INDEPENDENT COLLEGE DUBLIN

MASTER OF ARTS IN DISPUTE RESOLUTION

CHALLENGES IN THE MANAGEMENT OF ELDER MEDIATION IN IRELAND:

MEDIATORS`PERSPECTIVES

BY

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Abstract

This study investigates the specific considerations associated with elderly conflicts. The research focuses on the challenges faced by mediators on the management of the Elder Mediation process in Ireland. The aim is to investigate conflicts involving the elderly and the challenges of their management, as well as the importance of elder mediators training in Ireland. The methodology used for this dissertation was mixed methods, quantitative and qualitative, addressing the epistemology philosophy with a focus on interpretivism and an inductive approach. The primary data was gathered through 31 online questionnaires, with close and open questions, with mediators who work with elder mediation in Ireland. The analysis relied on primary data collection to address the established areas of study after performing a literature review that analysed existing data contained in books, journal articles, case studies, and other reliable sources. The research has shown that ensuring the balance of power, promoting effective communication, and dealing with dependence issues are three of the biggest challenges faced by elder mediators. Considering the characteristics related to the ageing process such as the cognitive decline, as well as the specific characteristics of mediation with multiple parties, such as the cultural intergenerational, managing balance power and effective communication can be even more challenging. Therefore, it is recognised that specialised and continuous elder mediators training would be beneficial in supporting the mediation process and assisting in the main issues involving elder people.

Key Words: elderly, elderly issues, elder conflicts, mediators, elder mediation, Ireland

Introduction

Background and Context

Meditation has been practised from the earliest societies, in which a wise person acted as a mediator when a conflict scenario emerged. Mediation can be defined as an Alternative Dispute Resolution (ADR) employed to solve disputes in several fields, such as family, workplace, commercial, community, elder mediation, and others (Buzatu & Pipas,2014). Mediation is a voluntary process in which the mediator's role is to guide parties through the key principles of mediation to find solutions to the issues that have arisen.

While traditional conflict resolution focuses primarily on the legal elements of the dispute, mediation attempts to identify a solution, in accordance with the law, for all the parties involved in the conflict (Brăescu, 2010, cited by Buzatu and Pipas, 2014).

Elder mediation is a collaborative process in which a neutral mediator assists parties to dialogue about issues commonly associated with the ageing process, such as physical, cognitive, emotional, and social issues. Multiple parties, including elders, family members, friends, and carers, as well as doctors, health care professionals, nursing homes, and hospitals, are frequently involved in elder mediation (McCann-Beranger, 2010; Watson, 2016).

Elder mediation was developed in the USA, under the name adult guardianship mediation, in the early 1990s. In Ireland, a pilot project for elderly mediation was launched in June 2009. More recently, a growing number of countries, such as Canada, Australia, and Malta, have also elder mediation services as an alternative to Dispute Resolution (CCEL Report, 2012; McCann-Beranger, 2010).

In the context of elder mediation developing and expanding as an alternative dispute resolution method for this population, it is key to examine, identify, and analyse the specific challenges related to it and use this analysis to promote improved guidance for elder mediators.

This project led to a study on elder mediation and the challenges faced by mediators in the mediation

process. The project includes a literature review of elder mediation and a comprehensive questionnaire on the conflicts experienced by elder mediators and the challenges faced by them in older people's mediation in Ireland. The project also provides recommendations for a continuous and specific training programme for elder mediation. This project aims to identify the challenges faced by older people's mediators in Ireland.

Problem Statement

Elder mediation is a growing field in Ireland and worldwide. A mediator who acts in processes involving an elder person must be aware of the specificities of this type of mediation. Cognitive decline, physical, emotional, or financial dependency, and vulnerability are features of the ageing process that the mediator should be aware of. The communication and understanding capacity of the elder party must also be considered in this process in order to ensure complete participation. Another element to consider is the specific aspects of elder mediation, such as the presence of multiple parties in the process. This characteristic highlights the intergenerational cultural aspect of elder mediation as two or more generations are involved in the conflict.

To employ elder mediation most effectively, a mediator should comprehend its specific characteristics. In this context, investigating the main challenges in relation to this process, as well as the main issues involving the elderly, is crucial. Furthermore, recognizing the need for continued and specialized training in this field may promote benefits for elder mediators

Research Aim a**nd Objectives**

Based on the understanding of the importance of Elder Mediation as an Alternative of Dispute Resolution the aim of this study is to investigate the challenges faced by elder mediators in Ireland, the elderly situation, the main issues related to the elderly and the importance of specialized training in this type of mediation. The research focuses on the challenges faced by elder mediators on the

management of elder mediation in Ireland.

The objectives of the study are as follows:

- To identify what are the specific considerations associated with conflict resolution for the elderly population

- To identify what are the challenges related to an Elder Mediation Process

- To identify what is the current practice in relation to specialised training for elder mediators and to assess the effectiveness of this training

The first chapter will review the literature in terms of the elderly situation, the specific conflicts associated with the elderly population and the mediation process, as well as the current practice in relation to specialised training for elder mediators and the elder mediators' challenges. This chapter will define the elderly and identify the most common conflicts in relation to the elderly and it will also describe how elderly mediation is conducted in Ireland. This review also identifies the practice of elder mediation training in Ireland, and it will investigate elder mediators' challenges. In chapter two, the research methodology will outline the structure of the study and in chapter three; the primary data collected will be presented. The following chapter (Chapter four) will analyse the data using the data analysis method. It will be accompanied by a discussion in chapter five, followed by the conclusion.

Value of this Research

The analysis of the situations involving the elderly and the ageing process, as well as the identification of the main challenges faced by mediators in the mediation of the elderly may assist mediators seeking to improve their skills in this type of mediation, in addition to highlighting the importance of continuing and specialized training for this growing area of mediation. Addressing the unique needs of the elderly and the specific characteristics of this type of mediation means developing mechanisms to ensure the balance of power between the parties throughout the mediation process. A quantitative

and qualitative sample analysis is required to investigate the challenges faced by mediators in mediating older people in Ireland, based on the reports of professionals through their practical experience in this type of mediation. By analysing the specific characteristics of this type of mediation it may be possible to promote a re-evaluation of the fact that specialist training in mediating elder people is not compulsory for professionals wishing to work in this area.

Chapter 1 – Review of Literature

1.1 Introduction

The particularities of this field can be observed in the literature and in the practice of mediation. In this chapter the current scenario of older people in Ireland and considerations relating to ageing are presented. A review of issues related to the elderly, the challenges emerging from the mediation process and the practice of coaching older people are also presented in this chapter.

1.2 Elderly and the Ageing Process

Ageing can be defined as the process of growing older and occurs across the lifespan. Although there is no general agreement of what age a person becomes elder, the WHO states that most countries use 65 as the age of an 'elderly' or elder person (Smyth et al., 2019).

The concept of the elderly can be different for each person and each society. Different people and socioeconomic groups experience ageing completely differently from each other. A variety of factors are related to it. For example, turning 70 or 80 today is very different from what it was 50 years ago (Fahey, et al 2007).

1.3 Elderly Situation

Over the past decades, a higher life expectancy has been observed in the world population. The effects of globalization, urbanization, technological developments in the fields like transport, communication, and health, has been a direct and indirect impact on ageing worldwide. Even though longer life can bring positive opportunities, it also presents new challenges (WHO, 2020).

