point has regards to. There is a culture

change needed within the organizations that are driving that. I have responsibility for looking after the elderly.

Interviewer [\(13:36\)](#) Yes, I understand how it works. I wanted to do this interview because you mentioned all the obstacles, but you do not work in elder mediation now, but, I want your opinion like a mediator, independent if you work or not work in this area now. But you know the area, even if you do not work in this area. Yeah, that is important for me.

Interviewed 5 [\(14:40\)](#) And I retired in 2018 and I was quite confident that I would get mediation work to help me both financially, but also mentally. I'm sharing this with you now. I found it very hard coming out of the main work stream. I thought I was going to fill it with some work on mediation because I actually am passionate about mediation. But the amount of mediation that I've done is minimal. I've done a bit of HR work locally, but mediation has been very my point when I was replying back to you was that I just haven't had the opportunity to get into elderly mediation or literally to get into workplace mediation, which is my strongest area. I'm just clarifying that. Fine, sorry. And the question is, I think what I've done is the obstacles. Yes, you are right. As a wide mediation, maybe I'm coming across negative, but I think I've been pragmatic in my answer to you.

Interviewer [\(16:03\)](#) Look at me, maybe this connect with a question. And the question is, what are the obstacles to families or health professionals to access at elder mediation?

Interviewed 5 [\(16:26\)](#) What are the obstacles? I begin to sound like a scratch record and a bit boring, similar to what I said.

Interviewer [\(16:52\)](#) No worries for the record, because I'm going to transcript the record and I'm going to send you if you want to read it. Yeah. This is anonymous. I do not go into put any name, so no worries.

Interviewed 5 [\(17:15\)](#) I do not know. Let me say, to answer your question, I know that I'm not coming up with a fresh answer. That is the point I'm making. That it is not. Oh, this is the reason why I know I'm not. Because I'm going around in a circle, I'm on a roundabout and I suppose I can come up with an answer to come off that roundabout because I think it is the whole breakdown to prevent elderly mediation being availed of is because I guarantee you there is a lack of knowledge about the availability of mediation and the core for this, the owner of that has to be the HSE, because the HSE are responsible for healthcare. So if there is issues within the recent case of the shocking stories on in Kerry, with the mental cases that was highlighted, it is frightening to think. If

we're breaking down in our medical care at that level, what hope has elderly mediation of getting its foot on the ladder or the first run of the ladder in a meaningful sense? And I did my elderly mediation training was part of the course from somebody in the HSE. And this is back at the time when the scandals of the state homes and learning curves.

Interviewed 5 [\(19:05\)](#) And it was a case of HSE up in Donegal, and that was back 2016. And yet we hear in 2021, 2022 of the medical abuse down in Kerry. Really, unless this political pressure put under HSE to take mediation, elderly mediation seriously, then to me, that has to be the Avenue where it becomes. Where mediation almost becomes, the availability of mediation had to almost become compulsory. If a person in a nursing home almost has to say: "I do not want mediation, I love mediation", I do not understand. Some kind of a questionnaire there has to fill out a whole lot of documents and other. But there is not one question of mediation and the availability of mediation because it is not sexy, it is more work. The bureaucracy within the HSE and lack of ownership of the importance of why mediation would be such an invaluable tool for people, because it is a two way street, it would benefit the person, it would benefit the Johnny or the Mary. But it also would benefit the carer, because the carers life would be the culture and the atmosphere and working in an area where the support for the person that you are looking for, not just the physical support that the care is providing, but the other side of the support to make them happier.

Interviewed 5 [\(21:03\)](#) And the question then, of course, the real elephant in the room then, is : "who's going to pay for it?" And that the cost of mediation, perceived cost of mediation.

That is the call face view, I think, of why mediation isn't accessible. It means it is available, but people do not know. I've been at various different courses with lots of people I know are available to do mediation, but I'd say the biggest mediation take up is a workforce, to a certain degree, workplace, but also I'd say commercial, because the accountants and whatever seed and get a commercial thing over the line. But like an elderly person, not on the radar screen.

Interviewer [\(22:17\)](#) In that way. How is Elder mediation evolved in Ireland? What do you think about that? How does Elder mediation evolved in Ireland.

Interviewed [\(22:47\)](#) think it has evolved at a high level. And when I say that big companies again, workplace is my main background. But the likes of the Dublin Airport Authority would have availed mediation. I was trained as a mediator working in the DEA and I think the bigger companies, you know, they have the resources. But I'll give you a perfect example. My sister in law

runs a very good, dedicated cafe in Nina. My wife works for her, as does the books, three days a week. So it is a small business in town. She is very successful, she is a very good businesswoman. She has over 20 staff of a lot of mixed nationals. And I've done the HR work for her. She knows mediator, she is in my house, she knows she'll understand mediation better than anyone. She had a very difficult dispute with her and I've been called in and done the HR and I sacked people and I've done all this in a small little business. She is all the full circle of HR people issues that can happen. And she is very strong and strict and black and white. And sometimes I have to just manage the black side and get rid of the white zone from the HR side of it.

Interviewed 5 (24:25) An excellent person because she listens and takes advice. Anyway, very difficult situation with two women's death. One woman was charged and the other lady with that sexual harassment. Very difficult. And we had potential within a small organization. One of the persons was Polish. Very good English, like yourself, but you know yourself at times there can be a difficulty in English and at the spur of the moment and clarity, I suppose. But I could have gone through the HR investigation, discipline, action, all that good stuff. And then I told her, this is idea for mediation now. And I went to her, to my sister or the boss, and I said: "Look, Rona, I can do this, but it'll tie up time." I said: "I think I can do better, get a result." I said, mediation. And she looked at me as if I had six heads. I had to go back to almost the beginning and explain what mediation was about and how I deal with it and to take her out of the loop, she would not have to get involved and blah, blah, blah. And she said, "oh, Jesus. Door Goblin. Yeah." That in itself said to me, here's a person, Apart from the business side, family side, would know about mediation.

Interviewed 5 (26:05) So make a long story short, yes. As I said, she does listen. And I did it through mediation and I got it resolved and I did it for half because I charged her. I did it for a fraction of the cost. If I had to go through the HR investigation process, do a baller reports, come back then and go into the discipline process. I did myself a lot of money, but got a result. And I remember going to her husband as well. He's a little bit in very tunnel vision. He's brilliant technically, but it was like as if I was talking to, I might be talking to that. So despite the efforts at national level, I think mediation has and it is taken off in the WRC. They now insist on mediation and they talk about the courts with the legislation that the judge can push it back into mediation. Budget Mediation is voluntary. So that is an Irish solution. It is a joke trying to explain that to people and they look at you as if you have again, six heads like mediation is voluntary. So you go to court, then over the justice, put you back to do mediation.

