

## Interview with Catherine Vander Zande

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Catherine Vander Zande is a social worker with experience in welfare work and victim care. She is also member of the Steering Committee of Moderator vzw<sup>2</sup> and is also an accredited mediator<sup>3</sup>. Her professional experience as social worker and mediator combined with her academic experience as lecturer in social work Bachelor Degree will give us a wide perspective of the link between mediation and social work.

**Dear Catherine, thank you so much for this opportunity and for sharing with us your thoughts about the link between mediation and Social Work. Could you please introduce your-self in order to have some background about your expertise as a mediator and as a social worker?**

My name is Catherine Vander Zande, I am from Antwerp in Belgium, I am involved in the Artesis Plantijn University College and also the University of Antwerp. I give courses on family and on social mediation. I have done some mediation practice on my own, but what I learn most of all is from the course I give to the students which is very much into practice and networking between a lot of organizations working on some specific themes such as intercultural mediation, victim/offender mediation, school mediation, etc. I try to show what mediation is all about and improve to bring these different practices into the class room but also ask the students to get in touch with this field word.

**The first thing I would like to think about is, in your opinion, what is mediation? Do you consider that it is a new profession or it is just a tool for social workers?**

I think that...it is a very complex thing. The more I learn about it, the more I work with it, the more I think about it... It is difficult to answer the question in a way, because you have the both sides; you have the tool and the profession. Let's start with the tool, it is a methodology, a very good methodology to use in daily practice of social work. This methodology can within social work be used in many, many cases. Therefore, it is interesting to introduce mediation as a basic tool for students. As a profession, I think is a bit more complicated to answer that question because, first, what is a profession? Should be clear on, and that is very difficult. Identity, is there an identity for mediation profession? no, there is not yet, and I don't know if it there will ever come an identity on that. There is a difference between the concept as a professional identity and the practice when you work as a mediator and that's your job. So, if you ask, profession as yes or no, I would say yes in relation to many mediation practices, but mediation as a clear framed identity concept I would say no. Why the profession? In Belgium we have a lot of people working as mediators full time. For example, we have some organizations, like CAW<sup>4</sup>, that is a big organization in Antwerp and they have professionals as mediators and it is for free. People can consult them for family and parental ship mediation. Another example is

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<sup>2</sup> Non-profit organisation for victim offender mediation for adults <http://moderator.be/>

<sup>3</sup> Accredited mediator gets every two years a recognition to work as a mediator. This accreditation is organised with the Federal Mediationcommission: [www.federalebemiddelingscommissie.be](http://www.federalebemiddelingscommissie.be)

<sup>4</sup> Centre for General Social Work.

victim/offender mediation. There is a wonderful concept in Belgium on alternative dispute resolution, parallel to the ordinary judicial trial, Moderator vzw, an independent non-profit organisation which offers the possibility to mediate between offender and victim. This is not compulsory, it is costless and the mediator helps to build a communication bridge (most of the times indirectly) between the victim and offender. It is the prosecution institution who sends the letter to both parties with the free possibility to contact a Moderator. Some years ago, I did a small research on the communication way the invited victims and offenders experienced receiving this letter and if this was a good way to inform them about the possibility of mediation through Moderator vzw. It was concluded that many people misunderstood the intention of the letter and even felt some panic opening the envelop. Most of this reflections were taken in account and the letter improved (clear words, easy language, good introduction, etc.). These are only two examples of mediation practices, but there are many more.

**Do you think there is any profession which is specially trained to be a mediator? And do you think there is any profession which shouldn't be allowed to intervene as mediator?**

Also that is a very difficult question and also can go back to Belgium to answer this. But let's first start with the basic, is anyone allowed to become a mediator? Do you need some skills; do you need some knowledge to become a mediator? This is also a very difficult question, imagine I am an engineer scientifically well trained and I want to become a family mediator? Is that possible? You could say why not? It depends on the person, it depends on the mind et, it depends on the willing to go for it, it depends on the competences, on the attitude it depends on so many things. Can you say some professions are more prepared to do this? Yes, I think so, there are some, but can you say some people should be excluded from that, I think this is very difficult. I would rather say no. In Belgium we do not include engineers, we don't, and there are other professions that should have a pre education like social workers, lawyers, psychologists, pedagogues, and maybe some more.