According to Tepe & Vanhuysse 2010, the ageing of the population reflects, largely, the increasing life expectancy of elderly people while most countries have seen their fertility rates fall to post-war levels. According to projections made by the World Health Organization, the global population aged 60 and over is expected to total 2 billion by 2050 (WHO, 2020).

The Irish population is experiencing a dramatic change from a homogenous and young population to an ageing and diverse one (Smytth, 2019). According to the last census in 2016, the number of people aged over 65 has risen by 19.1% in Ireland since 2011, indicating a change in the population as a result of people living longer. There has been an increase in both male and female populations, with an increase in males of 53,523 (22%), compared with females of 48,651 (16.7%) to 340,730 (Census 2016.).

Based on data collected from another research conducted between 2015 and 2019, the population of Irish seniors is increasing by around 20,000 every year and will increase by 111,200 by 2022. A similar pattern has been observed among the Irish 85+ population, with a 4% increase every year (Smytth, 2019).

The ageing process can be followed by good health and a supportive environment. However, it also can be associated with declines in physical and mental health capacity, in this way, the process of ageing for the people and society can present negative effects. The high prevalence of chronic diseases, physical and cognitive decline and growing social isolation are some of the results of that increase. Therefore, as the population age, quality care systems are required that meet the needs associated with these cohorts (Pinto et al., 2016).

Some elderly people struggle with social conflict throughout life concerning gender, socioeconomic status, race, ethnicity, culture, sexuality and other areas Alves, S., 2010. According to Martin 2015, a close association has been found linking social isolation, loneliness, and depression in elder people. The ageing of the population and increase in life expectancy have affected family structures due to the increased coexistence of the elderly within the family and in society as a whole (Alves, 2010).

1.4 Issues in relation to Elderly

1.4.1. Elderly as a vulnerable population

Vulnerability is a dynamic process and may be experienced by anyone (Havrilla, 2017). It may be defined as a state of dynamic openness and opportunity for individuals, groups, communities, or populations to respond to community and individual factors through the use of internal and external resources positively or negatively along a continuum of illness to health. Due to this view of vulnerability, a large number of people, including low-income children, the elderly, the homeless, those with human immunodeficiency virus (HIV), and those with other chronic health conditions, including severe mental illness, might be considered vulnerable (Vulnerable Populations: Who Are They? 2020).

 According to the circumstances and characteristics of individuals, vulnerability can manifest itself in different situations and to different levels, as such loss of physical or mental capacities or social challenges that lead to the exclusion of the elderly (Bozzaro et al., 2018).

The term "vulnerable adults" has been historically used in reference to people who are at risk of elder abuse. Some scholars have criticized this terminology since vulnerability covers a broader spectrum than adults who have been neglected or abused. Researchers point out that vulnerability is caused by social factors including isolation, lack of access to education, low mobility, poverty, etc. In light of this, it is important to emphasize that vulnerability is a dynamic concept, since social circumstances and people change over time (CCEL Report, 2012)

Understanding and identifying when one of the parties is considered vulnerable is essential in mediation. In such cases, the mediator must be aware that this person is possibly in a less powerful position than the alleged perpetrator (CCEL Report, 2012).

1.4.2. Social Exclusion

The analysis of the processes of social exclusion is occupying a growing space in the scientific field. The main objective is to investigate the populations living on the margins of society. Initially, this research was based on the economic and social pillars. However, recently the social issues related to older people have been included in these analyses, including the issues of social exclusion in old age and the definition of appropriate processes of care processes for older people (Theobald, 2005).

According to Blackman et al (2001), the ageing process encompasses biological, environmental, and social factors, therefore the definition of ageing is complex. The decline in physical capacity, the development of mental illnesses such as depression, the possible loss, to varying degrees, of affective relationships, and even economic issues such as budget constraints accompany the elderly throughout the ageing process. Overall, the dimensions of the ageing process affect, and are related to, the quality of life of the elderly in different ways.

According to Tesch-Römer et al (2003), economic situation, educational background and health status during the ageing process are largely related to the degree of autonomy of the elderly.

Based on some authors, a successful ageing process involves a set of physical/biological, social and economic factors. The ability to develop daily functions, maintain social integration (family, friends, neighbours), a good economic condition capable of helping in matters of food, health, housing etc. interfere directly in the quality of life of the elderly (Baltes&Mayer,1999; Scharf et al., 2001; George, 2001).

Social class, gender and family relations are some of the aspects that affect the degree of vulnerability of the elderly. International human rights regard all humans as equal in their right to justice, respect, and dignity (Resources, 2020).

According to Blackman et al. (2001), social exclusion occurs when older people are unable to control the resources needed to lead an independent life. Blackman et al (2001:162): "Social exclusion exists due to access to a resource - including both material and social resources - being impeded by

economic, political, and social barriers. The barriers are constructed by a mechanism of exclusion controlled by people with more power than those who are excluded. Exclusion for some is created by the actions, words and beliefs of others, and while economic power is a key factor, the exclusion is also created ideologically through the social construction of marginality and vulnerability, both in political and everyday discourses".

Therefore, the concept of social exclusion refers to structures and processes that deny resources to certain groups of older people, both from the societal point of view, in order to serve groups with greater power and personally, such as how older people feel and act (Theobald, 2005).

1.4.3 Other Issues Related to Ageing (anxiety, depression, loneliness)

According to Domènech-Abella, 2018, social networks, loneliness, anxiety disorder and depression are interrelated. It has been reported in this study that 30% of the elderly population in Ireland experience social isolation and it suggests that as a result, it can increase the risk of anxiety disorders and/or depression among the elderly.

Another study in Dublin's elderly population found that both loneliness and social relationships affect older people's mood and wellbeing (Golden et al., 2009).

1.5 Elderly Conflict

A conflict results from adversarial social behaviour, where more than one actor actively engages in the situation (Jeong. 2010). Conflict is omnipresent in every human society due to varying interests, goals, and values. The majority of conflicts occur within smaller social groups, such as families, clans, villages, or localities (Kariuki, 2015)

1.5.2 Conflict Resolution

In general, the search for conflict resolution centres around main topics: power imbalances, social relations and/or unfair economic relations. Transforming the nature of relationships through consensus on the balance of power relations, improvement of individual and group well-being, and building security in relationships (Furlong, 2005).

It is important to note that there are substantial differences between types of conflict. For example, considering a political conflict, it is important to analyse the differences between a conflict at a national and international level, conflicts in war situations and non-violent protests. In other words, each aspect of the conflict, macro and micro aspects must be considered when analysing a conflict situation (Furlong, 2005).

A key step toward resolving the conflict and possibly institutionalizing a new relationship between the parties is overcoming any misperceptions between them. The process of conflict resolution can reveal not only the divergent points of view of the parties involved but also the perception of a possible power relationship between the dominant and the dominated (Furlong, 2005).

1.6 Mediation

1.6.1 The Process of Mediation

Mediation is a form of Alternative Dispute Resolution in which parties are responsible for settling their own disputes, with the assistance of a third neutral party mediator. Mediation is a voluntary process; no party can be forced to participate in a mediation procedure. In Ireland, it is regulated by the mediation Act 2017 (Mediation Act 2017).