Interviewed 5 (27:29) Maybe with family mediation it'll be the same, I'd say, with elderly mediation if we went to court, but it is voluntary. So you go back to Tony or Jane or whoever. I'm sure I do not do mediation. So it is a loop in the system. That is about as effective now as an ashtray and a motorbike. I think that is what yes, we had the legislation. Yes, it was forced to move the Earth, as I said, the bigger organizations. But I guarantee that the bigger companies in Nina, the bigger medium sized companies in Nina, not so much recognition, but people still do not understand what mediation can deliver. Mediation Ireland forum very recently or maybe the last twelve months, and I get similar reviews, but it is not what people want to hear. So it gets into the report and thank you, John, and blah, blah, blah. But maybe I'm just not a good mediator. I do not know, but I do not see the traction we would like to think is there. My experience is that it is not got to the level that it could be delivering wonderful results.

Interviewer (29:13) You talk about the legislation and I did legislation to promote the use of mediation since 2017 and the Mediation Act, they start to promote mediation. But do you think that the currently legislation today is adequate or appropriate for elder mediation?

Interviewed 5 (29:48) To be quite honest with you, I sat in a couple of forums at the time. I was in a mediation group in Limerick when the mediation legislation was coming through. And mediators are more worried about protecting themselves as mediators within the legislation, how they might be exposed. And I said in the more discussions on protecting the mediators and going down into the nitty gritty of now, I know there is an element that is very important about that. I mean, of course, protection, but I think media themselves weren't prepared to take the jump to push it. And I think that somehow the legislation and the injection that it should have given mediation has got lost and got smothered nearly by. These are my views, I'm sure if you need to get alternative views, I'm sure I'd be challenged. What I'm saying. But this might, from my perspective, is that the legislation, it take the box and it is in now. But again, the fact that it is voluntary loses the power that I might have had. I will not say compulsory, but mandatory, that is probably a better word, mandatory within the process. And using the word voluntary, like so we'll just take the scenario with an energy family, and you have two brothers and two sisters, and there is a row not worried.

Interviewed 5 (31:34) There is a row about mammy. There is a row in nursing on Daddy's dead. I'm just giving a role play here for a second. And Daddy's dead, and there is a house and there is a will and three the siblings want to go to mediation and the person does not and he wants to go to legislation. So it is voluntary. So the person that does not have to go. So it is very hard to get the docks in the line to get mediation into the system in the first place. And for gentler, we called in to

deal with the elderly mediation case because there is potentially too many hurdles to jump before you get the mediator into the loop. So I think the legislation was important. I had heard so much about the legislation coming in. Let's say I did my training in 2014, and I heard all about this legislation coming in. It was going to be the be all and end all to take a mediation to the next level. Do I have to send that jump?

Interviewer [\(32:51\)](#) That is disappointed. This is disappointed. Yeah, of course. Do you consider to be evidence that elder mediation is an efficient alternative for resolving conflict in case of elder abuse?

Interviewed 5 [\(33:36\)](#) I did a lot of mediation in Dublin Airport. I want to tell you one story. I was also the industrial relations manager as well, which is a bit of a contradiction, but I was able to manage both roles. Okay. And I'm going to give this a you have to get this now, Raw. And as it happened, to get the impact clown. It is actually a good story to tell at this point in time. All the turmoil in the airport at the moment because they haven't got enough security people hired. And, you know, the delays going to the airport at the moment. Are you aware of the huge delays in the airports at the moment? No. It is a big story because they haven't got enough of the frontline security staff. Ok. Now the frontline security staff, it is a horrible job in the sense that they have to be check security, check your baggage, check all that, and then they run. So those people are doing their job. It is all for security reasons. Those people do in the front line have managers supervising them and the managers have supervisors supervising them for all the security. So it is a really stressful people front line job.

Interviewed 5 [\(35:12\)](#) Okay. And there is always a lot of personal conflict there. Okay. So that is seen set wherever it is I was brought up, there was a difficulty between a woman in the front line and her supervisor. Okay, so I was brought in to do the mediation. So I have to tell you this for a reason. I've not been sexist. I've just been honest with you. It is important for the story. I've made people above in the coffee shops up in the airport in the beginning, just to get to know them and listen to her story and then get into the formal process, if you like. It was the first step. So this Lady, I met her in a coffee shop in Dublin, and she was extremely heavy. And to the extent that she had difficulty sitting into a chair, extremely heavy. Now you are okay? And she was very conscious of it, and she sort of apologized that she had to go into another chair, and it was part of the story. So also learning curve for me is because I was not totally switched off. I was still in my IR mode. And I went to the lady. And when I came out of the meeting, I realized I was not listening.

Interviewed 5 (36:42) And I mean, listening skills for a mediator is number one. Number one. Number one. I realized I was still had another meeting in my head, and I hadn't switched off and I hadn't listened to the lady's story. So I went to the trouble of meeting her again independently. I've meeting her again a second time and apologized and came clean and did all that. So we went to the mediation anyway and went into the process. And it was not simple now, and she brought in a witness, and it was quite a difficult process to get through. She was not the same by any stretch imagination, and neither was the line manager. I could see why they were at mediation. Okay. Neither of them were sustained, but we got through it and got a resolve and happy days. And maybe two years later, I was wearing my HR hat in another forum, and this woman was in before us. She was appealing her bonus results. We had a structure in place where people come in and appeal it. And I was the company man defending the bonus and a saddest woman across. And I said, no, I know everybody says they are about names, but I am really, for a person who worked in HR all their lives, I am the pits for names.

Interviewed 5 (38:10) I mean, I'd struggle thinking of your name in the minute. Now I hear Karen. I said, I know that face. I said, Jesus Christ, where did I see her before? And even though the name is up on the report didn't click with me. So we got through the whole process, and at the end of it, we're walking out the door and we're doing all the niceties. And she came across. She said, John. And when I heard. When I heard, I realized who she was. John, she says, you do not recognize me, do you? And I said, I do now. I said, I was jumping around a little bit, but I was beginning to. Oh, God, I got who she is. She says, yeah, you are right. She says. I've lost two stone weight and I've more to go, she says. But she said, I learned a lot from the mediation and our chat above in the coffee shops, she said, was so helpful. And I realized I had things to get right my own life and sort out things with my husband. And it was not all work related and blah, blah, blah, thank you very much, she said.