**You mean disciplines that are more related to humanistic?**

Right, professions more stimulated to do it. We have a commission in Belgium, the federal mediation commission (FMF), and they decide and stipulate the criteria for receiving the official title or accreditation for family, social, civil and/or trading mediator. Who can get this recognition and who does not? First you have to follow different courses on one or more of these subjects. The entry requirements to this education are quite high, you need to have specific bachelor or master degrees, etc. Engineers for example are not on the list. You can always ask for an exception to get in. If you succeed, you can apply within this federal commission for a two-year long mediator recognition. So, you get every two years the possibility, to apply or renew your official mediator title. During this two year you are obliged to follow some courses and trainings. There are many centres (schools, universities, training centres) offering such programs. You see everything became very controlled and this federal mediation commission is getting year after year stricter and stricter.

**Do you think social workers are specially trained for mediation?**

It is difficult to generalise this, but in our University college they are well trained for mediation. Social work students nowadays should be very good in it. At least in the methodological part of mediation. In a black-white thinking you have two big challenges within mediation: first you have the methodology and secondly you have the judicial part and codes/agreements to be made. This last part asks a lot of knowledge on law, housing, business, agreements for children, parental responsibilities, income and fiscal rights. Social workers can be basically trained in this, but in the beginning of their jobs, they will never be so skilled as lawyers or attorneys are. This does not mean that a social worker, pedagogue, psychologist cannot train this legal knowledge. In practice you see here and there networking between more humanistic sciences educated mediators and legal educated mediators. They help each other. I think the methodological part is very interesting for social workers, is their speciality, they are good communicators, they know

how to work with conflicts and to help people to assume new responsibilities. You also have layers who are good mediators on both sides the human and the legal. But the danger is that the whole idea and concept of mediation will be taken over by lawyers and that there will be little space for the existential part of the conflicts and that the ADR<sup>5</sup> model will lose its impact and power. If you look at Belgium, you see that most of the mediators are lawyers who followed the family, social, civil and trading courses. They are lawyer and official mediators. They are well organised and good lobbyists. They managed to introduce a new law named: ‘collaborative negotiation procedure’. This creates the possibility for lawyers - with such a title and education- to solve a dispute within any part of a judicial procedure, when the judge orders so. So they are getting stronger and more powerful when it becomes to mediation subjects and are still doing the same as before but under the sky of mediation or collaborative negotiation.

### **Is it regulated?**

It is regulated since 12 July 2018. This law also changed a lot for the social workers, psychologists, pedagogues, it is even more difficult to get an accreditation. Apart from that there is a big field of other mediation practices which can be learned in the field itself such as school mediation, offender/victim mediation. The initial idea of giving professions with humanistic background the possibility to get the official title of federal mediator is partly put under pressure through the lawyers. A lot of them also followed the mediator courses and got a recognition. Furthermore, there is a new regulation in which lawyers before the case starts in court, first they now need to try to find out if there is a ‘out-of-court’ solution possible for the conflict with their clients.

This kind of changing laws and regulations makes it more difficult for social workers and other human educated practitioners to become federal or accredited mediators. Moreover, I am concerned that the methodology of conflict regulation and ADR mediation will lose ends because, to give one example, many law-

yers are not basic trained in this and there is a chance that they will decide on solutions instead of their clients.

### **So it is going again a negotiation from a legal perspective?**

This is what is happening. But of course that is within family, social, civil and commercial mediation.

### **What are the ones for social workers?**

In Belgium you have the CAW, Moderator vzw, HCA<sup>6</sup> services for youngsters who committed a crime, health mediation in hospitals, family board mediation in psychiatric institutions, neighbourhood mediation, intercultural mediation in hospitals and cities, ... And of course there is with a lot of training and screening still the possibility to get an accreditation within the federal mediation commission.