Through mediation, the parties involved in a conflict attempt to rebuild their social relationship, seeking to recover or build the ability for them to communicate effectively. In this process, mediators encourage disputing parties to seek their own resolutions. As a result, the value of the parties is

emphasized (Alves, 2010). Other several benefits and advantages can be observed from the Mediation process, including increases in party satisfaction, reduce length of time on the court and tribunal waiting lists, and reduced litigation-related costs (Carroll & Smith, 2010). In this regard, it is worth noting the complexity of the dispute will determine how long it takes (Mediators' Institute of Ireland, 2021).

One of the main differences between mediation and other types of dispute resolution is the focus on people and relationships, aimed to facilitate effective communication between the parties while repairing damaged relationships. Other processes, on the other hand, often emphasize evidence, facts, and rights. Moreover, in a mediation process, decision-making occurs in a consensual manner between the parties involved, unlike what occurs in other dispute processes, where the outcome is determined by a third party who is not involved in the dispute, such as a judge or an arbitrator (Carrol & Smith, 2010).

1.6.2 Elder Mediation

The Elder Mediation International Network (2021) describes, in the most basic sense, Elder Mediation as "a process in which a professionally trained elder mediator utilizes a "mediation process model" to address issues and concerns involving an older adult". It is based on a personal approach, recognizing the narratives, values, strengths, and weaknesses of each party, considering ageing as a continuous process of growth and change (Elder Mediation International Network 2021).

Elder mediation was developed in the USA, under the name adult guardianship mediation, in the early 1990s. More recently, a growing number of countries, such as Canada, Australia, and Ireland, have also introduced elder mediation services as an alternative to Dispute Resolution (CCEL Report, 2012). In Ireland, a pilot project for elderly mediation was launched in June 2009 by Áine Brady, Minister of State, with the collaboration of the Alzheimer Society of Ireland and the Northside

Community Law Foundation (McCann-Beranger, 2010).

There may be differences among the models used in these countries in terms of characteristics of the programmes, such as the type of participation in the programme (voluntary or compulsory), the administrative structure, and policies and processes (CCEL Report, 2012).

The Mediators' Institute of Ireland defines Elderly Mediation as a growing area that does not require a full-blown dispute to have started to be used, instead, this kind of mediation aims to do an intervention to avoid future conflicts promoting effective communication and more involvement between family's members (Mediators' Institute of Ireland, 2021).

1.6.3 The Process of Elder Mediation

The elderly Mediation Process follows the steps of a Mediation process, involving multiple parties that are conducted in private sessions and group meetings led by a mediator who monitors and manages the process, assuring that the following key principles are upheld: confidentiality, voluntary participation, mediator neutrality. impartiality, informed consent, and self-determination. (Larsen & Thorpe, 2006).

Mediation sessions may be attended by solicitors or other advisors if required. As part of the mediation process, any agreement reached will be recorded and signed, and any additional steps necessary to make the agreement legally enforceable will be discussed (Mediators' Institute of Ireland, 2021).

Elderly Mediation poses the challenge of balancing the principles of the mediation process with the internal complexity of elder decisions (Larsen & Thorpe, 2006). The National Alternative Dispute Resolution Advisory Council identifies neutrality as being concerned with questions of interest, while impartiality is concerned with behaviour. In other words, a mediator's neutrality refers to the information they have or the influence they have over the outcome of disputes, while their impartiality

relates to the way they conduct the process and interact with the parties (Shyam, 2006).

Elder Mediation can be applied through a collaborative process with key personnel such as hospital staff, nursing home or care representatives (Mediators' Institute of Ireland, 2021). The main point of mediation in this field is assisting people in dealing with difficult areas, empowering the elderly party, facilitating dialogue about desires and perspectives about the future.

Some issues related to Elder Mediation include lack of family communication, care, housing arrangements, inheritance, property disputes, guardianship, medical care, financial planning and management, end of life decisions and elder abuse. The goal of this type of Mediation is to facilitate an unbiased and fair process to guide the elderly and their families and other relevant parties to have important conversations and make decision that reflects the needs of all. It is essential to maintain the dignity and self-determination of the elderly and all other parties during the whole process (Martin, 2015). The focus is on debating new creative solutions to balance losses and risks (Larsen and Thorpe, 2006). Just as in other types of mediation, participants are responsible for making the decisions and reaching an agreement on their own (Martin, 2015).

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1.6.4 Elder Mediation issues

Mediation processes are rarely dealing with just one issue. In the Elder mediation, this is particularly evident since the primary issue is inevitably interwoven with other aspects of the elder's life. The most common issues involving the elderly, according to the literature, include, but are not limited to:

Lack of Communication – One of the most common issues related to Elderly Mediation is lack of communication. Typically, decisions related to the Elderly involve more than one party: individuals, families, professionals, etc. They often find it difficult to communicate with each other about key questions to identify, plan for, and act upon (Larsen &Thorpe, 2006).

Mediators must facilitate and guide the discussions between all the parties, summarizing what the parties are saying to assist them in understanding each other. This professional also makes a question to clarify in a non-judgmental way, identifying the interests which could be hidden in parties' positions (Larsen & Thorpe, 2006). Moreover, a wide variety of problems can arise because of it, as such, poor relationships, inadequate planning, and disagreements on future plans. Delaying too long can also result in crisis mode decision-making (Larsen & Thorpe, 2006).

Care and/or Housing Arrangements - Assisted living and nursing homes can be considered stigmatizing, along with the guilt associated with moving a parent away from their primary residence (Larsen & Thorpe, 2006).

Inheritance Disputes - Conflicts over inheritance are also frequent issues in elder mediation. These disputes range from assets of affective value, such as personal items, to private property, such as holiday houses and sums of money (Larsen &Thorpe, 2006).

Elder abuse - There are limited and unclear guidelines in the literature on how to assist the elderly at risk of abuse or who have been abused. Disputes which involve abuse of the elderly are particularly challenging due to present a series of complex ethical and dynamic questions. Moreover, these processes often involve multiple parties: the elderly, the abuser, the health professional, the service provided, and the institution involved (O'Donnell et al., 2012).

In order to manage cases of elder abuse, several factors may be considered: the nature of the abuse, local and national levels and organizational structures skills, experience, and interests of individual practitioners (O'Donnell et al., 2012). Mediation may be appropriate depending on the type and level of abuse (CCEL Report, 2012).

It is also worth noting that identifying elder abuse can be challenging in many cases. According to a

survey conducted in Ireland in 2012, financial abuse followed by neglect and psychological abuse were the most frequent type of direct abuse identified (O'Donnell et al., 2012).

1.7 Elder Mediators Challenges

Elder Mediation is a complex field, and the mediators face a large number of particular challenges, therefore there are several points to keep in mind (Martin, 2015).

Multiple Parties

The elder mediation process very often involves multiple parties. In this context, one of the first challenges faced by elderly mediators can be identified as the definition of the parties in the mediation.

A consistent number of experts consider that participation in elder mediation should be as inclusive as possible, provided that the roles of all participants are identified, and they have an interest in the case or information that adds value to the mediation (CCEL Report, 2012). On the other hand, it is also a challenge to deal with a large number of parties, who may include the elderly, family members, friends, and any other significant people or services involved in the situation, as such caregivers, hospitals, nursing home and community services staff. Thus, new strategies are necessary to deal with many parties so as not to leave the mediation process confused (Martin, 2015).