Interviewed 5 (39:22) And she says, we had a left in about. I was a former HR guy today and we had a left over that and we left it. And I thought it was just, you couldn't put money on the satisfaction for that. And my other great story is mediation in a roundabout way, because I was all sort of intermediation, but I've actually been the mediator. I started off my career in Shannon Airport and my DNA career should say I worked in AIRCOM three years before that. Sorry about my HR career in Shannon Airport. And there is a group of guys there. There were maintenance, front line maintenance guys that emptied pins and dog pole holes and they weren't fitters. They were laborers. And I went to meet all groups of people to introduce myself and to talk about working together and

listening to people and all that good. I was trying to introduce a new way of doing things. So at that meeting, I obviously gained their trust. And I said, John, one of the reasons we do not go for training courses is we know the answer to the questions, but a lot of us do not aren't able to read and write.

Interviewed 5 (40:47)And could you design the questions that it was more a kickbox rather than having to write down the answer to the safety questions. So to move on. And I said, it is confidential, so we move on anyway. And with the Union rip, I organized a ten week training course for introduction to work with Fuss. And they organized their government body and we did a discreetly at the airport. Nobody knew about it. And ten people attended and ten people got their certs and passed through it. That was grand. Couple of years later, we had another redundancy package on and one of the guys that was on my original literacy course came to me and applied for the redundancy. And I was very cautious that people were taking it for the right reasons, that he was a guy that would not have got a job anywhere else at that age and his skills weren't that strong. And he said, no. Johnny says, after I did that, he says, I went on and did the Atypical leaf insert. And I'm, after getting acceptance into Limerick University to study history and I want to do it. And he says, I want to thank you, he says, for the support that you gave me in the beginning I still get emotional over there.

Interviewer (42:37)Thank you for sharing.

Interviewed 5 (42:45)But my God, when you have a good day and get results, it is mind-blowing.

Interviewer (42:52)Thank you for sharing that. It is beautiful stories. No worries. Okay. I am very grateful to your honesty with me and share this view. Do you consider necessarily to promote elder mediation in older abuse case?

Interviewed 5 (43:28)Do I what? Sorry.

Interviewer (43:33)Now do you consider necessary to promote other mediation in all their abuse cases?

Interviewed 5 (43:46)I think that has been my common thread with my answers. Your questions. I think it is totally tickbox and it has not at every level at the highest level hasn't embraced the power of mediation. But you can get Kai, 64 years of age crying about the power of remediation. I just think it is not high enough in people's agenda to promote, believe it or not, my claim to Fame, Paul

Reed, the head of the HSE. I worked with him in aircraft and he actually did my reference to joined. So Paul Ri, I worked with Paul and he worked up through. I know he's a door now. He's a huge agenda. I do not care what money he's paid. It is a huge portfolio. But people in the area that are over have responsibility within the HSE for elderly mediation or for elderly people. Sorry, do not see mediation as that is where we got to and the politicians. I mean, there is not enough sympathy for the elderly in society and the fact that they are taken out of people's homes into a room of my house and minded until we could unvisit mammy once a month or whatever. So the whole cultural thing has changed.

Interviewed 5 [\(45:56\)](#) So it is not under people's agenda.

Interviewer [\(46:20\)](#) Do you think it is something cultural about the call? Do you think it is something about the call?

Interviewed 5 [\(46:41\)](#) It is only as well to go to this interview that I'm throwing this out. I think culture is the glue to any organization. Any family. I mean it is a cultural thing. A happy family that take all the boxes. Their culture is right. A family that has you draws, do not function. Their culture is wrong. So culture an organization that takes and embraces employee respect for employees. It is a culture thing. The organization that just gives minimum pay and hires and fires is a culture thing. The word culture is the glue in any sporting organization. It is the glue. It is the mindset. It is the culture for let me answer this way. This country, it was a disgrace for a single woman to be pregnant. So she was dumped in a home and taken out of view of society. And families were as guilty of that dumping their daughter as much as the institution or the state or whatever. But it was the shame of having the daughter pregnant. And that is not that long ago in this country that now we're shocked that we find about the metal and laundries and we find about this and there is nothing about the guy that got the woman pregnant or the family that pushed the daughter into those type of things that didn't embrace their daughter because they were so ashamed of the stigma.

Interviewed 5 [\(48:46\)](#) And now as we're analyzing this and breaking this down, we're having a pup at the state, we're having a pup at the Catholic Church or partisan Church or whatever organization. Religious organization was minor, but there is no great outcry about the families that allowed their precious daughter to go into those institutions. No one damn well how she was being treated, but it was kicking the box. And we can get on with our lives and talk about you see, we talk about you are going to bring in 60,000 Ukrainians. We're great for raising money on the Late Late Show or we do this, that and other. But we've overlooked and we're very good at overlooking black spots that we

do not want to discuss. So sorry. So let's bring that back to your. Elsie. What are you talking about? Elsie? There is a nursing home there for her. Isn't that great, getting all the medical attention she wants? Yeah. Try not work and try again. So what's the problem? What's your problem? Mediation. See, are you for real? Are you wasting your time doing a Masters on elderly mediation? No problem there. Sure there is. Raise. I'm paying too much money for her.

Interviewed 5 (50:16)Every week is coming out of our will. And she'd be not letting she just die soon.

Interviewer (50:24)But the people do not recognize that there is a problem in this area in the first place. I understand another medieval that I got the interview have the same impression that you advantage or disadvantage about elder mediation. What you can say about it, you said something, but maybe you can do some summarize about that.

Interviewed 5 (51:10)Summary is if families were functioning properly, effectively, you can not be happy families all the time, but you all have the bust up on the wrong. But if you are basically families are working basically with a kind culture. And yes, went to a nursing home. My wife, there was nine of them in the family. And they are a beautiful family that they really are. And our poor father was in a nursing home. He had dementia. It was very sad. And they all went to visit him and was all heartbreaking. And he was minded in the home and every kindness could be done for him. The nurse known system is brilliant. And what we have let's be positive here what's in place now for people. And a lot of the homes, even the exposures has been helpful and can build on that and get better and regulation can improvement. So the reality is what I'm saying is, in my case, I'm talking about there was never any need for mediation in a family that were there looking after their father. In my case, my wife was just absolutely brilliant. We did good cop, bad cop. I had to do bad cops sometimes.