### **Is it community mediation?**

It is a kind of community mediation but we have much more. We also have the neighbourhood mediation; it is organized though the city council in Antwerp for example. They have neighbourhood mediators and they are doing a great job. We have the moderator mediators they are doing victim/offender mediation and this is still in social work or related to social work, so we still have something going on and the strong thing of this is that it is for free, people do not pay for it. But the whole other thing, they pay for that and quite a lot.

### **And they use it? Even if they have to pay?**

Yes, but a lot of mediators with a human background education, working on their own, having their own business have no work or little work. Most of them combine it with another job in the social sector. I have a colleague, she cannot live only as a mediator, she is a social worker with all the mediation skills and feder-

<sup>5</sup> Alternative Dispute Resolution

<sup>6</sup> HCA: diensten voor herstelgerichte en constructieve afhandeling. Services for restorative and constructive settlement. *Non-profit organisations for e.g. Family group conferences and restoration for minors*

al recognition, but she cannot live of that only. It would be nice to work together, lawyers and methodological well-trained mediators. She (my colleague) is checking her agreement made with the clients which want to divorce with a lawyer so that she is certain everything is correct.

### **Why do you think people is not demanding mediation?**

Marta, this is something we have been thinking about in the steering group in the victim/offender mediation. Even if there is an offer for prosecution, why they don't use it? I think there are many reasons for it. Of course, it is a change in concepts in your mind. We are used to traditional conflict resolution through justice, it is a big thing and it has been there for many, hundreds of years, even thousands of years. In some small communities like in Canada and New Zealand, you have small native conflict regulation programmes for conflict regulation and solving within the communities. We are not grown up with it, we only know that if we have a conflict and you can't get out of it then you go to the police or the court. That is a mind shift and how do you introduce a mind shift in a very big group of people in a Country? So you have to start with conflict and emotional education in schools: talk about the conflict when it turns up (what is it, where did it start, why did it start, who is involved, what does everyone feel about it, ...) and then see if you can find solutions with the involved parties. Also on the job floor conflicts should be wrapped around because there is so much to learn from it and it prevents people from gossip and all kind of problems. Once you create a positive culture towards conflicts, and of course also promote more the possibility of mediation, people will may be more use it.

**In Spain one of the strategies they are thinking is make a change in the law, to make mediation compulsory for some conflicts. Lawyers and experts think this can work, but it can also make mediation something different, because it is not voluntary. What do you think about it?**

Well, I have a friend, she is a judge in Norway, and there is a mediation room in every court there. Couples who wants to divorce are first

offered a training of six hours to learn about the possibilities of splitting up and to talk about the conflicts and emotions. voluntary? Yes, or no? Yes, but even there you can say is this a good idea? Isn't there too much pressure or is it just a common thing and you if you divorce you just go through it, and you don't feel so much like you must do it...it is also culture. How do you introduce that kind of culture, that it feels like a culture and it doesn't feels like punishment or 'you have to do it'? It is a very interesting philosophical, pedagogical question.

Back to the question, how to improve the knowledge and possibility of mediation? Well there is a lot of lack of information, so that is a good starting point to. TV spots, social media could offer good tools and info possibilities, ...

I see positive things happening, but we need to do more. Info is not enough, it is and info and education in schools, and posters, leaflets, ... The federal government can improve all this too, and social work education needs to inform and train the students as much as possible.

The "fittif program" in courts some years ago is also a good example. Long-term proceeding people were informed of the four possibilities to solve their long-lasting family conflict. Some courts are now offering this mediation trajet

### **They give you strategies?**

They give people strategies or information on the possibilities to solve their conflict (mostly a family/relation problem). It started as a research some years ago, and now trained mediators offer in some courts (not all of them) an information session for parents, etc, on the four possibilities to solve their conflict which are: 1. With a mediator, 2. By themselves with or without a lawyer, 3. In a family court room for a 'settlement by agreement' or 4. With a solicitor. So they offer a neutral possibility to learn or give people the knowledge on what kind of trajet and methodology they can choose to solve their problem. Where to go when they have a conflict. And they can say, we choose for the traditional way in court or something in between or out of court ADR. The nice thing is, that they have it in their own hands, it is not put on them from upwards, it

was given them as having the possibility to make a good decision on how we can go on with the conflict.