Elderly Disabilities

EM also requires the mediator to be more aware of simple details. As in this type of process, one of the parties is elderly; meetings might be in the elder's house/living space. When one of the parties has a physical disability, it must be accommodated within the mediation process in order to respect that party has the right to full participation. As well as non-physical aspects such as intellectual disability,

mental condition or diseases (Condell 2015). Besides that, keeping meetings shorter or scheduled at a particular time of day must be considered (Larsen & Thorpe, 2006).

Ethical Issues

It is important to note that several ethical issues may arise in Elder Mediation more often than in other types of mediation. In instances where one of the parties is perceived as vulnerable and may be exposed to abuse or discrimination, it can be challenging for the mediator to be aware of these situations without becoming biased in the process. To develop an effective strategy to address these issues, mediators should have a deep understanding of the topics above and do self-determination to reflect if they are able or not to manage the process (CCEL Report, 2012).

Cognitive Impairment

The assessment of the cognitive capacity of the elderly to make decisions and participate in the mediation process was one of the challenges of the process highlighted by mediators in a survey conducted in Australia. Often it is the family who questions whether the elder has sufficient cognitive capacity to participate in the process. This assessment is so delicate that a family doctor or geriatrician may be asked to carry out this assessment. While many reported not having the necessary expertise to assess cognitive impairment or decision-making capacity, the challenge is even greater as capacity assessment is not a one-off process, and therefore needs to be re-evaluated throughout the process. It is also worth noting that sensory and mobility impairments were also highlighted as challenges in relation to access to mediation for older people (Herro et al., 2020).

Power Balance

The term 'power' can be defined as 'the ability to influence in a particular desired way', or 'the ability to produce the desired result' or 'the ability to effect a change in the desired way in the relationship'

etc (Collins Cobuild Advanced Dictionary,2010, cited by Qtaishat, 2018; p.77). Based on these definitions, Qtaishat (2018; p.77) describes power imbalance as "a skewed or unequal distribution of such abilities in persons".

It is essential for mediators need to be constantly aware of power imbalances among the parties in order to ensure that the perspective of the elderly is represented in the mediation. This is especially crucial in the elder mediation process and guardianships where the elderly have cognitive challenges (CCEL Report, 2012).

Additionally, it is a challenge to balance the tension between dependence and independence on different levels such as physical, cognitive, social, domestic, and financial. The mediator must recognize and respects the impact of the all issues raised (Larsen & Thorpe, 2006).

Mediators should also be sensitive to how culture and diversity of values may influence the expectations of the parties and the dynamics between them in the elder mediation process (CCEL Report, 2012).

In a study conducted with elder mediators in Canada, it was found that there is a need for a solid understanding of guardianship law, as well as training of capacity, power imbalance, abuse and neglect in relation to the elderly. The same research indicated that there was general agreement among mediators on the need to recognize their limitations in particular areas, along with the need to refer issues to professionals outside mediation, including independent legal advice (CCEL Report, 2012).

A study conducted in Australia investigated the strategies of mediators in a mediation process with older adults to identify and respond to power imbalances between the parties involved in the process, especially when the older person was dependent on the other party. Among the strategies reported by these mediators are the assessment of the intentions of the other parties during pre-mediation and mediation, highlighting the importance of the pre-mediation stage and the private meeting with the elderly person, with the aim of ensuring that the elderly person had a voice and was heard. Another point highlighted by some mediators is in relation to body language and for this reason, the advantage

of face-to-face mediation compared to mediation over the telephone (Herro et al., 2021).

1.8 The current practice in relation to specialised training for elder mediators

1.8.1. Mediation Training

Based on particular needs and nature of the dispute, selecting a properly trained and accredited mediator is essential (Mediators' Institute of Ireland, 2021). The ability to manage and resolve conflicts is one of the crucial points for the mediators' performance and suggests the need for attention and investment in training for effective development and greater productivity (Alves, 2010).

Meditation has been practised by humanity to resolve disputes for thousands of years, assisting initially religious and community leaders, managers, and solicitors. Despite this, there is no global agreement on the development of highly recognized qualifications, professional experience, and practical standards to guide mediators. As a result, each country can establish internal requirements regarding the practice and the professional qualifications for potential mediators through legislation. International Mediation Institute emphasizes that in their effort to achieve a patronised mediation standard, they already have over 550 international certified mediators working across 45 countries.

There is no specific educational requirement or professional experience to attend mediation training in Canada, Germany, the United Kingdom, Australia, or Ireland. In contrast, potential mediators must have some previous qualifications to become accredited practitioners In Malta and the United States. (Malta Mediation Centre, 2021)

Jointly, the Council of Europe and the International Mediation Institute have published guidelines on arranging and monitoring mediation training programs. According to it, no previous qualifications or experience in the subject area is required for those seeking employment as mediators before they complete the introductory mediation course (The Council of Europe, 2019). In other words, these legislations act as a guideline for the members of the European Union, not a requirement that those

countries let their accreditation requirements be opened. Individual European countries are free to restrict the requirements for mediators in their countries.

In Ireland, the Government adopted the open approach of the Council of Europe Mediation legislation and the Medication Act 2017. These legislations do not demand special experience or background for professionals to acquire mediation training.

Although mediators having expertise in certain fields like law or mental health may be better suited to handle some sensitive or difficult situations, it is vital to be aware that their educational background and prior professional experience may affect their conflicts' perspective and actions, which will create bias during the process. (Alexander, 2008)

Curray (2004) points out that when mediators are involved in activities within area of expertise, professional experience or educational degree, they may tend to apply an evaluative perspective and have unconscious biases. Conversely, professionals who do not possess this level of knowledge would likely use facilitative methods to support all parties.

The Accredited or Initial Mediation Training is the first certification for beginning meditators. Since requirements for prior qualifications and backgrounds can vary according to each country or state, the content and time frame can also differ from each certification and accredited mediation training during the course. On the other hand, there is a common point in relation to this training, which is the administration of a mixed training that involves theory and practice.

The European Union by the European Parliament and the Council of Europe does not define the responsibility for administrating and delivering the training to Europeans. Instead of this, each country has the autonomy to assume this responsibility for itself or to appoint an organization to fulfil this function.

Nevertheless, the Government of Ireland did not specify in the Mediation Act 2017 nor any other legislation, which national institution shall be responsible for maintaining and delivering the mediator's training. Therefore, it is worth noting that The Institute of Mediators of Ireland evaluates

the Irish professional high standards for mediator`s training programmes certified but it is not responsible for administering or delivering the training (Mediators' Institute of Ireland, 2021).

In Ireland, Mediators who are accredited must adhere to the MII`s Code of Ethics and Practice, as well as possess an annual Certificate of Practice to demonstrate their accreditation status. The training certificate can be used for three years, after this period, mediators are required to take another assessment for membership (Mediators' Institute of Ireland, 2021).

Furthermore, as regards training and certification in Ireland, it is worth noting there is only one mandatory additional training, which is for those wishing to be certified to mediate with Separating Couples. For the others specialities, there is no required additional training (Mediators' Institute of Ireland, 2021).

1.8.2. Elder Mediation Training

Research points to benefits in undertaking periodic training to develop and practice skills related to working with the elderly. Seeking information about ageing, individual differences in the rate of ageing and possible disabilities that are more prevalent among elder people may provide awareness and sensitivity to the mediator. As a result, this professional avoids assumptions about any specific circumstance involving the elderly who is in a mediation process. Training also enables the professional to recognize ethical issues that can be present at any stage of the process, from de starter to closure. (Resources, 2020).