Interviewed 5 (52:42)She was a difficult woman to manage. And sometimes I had to step in and it is a very funny story in the hospital, but it is incidental, but I had to do the bad cop and we got kind of back and forth. But at the same time, she trusted me when it came to the very different moves she had to make in her life. So there was a mediation needed in those situations, but because there was love and there was compassion and very important, but where that is not there and that is not necessarily to a high percentage. There is a lot of families like that. But for the people that are not in that category, the need for mediation, because the family isn't that supportive. They do not see that it is a problem for Mammy or Daddy or whoever might be in the nursing home. So they need to be

pushed. And I use that word deliberately now. They need to be pushed into a veiling of mediation because they do not see a problem there. Their only problem is a wish to hell to die. So you could get the will or whatever it might be like that. But it is not that they do not see a problem.

Interviewed 5 (54:01) So they need, there needs to be intervention. And where does that intervention? I mean, the person in the nursing home or whatever has to have the responsibility and been able to say, Right, I have to go to the HSE. I've spoken to you a few times. Your mother still hasn't got the change of under or whatever it might be or the support she needs. So we feel that there needs to be discussion, so there has to be sort of a delegation or authority given to the person that sees what's going on because the family themselves can not see it. So how do you get in? I think that is the only way that you can get mediation into the system, because that family will not do not see a problem there because they do not. And be the breakdown in the family be drugs or just be a breakdown in lack of love, lack of care, lack of understanding, but they will not say, oh, they will not wake up some Mars. We must get mediation for anti Mary or for Mammy. Why not change an area that will not happen? So there is a need for the state intervention, then there is a need for this thing of voluntary mediation.

Interviewed 5 (55:31) Sorry, I know I might have been taped, but voluntary mediation, Myers, if we're real about mediation, the need for mediation, the need for elder mediation, let's stick to your agenda. The need for ill remediation, passing an act in 2017 and leaving a gather dust and having mediators worrying about how they are going to protect themselves under legislation. Sorry, you are never going to see any mediation get the traction that it deserves.

Interviewer (56:14) I understand you can see the message. Psychological abuse, financial abuse, neglect abuse, racial abuse. In what cases is the mediation currently used now, in your opinion? What cases is elder mediation currently used? I writing down the question there. You cannot see the in one of those cases of categories is under mediation currently used.

Interviewed 5 (57:36) I would not be giving an honest I do not know. The mediation I think is so limited. I do not know that I can answer that question honestly for you Korean.

Interviewer (57:49) Okay. No, it is okay. And finally would July to set anything about elder mediation and maybe I do not give you any question. Would you like like to say something I haven't asked about mediation or mediation or whatever you want.

Interviewed 5 (58:55) With the work that you are doing. Is it a Masters you are trying to achieve? Is it or what are you trying to achieve with your paperwork?

Interviewer (59:08) It is a master in conflict resolution. That is the master. Yes. It is a master in conflict resolution. Yes. We review all the kind of mediation workplace medication, elder mediation, family mediation, commercial. And in the second year we have to choose between commercial and family mediation and elder mediation. We go more deep in elder mediation in the area of family medication. So I decide for family medication. No workplace medication. Most of the people decide for workplace medication. But I decide for this one and I decide to do this research about eldermediation because working in this area, I never heard about eldermediation. Even they say what happened in Ireland, but nobody's talking about that. So for that reason I said okay, I'm going to do a research about it. And now I know. So you can say to me.

Interviewed 5 (01:00:38) Unless people like yourself open the lid on mediation, elderly mediation, the Pacific lid of elderly mediation, it will always be closed. So the question I have for you is have I disillusioned you or have I confirmed maybe your question of why have you not heard about elder remediation? I hope that the likes of your papers would open Pandora's box on the whole area of remediation because I think there is a huge scope for it. But I think while you are opening the lid, I think unless we can get traction, support understanding of what mediation is, I think the biggest sorry, I summarized back the problem, why elderly mediation is this unknown factor that you talked about. But I think the bigger problem is mediation itself hasn't got the traction that it has to get because if it did get that traction, then it would like it to be the tide, spring tide. It would lift all ships and would lift the awareness of mediation. Oh, that movement, elderly. Oh, that. And I think unless the mediation itself gets traction recognition compulsory as this thing from voluntary then push. And elder remediation in isolation has no hope because I used the phrase earlier on sorry, but it is not sexy enough on its own to grab the attention, the political bite that mediation itself needs.

Interviewed 5 (01:03:07) It is mediation itself. As you say to yourself, there very telling me a lot of people go into the workplace that is a chance of where the dollars might be, where the mediator might make a living, mediator making a living in Hillary mediation? I do not think so. But the amount of mediation, even in the workplace, is limited and it is not to the scale that it should be to deliver the results that it could. And I'll give an example, I feel mediation will kick in now after the call because I think it'll be a lot of jogging as regards working from home and working in offices and expectations of people. And I think that watch that space. I think that is a row ready to brew and I think mediation would be the solution to it rather than going through HR process or going through

the labor party. I think for recognition the tide that will rise and bring in the very different specialized types of mediation that are equally important in their own right. So it is not a question. It is a summary.

Interviewer [\(01:04:32\)](#) Yes. You summarize it perfectly. I do not have any questions. I want to say you thank you for again because you had how do you say in English? For me, my worst barrier is my language because I do not speak totally fluent. Because there are a lot yes. Take your time. And it is difficult for me to say everything that I am thinking. And I'm a little bit disappointed with the mediators for this research Because I had some difference with important mediators here in Ireland that they weren't in agreement with me in relation with the use of elder abuse. I couldn't transmit why I put elder abuse. And I explained you in the beginning of this interview why I think you said to me something important. The people do not recognize that happened in this area. The people are very strict with you do this and it is not a crime. So it is not elder abuse, but I can see daily different kind of elder abuse in my job. Yeah. Because I am in the front line and the people do not recognize that. For that reason, I am agreed with you. While you are saying that it is illegal abuse and they are not going to stop elder abuse if the people, in my opinion, because every year the report every day that salvagard do it year by year, the elder abuse is increasing.

Interviewer [\(01:07:45\)](#) Year by year, this is increasing, increasing. So you say, what happened? What happened? Why is increasing? And even if the government do different, put different rules for try to decrease the line and every year increase, increase, increase. So you said I think one of the problems is that you said if the people do not recognize the problem, you cannot resolve anything.

Interviewed 5 [\(01:08:35\)](#) I think your open question access it was the right word to use, but I challenged that you are using that phrase that we had to use that phrase, and I think that answers it all really. But bottom line, it is.

## INTERVIEWEE 6

Interviewer: Thank you very much for accepting this interview and I would like to ask you what is Elder Mediation for you?