Going back to Spain, with the suggestion to do it for everybody the same if you want to go to court first this and then next. Well in Norway it seems like good working. Norway does it for a long time, Belgium is trying out many mediations for occasional dispute regulation through lawyers, I do not know how it works, it is quite a new law. But what I personally think is that mediation should always be freely decided by the involved parties. That is an ethical fundament in my view. If you take that away you take the basics of mediation away, because you push people to do things if they don't really want it and you force decision making, and mediation is first of all freely, you want to choose freely and if you don't want to choose, stop it or just don't do it.

**In some occasions, what the law is saying is that what is compulsory is just a pre-mediation interview, just to inform them, what it is.**

That is ok, it is good to inform people profoundly before they go to court. They get information because a lot of people are not informed at all about the possibility to go on with a mediation.

**How do we train social worker in conflict resolution? Do you think mediation should be part of the Bachelor Degree curriculum of social work?**

Well, as a mediator you know the answer, I would go for that proposal it, I would promote that idea. How to start with mediation within a social work curriculum? First of all, there is need of a vision on that. Furthermore, there should be a learning path spread over the education years. The first year they can start with let say some knowledge on conflicts, some technical things of it, like sticks of glass which are very interesting. They can reflect about it through the conflict theories, exercises in groups, role games, are also very interesting. Next years the practice can be introduced and students can get in touch with good practices contacting the mediators themselves or doing some research for them... At the end students

have tasted from different dishes what mediation is, the methodology (which is basically the same), the practices, their own way of tackling conflicts and roles, ... If they are also trained in conflict regulation, what kind of theories you have on conflicts then you can focus on mediation, on different models like the ones you offer in your international class, different topics on mediation and the practices of mediation, that is very amazing. We do it in Antwerp, we do it like "vama training", it is training in communication skills, many different concepts, and there is some training in conflicts, but they get it in the first and second year, and in the third year they really have a course in mediation, and I offer that course. In that course I especially invite some people from the practice on health mediation (elderly people with a wish to die in a specific way), conflicts in psychiatry or hospitals, family governance, victim/offender mediation. That is one part, the other part is that the students work in small groups with 6 students, max, they get a list of 12 subjects, they choose 3 of them and then I decide which topic they will take. Then they go into the practice, they look for information into the practice, they talk about what they teach about mediation and they produce something useful to give back to the mediators. ....

They learn from practice but they do something back. They ask what can we do for you. Some says, for example, well we want small introduction film for the youngster going to victim/offender mediation or we want something for school, like an instrument to talk about emotion, so they create that. Last year a group of students created a website for young people under eighteen years old with terminal cancer, they put all kind of information on it so you can prevent them from going into conflict.

Therefore, mediation in the social work degree?, yes, I should go for it if possible, if there is possibility. It depends on how you do it, how you organize it, it is a mixture of possibilities, you learn from falling down and getting up again. The evaluations from the Antwerp students are positive, they learn a lot from it. But it asks a good preparation and synergy with the working field. A problem is that you cannot ask the organizations, mediators, time after time their attention for the students, we have to take care. Each year I find out new topics and mediation practices.

**The Professional Association of Social Workers in Madrid published a very interesting book where there they distinguished between the traditional roll of social worker as mediator and the new concept of mediation as an alternative dispute resolution system. Do you distinguish this traditional way of thinking or intervening as social worker from this new concept of mediation as an Alternative Dispute resolution system? Or for you is more or less the same?**

I think there is a change in the way social workers intervene in the field. It is still important that they represent their clients and help them to fight for their rights. Human rights is still a basic issue for social work. This is what you could say, the traditional mediation role of social worker. It is one important role which never should for-

get or disappear. ADR is another role of a social worker and can be used in many situations. To make a link with the book social workers should be both and traditional mediators to gain human rights from institutions and ADR'ers to learn the basics of how to mediate with clients and their families, children, organisations, government, ... So they should be trained in both of them. A social worker has to choose time after time the best tool and most suitable conflict methodology within every single case. We train our students to become general social workers who are basic trained in mediation or ADR but in much more than that, it is a win-win situation and it helps them to become well qualified social workers.

**Thank you so much for your contribution and for this interesting interview.**