In addition, elder mediation training can provide valuable information on how to accommodate age-related changes associated with ageing in order to promote effective participation of the elderly and all other parties in the mediation (ACR, 2020).

In Ireland, for those accredited mediators who would like to work in Elder Mediation Training, there is no mandatory specific elder mediator training besides the accredited mediation training and the

Ethical and Practice training (Mediators' Institute of Ireland, 2021).

Aware of the growing interest and demand for Elderly Mediation, and in order to support mediators who are interested in practicing this field, including those who wish to obtain international accreditation, The Mediators` Institute of Ireland offers some training for Elderly Mediators (Mediators' Institute of Ireland, 2021).

In Canada, there is a number of organizations working on training opportunities, certification, and standards for elder mediation. The national organization Elder Mediation Canada ("EMC") has pioneered elder mediation training and developed a process for certification and listing elder mediators. Another example is The Elder Mediation Training Program (EMTP), which is a program offered by Marathon Mediation Ontario for mediators and other professionals interested in specializing in elder mediation or providing elder mediation services (CCEL Report, 2012).

Mediators who have completed a program training requirement for certification (outlined in their application) and agree to adhere to EMC's Code of Professional Conduct can apply for certification as an EMC Certified Elder Mediator (CCEL Report, 2012).

In the United States, a mediation training program for elders and guardians has existed for several years. There are a variety of training courses and programs being offered by organizations and there is a general consensus regarding the topics that should be included in elder mediation training, as Senior Mediation and Decision-Making, Elder Decisions, Zena Zumeta Mediation Services, and U.S. Association for Conflict Resolution Training Standards and Objectives (CCEL Report, 2012).

In Australia, the Elder Mediation Australian Network (EMAN) was established as a framework for developing high standards for elder mediators. Among other activities, EMAN sets the requirements for continuing professional development and forms the code of ethics for these mediators. (Elder Mediation International Network, 2020)

1.8.3 Importance of self-assessment of Elder Mediators

In order to be aware of any unconscious bias, the mediator must do a self-assessment before each elder mediation process. It is an important first step to ensure that the mediator is more or less impartial to any participant in mediation and also assist the professional's decision to accept or decline a specific case (Condell 2015).

The self-assessment tool enables the user to reflect on how they manage the process, their analytical and empathic skills, and the ability to build agreements. In line with the author's view, this self-reflection enables mediators to examine their performance and improve the quality of their mediation services (Bronson, 2010).

Developing self-reflection is paramount for professionals to develop skills that are consistent and strong in any setting within which perceptions, biases, or beliefs can be reflected, along with assisting them in making decisions on whether or not to accept or decline a specific case (ACR, 2020).

1.8.4. Importance of Continuous and Specialized Training to Elder Mediators

Continuing and Specialized Training ensures that Mediators keep their skills and knowledge current for the benefit of their clients, their own personal and professional development, and also as enabling them to provide a high standard of service (Mediators' Institute of Ireland, 2021).

Although there are professional associations with specialized training and accreditation in elderly mediation in Europe and The United States, it is not easy to determine the number of ADR practitioners who consider themselves a specialist in this area (Barry, 2013).

Based on the results of the Canadian Report, there appears to be a strong consensus that specialized training for mediators specialising in elder mediation and guardianship should be required (CCEL Report, 2012).

In the US has been established that mediators possess special training that allows them to mediate

elder disputes. Compared to the US, the practice of elder mediation in Canada has lagged behind, both in relation to the growth of elder mediation as a distinct area of practice, as well as in the development of training and certification standards (CCEL Report, 2012).

A study carried out in Australia with mediators pointed out that Elderly Mediation training was deemed essential to assess the situation and provide suitable accommodations (Herro et al., 2020).

Summary of the literature

Although there is information on the Elder Mediation process, the vulnerability of the elderly and their situation, there is not enough research about the challenges faced by elder mediators, and which specialized training could improve their activities in an EM process in Ireland.

Mediation in Ireland is governed by a basic mandatory training qualification. Hence, it is essential for mediators to seek different methods in order to develop the competence needed to become skilled mediators in this specialized field.

Chapter 2: Research Methodology

2.1 Introduction

According to Saunders et al. research is "the systematic collection of information with a clear purpose" (Saunders et al, 2007: 610) while methodology "is the theory of how research should be undertaken" (Saunders et al, 2007: 602). In this sense, a clearly defined and appropriate research methodology should lead to a trustworthy outcome.

The term "Research Methodology" describes the principles and methods relating to logical thought processes applied in a scientific study (Fellows & Liu, 1997) . In other words, it refers to the stage of research where it is designed and how the study will be conducted to achieve the goals and objectives established (Sutrisna, 2009).

The Research Method can be defined as the tools employed to accomplish the research (Sutrisna, 2009). This term refers to the techniques or procedures that are used to collect and analyse data based on research questions or hypotheses and different tools can be applied to attain the aim and objectives of the study, such as sampling measurement and scaling, questionnaire, observation, interview, focus group, case study, life history, narrative, visual ethnographic methods, statistical analysis, data reduction, theme identification, comparative analysis, cognitive mapping, interpretive methods, document analysis, content analysis, conversation analysis, etc (Al-Ababneh, 2020).

Therefore, since an accurate and practical study requires guidelines that outline the steps, a research methodology presents and justifies a logic for choosing methods to use and specifying how the methods should be implemented (Al-Ababneh, 2020).

The methodology of this study is conducted according to The Research Onion Method developed by (Saunders et al, 2007), the details of which is presented in this chapter, describing the research method selected, including procedures, approaches, choices, strategies, appropriate analysis methods, ethical concerns, and limitations. The aim of this study is to focus on the answers to the research question,

to concentrate on identifying what are the challenges faced by elder mediators on the management of Elder Mediation in Ireland.

2.2 Philosophies

Philosophy is fundamental to any type of research as a tool to design how a project will be conducted. It includes key assumptions about which research designs are likely to succeed, as well as identify and even create new designs you may not have considered before (Roche, 2003).

Research methodology can be led by the two most prevalently branches of philosophy: Ontology and Epistemology which have key differences among them and therefore have implications on how a researcher conducts the study (Bahari, 2010).

Ontology studies aim to examine the reality that can be viewed as a single truth or reality or multiple realities which can be negotiated, while epistemology studies deal with the knowledge observed by individuals, from the individual perspective (Roche 2003).

The term "Ontology" was presented in the works of Aristotle and has been used since then. From the Greek word "optos" meaning being and the word "logos" for the word science, it is defined as "the science of being" (Roche 2003). The focus of this philosophy is on the 'claims' and observations made about a fact, such as what happens, how it appears, what units make it up, and how they communicate with each other (Guba and Lincoln, 1994). The study of ontology is concerned with existence and reality, the actual knowledge (Crowther, 2020)

Reality is analysed through realist and relativist perspectives. The first one, argues that there is just one reality whereas the second one suggests that there is a multiplicity of realities (Crowther, 2020). In the case of Epistemology, this physiology focuses on knowledge through people's observations (Guba and Lincoln, 1994). Bryman (2004: 11) defines epistemology as a theory of knowledge that is concerned with what constitutes acceptable knowledge in a particular field of study. According to González, 2008, epistemology philosophy aims to assess the application of cognitive processes, such

as interpretation, reasoning, and reality. Based on the nature of knowledge and the methods used to acquire it, epistemology can be denominated as positivism or interpretivism (Bahari,2010).