Interviewed 6 Through the research questions is whether elder mediation speciality is a good way of resolving conflicts generated in the various elder abuse cases. So what we know so far Anstey as well as a little bit of research, the tiny little bit that I can trace down for you that was done in Canada. But you might not be interested in Canada at all because you zeroed in a lot on Dublin. But in order to do justice to a paper, you are going to have to refer to a little bit of that. There is some interest around the world and some agreement that a good way to resolve conflicts you have in your paper. But resolving and sometimes preventing conflicts, because when people get older people and all age-related issues in the room early enough, they actually prevent some. It is like getting a hat before you need the hat. Now if you were talking to Helen Herman, what did she fill you in? What were some of the things she told you?

Interviewer (01:25) Yeah. I understand that this is going to be in the analysis. In the final analysis, I want to put that because after the interviews, one of the conclusions will be that because elder abuse is not only physical abuse, there are nine different kind of elder abuse. And in my conversation previously to this research, I understand that we are not talking about physical abuse because this has another treatment. Most of the mediation until now are talking about financial abuse. You can use it. Elder abuse for that, and you can use it. Elder abuse is a financial and there is a psychological.

Interviewed 6 (02:51) Abuse around care, neglect, neglect, neglect. Yeah.

Interviewer (02:56) But I understand that for physical abuse, we cannot use that for that. There is family mediation.

Interviewed 6 (03:11) No, for physical abuse, we do not do the mediation. There is no family mediation. Physically, they will not do that. But considered. Agreed. Did you get a chance to look at my paper that I did for Justice Canada?

Interviewer (03:32) No, but I'm sorry about that, but I really haven't had a lot of time to do that. But I want to read your research. I writing down the name. So I want to see and I want to do that before to finish that because I want to put your paper in the bibliography, too.

Interviewed 6 (04:05) So we'll go through the paper a little bit more, and I'm just going to give you some general comments. And it is great that you are so good at English, because that helps a lot. I can not believe it. Did you learn English in Chile?

Interviewer (04:23) Basic English? No, I didn't study English too much. I started to study English here in Dublin.

Interviewed 6 (04:32) Imagine. Isn't that wonderful? That is wonderful. Every once in a while you freeze. Every once in a while you freeze. So what I'm going to do when you freeze and I can not hear what you are saying, I'm going to put my hand up.

Interviewer (04:48) Yeah. Okay. Thank you.

Interviewed 6 (04:50) Okay. It only happened once so far. Okay. So the initial question that you have is whether the specialty is good for resolving conflicts generated in various elder abuse cases. I hopefully are going to come out and say somewhere along the way is not only in resolving conflicts but as in preventing conflicts from getting worse.

Interviewer (05:20) Yeah, that is good.

Interviewed 6 (05:28) I heard that from the mediators and then it says in Ireland, there is frequently government support and legislation for the development, but it hasn't been helpful. In the case of mediation, I would think that the lawyers, the mediators in Ireland would say that they probably need more specific legislation around the development of elder mediation. They certainly follow the legislation to a T. But as elder mediation gets more known, the biggest challenge with elder mediation is people do not know, they do not know. That is the biggest challenge. And as this gets more known, I would think that elder mediation in Dublin, in Ireland generally is going to take off because there are other areas. There is Shin Kearny, I think there is one in Cork who's developed a lot around elder mediation, but she is not in Dublin. There is a couple of people outside of Dublin. There is somebody in Northern Ireland like, as time goes, that is going to take off. And you say over the last ten years, mediation has been invested and promoted as a means of dispute. There is ongoing progress that is therefore pertinent through research, the advantages and disadvantages use of outcomes for older people. The biggest thing that we are finding generally, and there is one little bit of research that came up at the summit.

Interviewed 6 (07:19) We have a world summit every other year and people come to the summit and they report on what's happened. And one of the things one research showed that it reduced the visits to hospitals and it reduced the early placement in long term care. Well, this makes sense. If all the

people care about you come around the table, you are not utilising all the health care system as quickly. The value of this research is that it aims to identify and seek evidence for the critical question of whether elder mediation successfully resolves elder abuse cases. And I guess the resolve word is a strong word when you are talking about elder abuse and the person who tends to be the abuser lives in the house. What you are trying to do is recognise it. And when people come around the table might end up that the person doing the abuse does not stay in that house. It depends. It could be an adult child, for example, and part of then the adult child gets in counselling. Because one of the important pieces for Dublin and then every other city is that elder mediation, it has a component where it has a resource team.

Interviewed 6 (09:04) So if you and your family were coming to me and I'm a Dublin mediator like I am in Canada, I am in Canadian, but I do work around the world. I do work in different places because of Zoom and because of technology. But looking at, I do not tend to use the word resolve so much is bringing because I think we prevent a lot of it the egregious cases we do not take and if we did take an egregious case, it would be done by a master mediator like I've worked in an egregious cases east and it helped. But the only way it is truly going to help is when that person is taken away from the scene egregious but when you bring a group of people around.

Interviewed 6 (10:00) Like you do an elder mediation, it immediately helps because when you bring a group of people to the table and they are willing to and they are willing to share at a level level that people tend to keep close to the chest, they do not want to share. So we do not talk, we do not tell, we do not trust. Well, elder mediation helps people to talk and to share and to build trust. So that is really important. And in addition to gather the current state of elder mediator according to professional experiences, working as to whether or not it has helped the legal changes that have been made in field of mediation, I can not express enough how important it is to have to be aware of the fact that elder mediators have resource teams. And within those resource teams, those partners, they have, they have lawyers, they have accountants, they have psychologists, they have social workers, they have people who understand the different components that they can refer these people to. And in referring, that also helps. So I'm doing a mediation with you and your family, and I'm immediately recognising. There is a lot of grief and loss issues. Then I'm going to make sure that you are aware of these three people.

Interviewed 6 (11:32) Are these three or four resources in the community will help you with that. And if you happen to tap into that service, then you come back and it allows the elder mediator to work in the elder mediation with you on a lovely, much more flowing basis because you are dealing

with your grief and loss. You are dealing with could be a trauma related thing. You are dealing with that somewhere else. That is not for the mediation table. Do you see what I'm saying? So there is a component of elder mediation that you need to address just by virtue of not only is it helping the families, it is helping the community. It is helping the community understand the importance of the whole community, supporting within the needs of the community. Do you know what I'm saying when I say that?

Interviewer (12:38)Yes, I understand.

Interviewed 6 (12:41)Okay. The research provides a starting point for future research. It is interested due to the lack of research and provides for other studies because there is an important component there. That would be the research seems to determine the extent to which mediators in Dublin. Yeah. And so what did you learn so far from the mediators you interviewed? And Helen told me she chatted with you. Helen hernet.