Positivism assumes there are social facts that have an objective reality beyond the beliefs of individuals, which is widely accepted in the extensive research strategy. The positivist method of research draws influence from the logic of scientific experiments. In this case, experiments are needed to test, through objective methods, theories, or hypotheses to gradually develop and refine "universal laws of nature" (Bahari,2010). As a result, positive science (or positivism) is defined as what is posited or implied to be true directly from experience and what is observed through a scientific methodology (Al-Ababneh, 2020).

Interpretivism, in contrast to positivism, is another theoretical perspective used to comprehend and explain human and social reality, in the light of culturally derived and historically situated interpretations (Al-Ababneh, 2020). According to Saunders et al. (2007: 106) interpretivism is an "epistemology that it is necessary for the researcher to understand differences between humans in our role as social actors." This philosophy applies a different approach to developing knowledge, which relies on a subjective and descriptive method in order to address complex situations rather than relying on objective and statistical evaluations (Remenyi et al., 2005, as cited by Al-Ababneh, 2020: p.80). Unlike other science-based research, social research is complex and does not lend itself to generalizations based on definite rules (Saunders et al., 2009).

This research addressed philosophy epistemology based on interpretivism. This philosophy was chosen in order to obtain a deeper understanding of the research question from the individual perspective, reflecting on the specifics of perceptions of those situations, subjective interpretations, and motivating action. Due to the complexity of social research, this study requires investigating behind laws-like generalizations, for this reason, interpretivism methods are employed.

2.3 Approach

Having examined the philosophy of the researcher, the discussion leads to the next level of the research methodology, referred to as the reasoning of the research that is informed by the researcher's philosophical stand (Sutrisna, 2009).

The research rationale consists of the logic of research, that is the function of existing knowledge gained from literature study, the manner in which researchers use data collection and subsequent data analysis. It can be categorised into two approaches: deductive approach and inductive approach. (Sutrisna, 2009).

The deductive approach involves the creation of a conceptual and theoretical structure based on the literature in the field of the investigation's context, identifying, and stating a single selected problem, and isolating the key research topic (s). This is usually followed by the formulation of a hypothesis, which may include a series of sub-hypotheses and may be a conceptual model, and presented to address the identified problem(s) with a suggested set of additional actions to test the hypothesis. Therefore, the deductive approach should be applied when research focuses on creating theory and hypotheses, and also designing a research method to test hypotheses (Sutrisna, 2009).

The Inductive approach, on the other hand, instead of forming a hypothesis, conducts data collection and analyses it to reach findings while leveraging the current body of knowledge to inform their data analysis when applicable. According to Saunders et al. (2007), the inductive approach refers to the development of a theory through the observation and analysis of empirical evidence. (Saunders et al. (2007: 17). In other words, this approach should be applied when gathering data and building a theory as a result of the data analysis (Sutrisna, 2009).

It is worth highlighting that research philosophies and research approaches must be compatible. The deductive technique is more associated with positivist philosophy, while the inductive approach is more associated with interpretivism philosophy. The usage of the current body of knowledge and the role of data collecting are the key differences between deductive and inductive research (Sutrisna,

2009). However, the deduction and the induction approach may be also seen as complementary (Woiceshyn, 2018).

For the purpose of this study, an inductive approach was more suitable, as a theory was developed as a result of a specific observation made. In this case, primary research was used in order to collect data and then analyse it. Based on the data analysed from the primary research and literature review, the theory was created, and conclusions were reached. Furthermore, this approach is more appropriate for small samples with qualitative data, as is the case in this research.

2.4 Strategies

The research strategy describes the manner in which the researcher intends to complete the project and it is based on the research question, objectives, research philosophy, and the extent of existing knowledge Saunders et al. (2009), cited by Al-Ababneh 2020:p.87). Experimental research, action research, case study research, surveys, and a systematic literature review are examples of research strategies (Saunders, et al, 2007).

Experimental research is known as the strategy of establishing a research procedure that compares the findings of an experiment to the projected results (Sanders, et al., 2007). It can be applied to any subject of study and in general, requires a limited number of variables to be considered. It's usually a deductive process.

Action research typically begins with an issue that the researcher seeks to investigate, and the fact that the researcher acts in the study is the most important characteristic, as it may impact the outcomes not just as a researcher but also as a participant. It's a step-by-step procedure that usually requires several iterations to reach a conclusion (Crowther, 2020).

The study moves back and forth between the literature and empirical research before a hypothesis is developed, and the systematic literature review or grounded research is established in the existing

literature that is regarded as important. In general, researchers do not even start with aims and objectives in mind; instead, they follow the study's lead, and theory develops as evidence is collected. Even though it is essentially exploring, recognizing when to finish might be challenging (Crowther, 2020).

In terms of case study, this technique is personalised to a single individual or a small group of people. It can reveal the unique characteristics of the case and establish the significance of culture and context in determining case differences (Silverman, 2013). Case study analysis is defined by (Bryman, 2012) as the evaluation of a single unit in order to assess its primary characteristics and generalise. In most cases, a researcher delves deeply into a single unit.

A survey is a standard strategy in social research that is typically used in exploratory and descriptive studies, allowing researchers to collect quantitative data and analyse it statistically using descriptive and inferential statistics (Saunders et al., 2009). The main sources of evidence come from the participants themselves through interviews or questionnaires. Other data gathering techniques, such as structured observation and structured interviews, might be utilized in addition to the questionnaire in the survey plan (Saunders et al., 2009). A survey approach can assist in collecting primary data in a more efficient, accurate, cost-effective, and timely manner (Al-Ababneh, 2020).

There are two types of surveys: descriptive and analytical. A descriptive survey is focused on determining the frequency of engagement in certain issues at one time or multiple times for comparison. An analytical survey, on the other hand, is concerned with identifying the relationship between several variables (Al-Ababneh, 2020).

The strategy carried out in this research was a Survey, where a representative selection of a population responded to a series of closed and open questions, being possible to assess specific views and direct thoughts of the participants through the collection of primary data.

2.5 Choices

Choices constitute the fourth layer of the research onion, and it allows the determination of whether quantitative and qualitative methodology should be used together or if only one of them should be used. The study onion can be described as consisting of three delineated options: mono, mixed, and multi-methods (Saunders et al, 2007).

The mono method is applied to research that collects exclusively quantitative or qualitative data, even if the researcher uses several techniques in order to gather the given information (Saunders, 2019). Mixed-methods research combines elements of qualitative and quantitative data collection within the same research in order to expand knowledge and correlate findings (Johnson et al., 2007: p. 123)

In order to better understand the method chosen for this research, there is a need to comprehend the quantitative and qualitative methods.

In quantitative research, the emphasis is on, closed-ended questions that evaluate certain hypotheses-derived variables. The researcher tests these hypotheses to support or refute the relationship statements in the theories. Data can be obtained from a large number of people at multiple research sites in quantitative research and it is typically acquired using numerical data that may be statistically examined. (Soiferman, 2010:p. 8)

In terms of the literature review, quantitative research is critical in justifying the research and determining the study's goal. In the case of qualitative research, the literature review is used to promote evidence for the study's goal and to identify the underlying problem that will be addressed by the investigation (Creswell & Plano Clark, 2007, cited by Soiferman, 2010:p. 8).