Interviewer (13:16)Can you repeat again.

Interviewed 6 (13:20)I almost feel like you are not hearing me.

Interviewer (13:22)Can you hear me?

Interviewed 6 (13:24)Well, are you understanding what I'm saying?

Interviewer (13:29)Yes.

Interviewed 6 (13:33)Helen Harnett was saying that you interviewed Helen. So there are other. Did you interview other mediators in Dublin? Were you restricted only two.

Interviewer (13:44)I need more. I need more people.

Interviewed 6 (13:47)Did you interview Dublin?

Interviewer (13:52)I interview which person?

Interviewed 6 (13:56)Yeah. With Helen.

Interviewer (13:59)No, I didn't do the interview with Helen. Finally, that she was not an agree with the research, so she said she didn't want to.

Interviewed 6 (14:17)mOkay. So did you get anybody yet?

Interviewer (14:20)Yes, I have Judy. Sorry, it is an ID name, so I do not know. It is her name.

Interviewed 6 (14:33)Spell the word. Spell the name.

Interviewer (14:35)It is Beibhinn. And what's the first name? This is the name.

Interviewed 6 (14:49)Okay. What's her last name?

Interviewer (14:52)The last name of her is able to see here. Bernebrn, the next Thursday is Margaret. Yes.

Interviewed 6 (15:54)Anybody else?

Interviewer (15:56)At the moment, only this person. I have another one, but I am waiting to confirm the day is Gabrielle Reynolds. Gabriel Reynolds.

Interviewed 6 (16:28)Oh, Reynolds. Okay. What's the first name?

Interviewer (16:31)Gabriel. Gabriel.

Interviewed 6 (16:34)Gabriel.

Interviewer (16:35)Gabriel.

Interviewed 6 (16:36)Gabriel. Helen is two baths. Helen would not do the interview because she is one of the ones that got certified and she is a certified elder Media. Because the other thing, what I would encourage you to do in the end, you do not have to tell this to the people you are interviewing. But what I would encourage you to do is to separate in the end, the people who have training and are certified.

Interviewer (17:26)In the methodology. I have people who are certificate in elder International Mediator. Yes. I think that is the most complete. Yeah.

Interviewed 6 (17:41)Absolutely.

Interviewer (17:42)Who work in my elder mediation but do not have this kind of training. Helen didn't want to do this interview. I did a mistake because I forgot to send her the form and she was upset for that. So I do not know all the people.

Interviewed 6 (18:13)Because she would have been a good.

Interviewer (18:23)I cannot do anything.

Interviewed 6 (18:27)That is right. Yeah, that is right. That is right. And the other piece is too bad you limited yourself to Dublin. It is too bad you didn't just at least say Ireland. You know what I'm saying?

Interviewer (18:43)Yes. I was thinking in that because I do not have enough people who want to participate in the research. The Secretary in Mii sent the email for all 200 and something and only two people asking me about if they want to participate. So it has been difficult to find sorry. And I do not understand why.

Interviewed 6 (19:18)Who are the two that answered to sorry. So only two people answered was that Gabrielle?

Interviewer (19:34)Still, I am waiting. He wants to participate. He said yes, but still, I have to get the answer when and with Judy. Is the next 31 March? 31 March the next Thursday.

Interviewed 6 (19:54)Who is that?

Interviewer (19:59)Margaret.

Interviewed 6 (20:01)Oh, yeah. Maggie okay. Yeah. Maggie is excellent. And I do not know how many mediations or anything she is done, but she is very good, well trained. She is very well trained. But I think you are going to have some difficulty because you are limiting yourself. I mean, even if you had said the United Kingdom, whatever, if you included everybody, all your little countries around, that would have opened it up a little bit. I guess the other piece that it is important for you to identify is that this is very early days. And the reason why it is early days is because people do not know. They do not know. They do not understand the tremendous opportunities that are there for the health care systems in whatever country that they are in, because what we know is that it is reducing it is reducing the likelihood of abuse and neglect generally. So if we're seeing that anywhere else in the world, we also can assume that it is going to reduce it. In Dublin, was there a reason why you put yourself into such a narrow little focus?

Interviewer (21:22)I thought I'm going to be more people that want to participate. That was the reason. And anything else. And even because the supervisor told me, you have to reduce my baby, because he didn't know, too. But I want to talk with him and I want to ask him if I can change, at least in Ireland, because in all Ireland, because I need to change that.

Interviewed 6 (21:50)Yeah. Because you have Shun's last name, I think is Pernie, and she does some work in Cork. Who are the two people who responded to you from Mii? When you sent out

the general call through the Mii, you said there were two people. Only two people responded. Who were they?

Interviewer (22:22)These real names that I told you. Oh, yeah.

Interviewed 6 (22:27)That one be in there or whatever. And who is the other one?

Interviewer (22:31)Kate Henny.

Interviewed 6 (22:35)Spell the last name.

Interviewer (22:37)It is H-E-N-I-H-A-N.

Interviewed 6 (22:44)Okay. So there were only two people responded that they wanted to help, and you already interviewed one of them.

Interviewer (22:54)But I'm going to talk with Alison is the Secretary in Mii, and I want to ask her if she can send again.

Interviewed 6 (23:09)Well, I guess the thing about it is that there is a lot of people in Ireland and really what the international network is promoting, like even part of this, like your specific objectives, say, to evaluate the current state of elder mediation for the resolution of conflicts related to elder abuse in Dublin? Well, in Dublin or in Ireland, whichever you do, is still early days. It is very early days. They know that they know. But there is a whole group in Ireland who do not know. They do not know. And because some people and that is why as people learn and get training and get the standard, the international certification, then hopefully within a year or two or three, they'll start a good marketing plan to market to.

Interviewer (24:16)Yeah. Thank you.

Interviewed 6 (24:18)No problem. Yeah. Like, the thing about it is where people are actually doing it. Those individual mediators have success stories. We know that. But we know there is not nearly enough of that happening at this point because we know that governments do not understand that. And that is why the second one to determine how effective elder mediation has been in resolving elder abuse cases in Dublin. Personally, this is my opinion. I do not think there has been enough cases. And I only can speak for the people that I'm working with in Ireland who actually are certified. I mean, I'm interested in people who are certified. I get a little anxious when I think people are out there doing elder mediation without the training, because it is a very important specialty. And along with that comes the skill sets necessary for that specialty.

Interviewer (25:37) I see that in that question for the suggestion of Helen, because Helen told me that even I know that there are 13 people certificate in Ireland. And I asked her if the other people can work. And he said to me, yes, in this moment, unfortunately, legally, they can work, even if they do not have speciality in elderly mediation.

Interviewed 6 (26:13) Yes, that is right.

Interviewer (26:18) That is what I want to put in this research, because this is the reality of island. This is the condition that the currently condition that the people are working in now in Ireland. It is not my opinion. It is only show the reality.

Interviewed 6 (26:44) Oh, no, that is right. I understand. No, what you are saying is happening everywhere in the world. There is always a group of mediators who want to practise in an area they are not trained in that is happening everywhere. That is not unique to Ireland or Dublin. That happens everywhere. So that is great if they have 13. But to determine how effective elder mediation has been resolving elder abuse cases in Dublin, like the elder mediation, because people who are actually doing faces doing it, it actually reduces the likelihood of abuse and neglect. If you and I, we have family and we recognise our father is not well or he's going to start needing some help, and we get all the family together and we talk with an elder mediator who helps us have a conversation that is really open, probably the most honest conversation we've had. And we're really saying what we can do, how we can help all of this. And it is all pulled together in a really respectful way, honouring every person, regardless of what their past trauma, but their past stories were. And even sometimes what I can tell you as an elder mediator and working with people in Dublin, which I physically was not Dublin, like four or five times during training, I can tell you one of the things is that people feel respected and include it.

Interviewed 6 (28:31) And even though they may not have had a great relationship, one or two in the family, maybe if there is a family of eight and there is one or two who didn't quite get along once they came under the elder mediation umbrella, they felt included. And after a couple of sessions, the trust slowly, very slowly began to build enough that people who even have been, for whatever reasons, estranged from a family may actually be present and give to the greater good and do something really meaningful and help. And those are the situations that people do not understand that is preventing the likelihood of future abuse or neglect. Do you see what I'm saying?

Interviewer (29:30) Yes, I understand.

Interviewed 6 (29:35) And then when you say to identify the obstacles to the application of mediation in cases of elder. So, yes, and one of the biggest obstacles, one of the biggest obstacles is that people do not know. They do not know and they do not understand. They do not understand what a service this is that is very community oriented with regard to the other people in the community who could help with this situation and that a mediator does not act alone. An elder mediator does not act alone in the sense that as they work with the elder media, I'm talking about certified elder mediators. Now I can not speak for mediators. I came out with a family mediation background. My certification first one is in comprehensive family mediation. But I know that would not have been enough for me to start doing elder mediation. So I'm not speaking for people who aren't certified, who do not have training. I'm just speaking for myself and my experience about that. And really, you have when is it appropriate to assess? I'm looking at your interview questions here. Well, you know what elder mediation is. You can get it off the code of ethics, and that is how people see that.

Interviewed 6 (31:12) When is it appropriate to assess? Just 1 second. When is it appropriate to access elder mediation? The minute somebody knows that there is a little bit of stress around something. If people go to elder mediation sooner than later, they are going to definitely reduce the likelihood of abuse and neglect. Can I ask if they go sooner than later?

Interviewer (31:49) Because I am not sure if the people here know the way to access to other mediation.

Interviewed 6 (32:02) That is right.

Interviewer (32:03) I do not know if the people know if they have they have these tools.

Interviewed 6 (32:10) That is right.

Interviewer (32:11) I can resolve this problem because I do not remember if I told you that I am care assistant. I work in that here.

Interviewed 6 (32:23) That is right. You told me that. Yeah.

Interviewer (32:25) So in any family I had been working in this almost four years here in Ireland, working like a system. And I do not know any family who even mentioned the word, even the other professionals who work with all the care who work on the supervisor or the owner in the company, they never talk about mediation. And I said, oh, my God, I am here. And they have this tool for

resolve problems with the families and good tools for families. Why they do not use it, why they do not prevent use it because they do not know.

Interviewed 6 (33:26)Remember I said the thing about it. When is it appropriate to access it? Well, number one, they got to know about it to access it. And number two, the sooner they do it, the better, because it is about building relationships. It is about starting to talk about everybody's involvement, how they can help in the situation if it is a caregiving situation. So it can be so many more, as we know. But at the moment, we're talking about a caregiving situation. And how does a person access it? Well, that is where government could come in. That is where people could apply. That is where I would recommend that the mediation apply for funding, for marketing, that people who have their own private Practise, that the Helen Harnett's, the Brian and the groups who later life mediation, for example. You know, people need to know they exist and they do an excellent, excellent job and they are recognised across the world for their training. But part of the problem is that the professionals do not know what it is, they do not understand it and they do not recommend it. Every physician, every single physician should know about elder mediation and be recommended.

(34:49)Pardon?

Interviewed 6 (34:50)Social workers, social workers, physicians, everyone in healthcare should have a responsibility to understand and know, because you could quote me on this, elder mediation, once people know about it and understand what it is, will change the face of health and social care as we know it. And you can quote me on that as a quote. As I told you the last time, I have used for years, I used it at the end of all my training, because I know the problem is people do not know. And sometimes when you do not know, you are hesitant, well, what are they? What is this, another profession? And sometimes people might even feel like, oh, will that take business from me? And once they understand, it, might actually create more business for them. Because if I know I'm an elder mediator and I know that you are involved in counselling or mediation or care or whatever, I might refer people in the family to you. So you have as well those referrals. And some of them might go and some may not. But the fact is, the referrals are made and it actually builds everybody's awareness, builds awareness for the family, for all the people, and how older mediation evolved in Ireland.

Interviewed 6 (36:24)I think you should speak to Karen Irwin to find the answer to that question number four. And Maggie will give you probably she would know as well, but I would really. Karen Irwin is the one in Ireland. She is is a lawyer, mediator, and she was the President of Mii at

the time. But what happened was the Alzheimer's Society of Ireland. I might send you a click if you write me a note to send you the background of elder mediation in Ireland. I can send you some information on that that I wrote up for Mii.

Interviewer (37:06)Yeah. Thank you.

Interviewed 6 (37:07)So if you ask me that, I'll dig it out. These are the different categories in which cases and often when cases just do not tend to get to mediations quickly. As you said, the types that get to mediation are that if you are working with a family, many families aren't involved. And how can we get them involved?

Interviewer (37:31)Yeah. In that question, I have to show the categories that I have because I have seven categories, abuse, Physical, Sexual, Psychological, Financial Abuse, Neglect, Diminatory Abuse, and institutional abuse. Garda, the report from 2016 until 2019 because 2020 still is not ready. These categories report the percentage each year, each one, and which is worse than the other one. And I took this information year by year and always is increasing. Always is increasing.