In qualitative research, the goal is gathering knowledge from the individuals. Therefore, the questions tend to be open-ended, allowing the participants' perspectives to reveal the richness of a single idea or occurrence. The qualitative researchers identify their personal stance with regards to how their experiences and backgrounds shape the interpretations they make through the coding and theme process (Creswell & Plano Clark, 2007 cited by Soiferman, 2010:p. 11).

According to Soiferman, (2010), it seems that the choice of only one method (quantitative or qualitative) over other limits considerably the scope of any study, as one method alone may not respond to all the questions that will arise during the investigation of a topic.

Mono method collecting data refers to using a single data collection technique (quantitative or qualitative) (Al-Ababneh, 2020).

Mixed-Method collecting data refers to using at least one quantitative method and one qualitative method to collect, analyse and report findings in a single study (Creswell, 1999), incorporating both techniques to respond to research questions. (Byrne, & Humble, 2007). The core premise of this method is that a researcher combines statistical trends (quantitative data) with lived experiences of respondents (qualitative data). (Bryman, 2006; Greene et al., 1989). Historically, mixed methods in management studies can be traced back to the Hawthorne studies conducted in the early 20th century (Harris et al, 2020).

Overall, combining quantitative and qualitative methodologies allows researchers to explore more complex aspects and relations of the human and social world (Malina and colleagues, 2011). As a result, the use of the mix-method provides results to assist in improving the credibility of the study and more noteworthy production of knowledge (Bryman, 2006; Greene et al, 1999, Saunders, 2019). For this reason, the choice for this research was conducted using a mix-method in which the quantitative and qualitative methodologies support each other. The main purpose is to examine people's knowledge and perception of related issues where a survey through a combination of quantitative (closed-ended) and qualitative (open-ended) questions was carried out, in order to have a deeper understanding of the subject discussed. This choice added value to research since different backgrounds of the mediators, who work for Institutions and are self-employed may provide different points of view.

2.6 Time Horizon

The term "time horizon" refers to the length of time to conduct all of the research. There are two types of time horizons in the study onion: cross-sectional and longitudinal (Bryman, 2012).

A longitudinal time horizon for data collection is employed when examining change through time is an important factor for the study, Goddard & Melville, 2004. When investigating a specific occurrence at a specific moment, on the other hand, a cross-sectional temporal time horizon is used. Whereas a longitudinal study can require a substantial amount of time to complete, considering the research project's timeline unworkable, the time horizon for this study was Cross-Sectional, to collect information amongst the population and examine the challenges that arise as a result of the mediation process where one of the parties is an elder person. Due to twelve weeks length of the Master`s degree required to submit this dissertation based on the college`s standards, a longitudinal study would require an extended timeframe. It is worth noting that although the submission date was extended, the standard 12-week duration was maintained for data collection in early 2021 from elder mediators.

2.7 Data Collection and Analysis

The innermost and final layer of Saunders' research onion is Data Collection and Analysis. The model employed at this stage has a significant impact on the study's overall reliability and validity (Saunders et al, 2007). This layer explains how the research data is collected and analysed.

Data collection is the process of gathering information from all relevant sources in order to address the research problem, test the hypothesis, and analyse the results. The information gathered may be categorized into two categories: secondary data collection methods and primary data collection methods (Dudovskiy, 2018).

The primary data are that information acquired for the first time and are hence unique in nature.

The secondary data, on the other hand, is information that has already been gathered by someone else

and has proceeded through the statistical process (Kothari, 2004).

According to the Mediator's Institute of Ireland, there are 166 elder mediators in Ireland and 146 of them are available to mediate at the time of data collection.

For this study, the primary data collection method was chosen, using a mixed-method approach. The survey was sent by e-mail using Google Forms to each one of these 146 elder mediators who already work in the Elder Mediation Process in Ireland, in order to invite them to respond to the questionnaire with open and closed questions (quantitative and qualitative research). Thirty one responses were obtained in total. Since the data is collected and checked by the researcher, primary data collection lends credibility to the study. This also aids in drawing conclusions based on the most recent data, resulting in more reliable and current outcomes.

Due to the population not being very accessible to contact, it is not possible to identify all the elements of the population, therefore, non-probability sampling was used. This sampling method was adopted as it involves selecting elements based on assumptions about the population of interest, which is used as a selection criterion. On the other hand, probability sampling is the process in which every member of the population has an equal probability of being included in the survey (Surbhi, 2017).

A sampling technique must be determined in order to conduct the data collection process. The sampling method, either probability sampling or non-probability sampling, determines the technique used. Non-probability sampling is used in this scenario, of which the most common methods are convenience sampling, judgment sampling, snowball sampling, and quota sampling.

Self-selection was the sampling approach used for this study, where a convenience sample was made up of research participants or subjects who have decided to participate in the study (Oxford, 2014). According to this sampling technique, the research addresses professionals who deal directly with elder mediation as a work tool, and who have voluntarily chosen to engage in the study. This sampling method was selected since it is useful, non-random, and simple to implement.

This study used primary research (survey) and secondary data (from literature review). The primary

research was conducted collecting data from questionnaires with close and open questions. Such an approach allowed some flexibility and the study enable to the participants comprehend the question from their own perceptions, making comments and reflections when they feel necessary.

The information was evaluated and analysed through graphics by Google forms to collect quantitative data from the research. Comparing the primary and secondary research, it is desired to identify the challenges faced by mediators in an Elder Mediation process and the possibility of providing recommendations to improve their training.

2.8 Research Limitations

When dealing with non-probability sampling, there is no guarantee that the selected sample was represented accurately, therefore, it is unlikely to analyse the findings regarding the entire population, as desired.

The trustworthiness of the research findings can also be challenged by employing the inductive approach, which generates a broader range of theories and conclusions based on a few observations (in this study, thirty one elder mediators).

Although mixed methods research continues to grow, the need for guidance on the analysis and integration of qualitative and quantitative data is a prominent issue (Östlund et al, 2011)

Even though the public of this study is not vast, it is a very specific and difficult population to access, consequently, it was a challenge to find people who were available and interested in taking part in this study. In addition, due to the confidentiality of the process, some mediators may not feel comfortable sharing their own experiences.

Despite the Institute of Mediators of Ireland pointing out 146 elder mediators able to act in this type of process, some of the questionnaires not answered were justified by mediators who did not feel confident in responding to the survey due to little or no experience in this field. In addition, the short

time period was also a limitation, especially when it is a large population.

Although there is information on the Elder Mediation process, there is not enough research and literature review about the challenges faced by elder mediators in Ireland and which specialized training could improve their activities.

Lastly, the main limitations of interpretivism are indeed the subjective nature of the approach and the substantial potential for researcher bias. Because data are commonly influenced by personal viewpoints and values, the primary data collected in interpretivism studies cannot be generalized.

2.9 Ethical Guidelines

In research ethics, ethical concepts and values are applied to different topics and fields of study. This requires ethical considerations in research design and execution. Integrity refers to the intention and ability of researchers to conduct their studies in accordance with the relevant ethical, legal, and professional structures, responsibilities, and standards. A report's precision must be ensured by consistently tracking the details in the sample, and researchers should never rely on plausible or false information to reach a conclusion. When acting as a peer reviewer, individuals should be extremely thorough and rigorous instead of biased and superficial. By providing informed consent, guidelines were created for protecting sensitive information such as personal details, personal information, and other personal data

Chapter 3: Data Presentation

3.1 Introduction

This chapter will present the primary data that was accumulated as part of this study. The data was collected by applying an online survey using the Google forms platform from April to July 2021, however, one response was collected in November 2021. The research was conducted in accordance with ethical guidelines and according to internationally accepted ethical norms (Declaration of Helsinki).