Interviewed 6 (38:38)Perfect. Yeah, that is right. So can you send me that little piece then I'll have a think about it. Send me the categories you are using for your study. So if I have to think about it and then income and stuff. Yeah.

Interviewer (38:58)What are we talking before? Which category is more useful? Because physical is discarded, we cannot do the mediation.

Interviewed 6 (39:20)Okay, so I got about five or ten minutes, but I'm supposed to be somewhere now, but we can chat again later on. What are the advantages and disadvantage of using Elder mediation over other interventions? So when you are addressing that question is really important. It is not a competition. Somewhere in your answer, you are going to say, this isn't a competition. You are not going to say, well, what's the advantage of going to a mediator in a position every discipline, every profession, every service has its own benefit. So if you talk about the advantages of using Elder mediation over other interventions, it isn't about that. It is about using Elder mediation when there is a chance that people really need to gather together in a family to help. The question at the core whether that is about the state issues, Wills issues, caregiving issues, death and dying issues, all of that elder mediation is when you bring them together to say, how can we make this flow? Well, how can we make this less painful? How can we make this the best it can be in a difficult situation, that kind of way? Do you consider it necessary to promote Elder mediation?

Interviewed 6 (40:40) Well, obviously they are going to say, yes, I would think. And what are the obstacles to families, health availing of Elder mediation? The biggest obstacle in all of it is the lack of awareness and understanding of what it is because the rest can be dealt with. There is a lot of obstacles there is. How to get there, where it is going to be to include the obstacle of if there is trauma in the family and having them build trust in the initial conversations, all of that. Okay. What facts do you consider to be evidence that older mediation isn't efficient and from the people who actually attend? It'd be great if you had time to attend the summit, but you do not. We just finished the summit in November. The project title. I'm just running through the information consent form. You are being asked to research a way to resolve Elder. Now, it is interesting that your research title is Elder mediation, a way to resolve Elder abuse in Ireland. You do not have Dublin because Dublin is way too narrow. So at least your title says Ireland. So that is good. And then in the study, the research aims to find out which well, you are going to find that it is still early days, and you are going to find that people who Ireland is actually really well positioned because they have a really great learning, a really great team who collectively four or five of them.

Interviewed 6 (42:18) It is called Later Life Mediation, who provide the mediation and sensitive training in Ireland. And all of the training in Ireland is under the standards of the Elder Mediation International Network. So you actually have a team later, like mediation that most cities and countries do not have. And that is a really good news story. Anyway, we can talk about that later. And then how effective has been resolving to identify the obstacles. There are eleven open ended questions. Okay. So you may decide to stop taking the right request for Charles. You have the right to refuse or answer. If you have any questions, the name. And anytime I tell you, you can quote me, then I want you to quote me. Yeah, but my biggest recommendation at this point in time is to go back to your advisor and at least broaden it up to Ireland or the United Kingdom. But Ireland. No, definitely Ireland, because not going to work. The fact is, because this is such a preliminary paper that there is a lot of things you can bring into it to really make it robust, because we have the safe building vulnerable adults. Maggs Boucher, I highly recommend you talk to Margaret Boucher.

Interviewed 6 (44:24) You have her name. You are meeting her next week. She was part of the group who developed Safeguarding Vulnerable Adults document I mentioned for you to read. And we have our code of ethics. So you have some really strong resources that you can refer to.

Interviewer (44:49) Yes.

Interviewed 6 (44:50) And then we can talk again in a few weeks or whenever. When do you have to have this finished?

Interviewer (44:56)Very quick. I have to take it the ready 20. May when? May 20.

Interviewed 6 (45:06)Okay. May 20. So then what will happen is, as you go along, I'll cheque in with you again. We can cheque in a few more times, and I certainly will help wherever I can. I really respect the work you are doing, and I think it is important work, and I certainly would be will help you.

Interviewer (45:34)Thank you.

Interviewed 6 (45:36)Yeah, you are very welcome. And you are well positioned to start learning about mediation yourself. The fact that you have an interest in it is very meaningful. And I think this paper can put you on the map with regard to that. I think we'd have an interest in inviting you to a summit. A World summit going forward at some point. So I'm chair of summits of the World Summits. I chair of ten World Summits. Yeah.

Interviewer (46:18)I am very motivated to work in this island. Continuous work for LG other people.

Interviewed 6 (46:28)You are well positioned. And the more you get the English language, you are getting that really well. But you also have the whole Chile area, the group in Chile, I mean, you could leave countries or nothing. I'm doing training all over the place in Australia, because we have Zone and because there was not a group in Australia. They had a very large relationships. Australia a very large organisation, and they wanted to make sure their Elder mediators were certified. And so you are in a situation that going forward once you get this part done. We even have teachable online. It is too bad that you are not in a situation. I'm doing a practical I'm doing a practical 20 hours course for people starting in early April. And for you it would be in the night. Late in the night. I think it would be three and a half hours later. Yeah, it'll be eleven or 12:00 in the night for you and it is two and a half hours each time. But it shows the roleplays. It shows exactly what we do. And there is only two nights to week, Monday and Wednesday night. And it is being done through Family Mediation Canada.

Interviewed 6 (47:58)But it is being done. Family Mediation Canada asked me to do it because they have a teachable platform and so you have to pay for it through Family Mediation Canada. But it is a 20 hours open your eyes like nothing else would. And as time goes on, there is more courses becoming available. So we're going to see more people are going to get sensitised, but we'll chat about that another time.

Interviewer (48:28)I am interested. I want to finish the master first when I teach it.

Interviewed 6 (48:35) Absolutely.

Interviewer (48:36) I have to organise a little bit my life here because I want to stay here. I would like to live here all the rest of my life. I love island, but I have to organise a little bit and I asked that. I want to continue preparing in this area because I like to study shoes.

Interviewed 6 (48:59) Yeah, that is great. That is great. And what you want to do is you start with the basic stuff and we'll talk about that as time goes on. Right now, you get back to doing that.

Interviewer (49:12) Judy, the last favour is only if you can refer someone. Please. I will appreciate if you can refer someone because it has been difficult to find people.

Interviewed 6 (49:31) I would definitely have referred. Meg and I will refer I have a couple of others in mind, but the next time we chat, I'll refer a couple of people. Maybe next time we chat and I get a sense you are sending me the breakdown of the elder abuse, the seven ones that you are using. So you send me anything so I can read and I get more familiar with what you are doing. So then, if I'm asking someone to be an interview, I know what I'm saying.

Interviewer (50:08) Okay.

Interviewed 6 (50:11)

Have a lovely day.

Interviewer (50:12)

Thank you very much and I'll see you soon.

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