The survey is entitled "Challenges in The Management Of Elder Mediation In Ireland: Mediators' Perspectives". A total of thirty-one questionnaires were completed including fifteen closed-end questions and six open-end questions.

For quantitative questions, the design will be presented via chart; for qualitative questions, some of the responses are displayed in this chapter with a brief explanation for each question. All extensive responses can be found in the appendix, at the end of this paper.

In order to provide a clearer presentation of the data, the quantitative and qualitative questions have been divided into separate subtopics.

Considering that the first question acted as a consent form for the respondents, it was not included in this chapter, however, it is shown in appendix B.

3.2 Quantitative Questions

The charts below show the information learned from the quantitative questions:
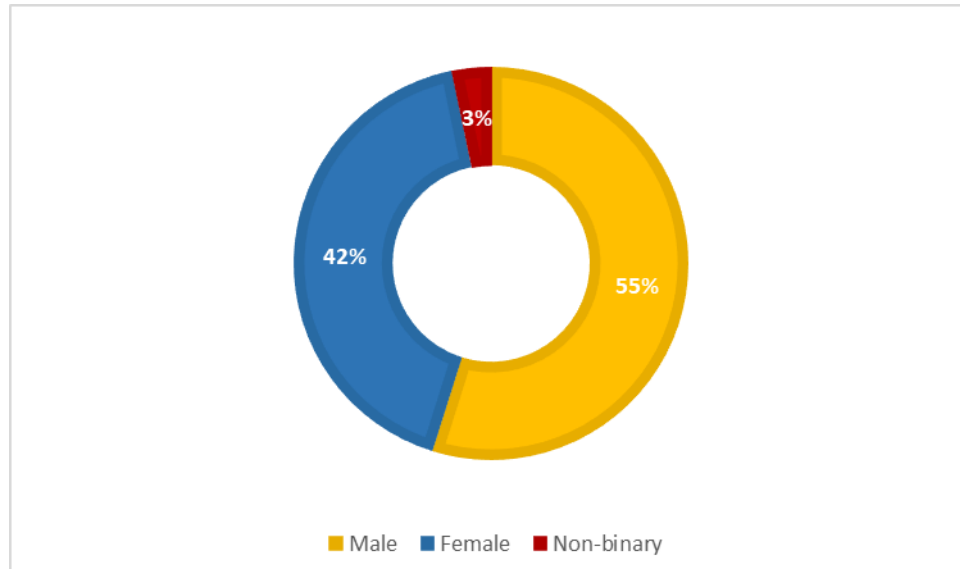
Gender

Figure 1 – Gender

According to the thirty-one responses received, seventeen (55%) described their gender as male, thirteen (42%) described the gender as female, and one (3%) described the gender as non-binary.
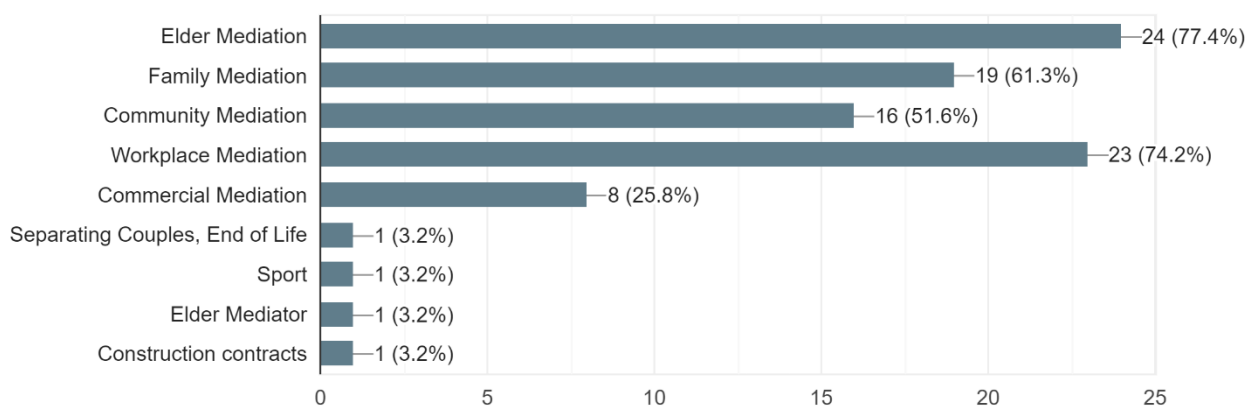
Area Of Expertise

Figure 2 – Area of Expertise

Regarding the question of area of expertise, where more than one response would be possible, 80.6% identified elder mediation as their area of expertise, 74.2% identified workplace mediation as their area of expertise, 61.3% identified family mediation as their area of expertise, 51.6% identified community mediation as their area of expertise, 25.8% identified commercial mediation as their area of expertise, 3.2% identified separation couple mediation as their area of expertise, 3.2% identified sports mediation as their area of expertise and 3.2% identified construction contracts mediation as their area of expertise.
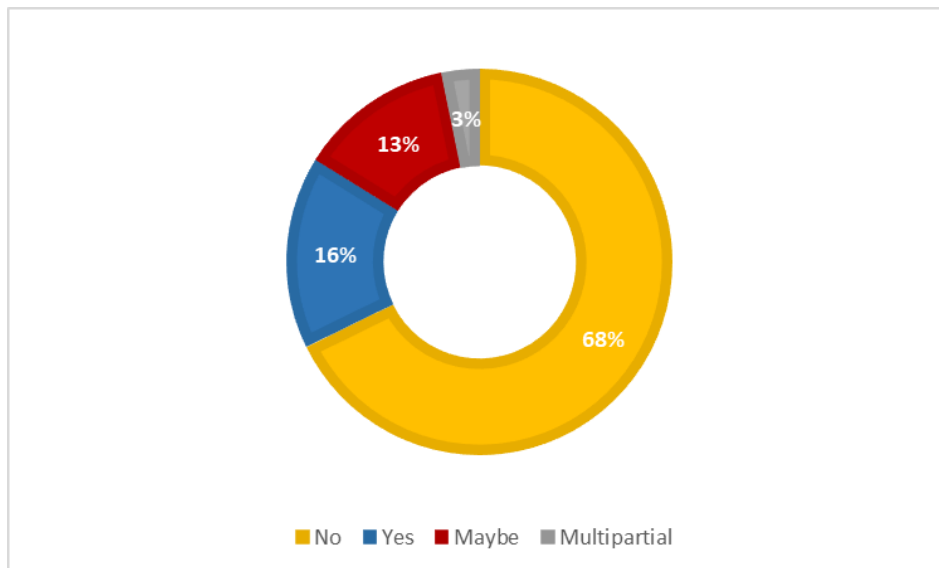
Impartiality and Neutrality

Figure 3 - Impartiality and Neutrality in an Elder Mediation

When asked if it is more difficult to be impartial and neutral in an Elder Mediation Process than in other types of Mediation, 68% answered "No", 16% answered "Yes", 13% agreed that may be more difficult, and 3% indicated that they could be "multipartial".

Elder Mediation Acting in A Preventive Way
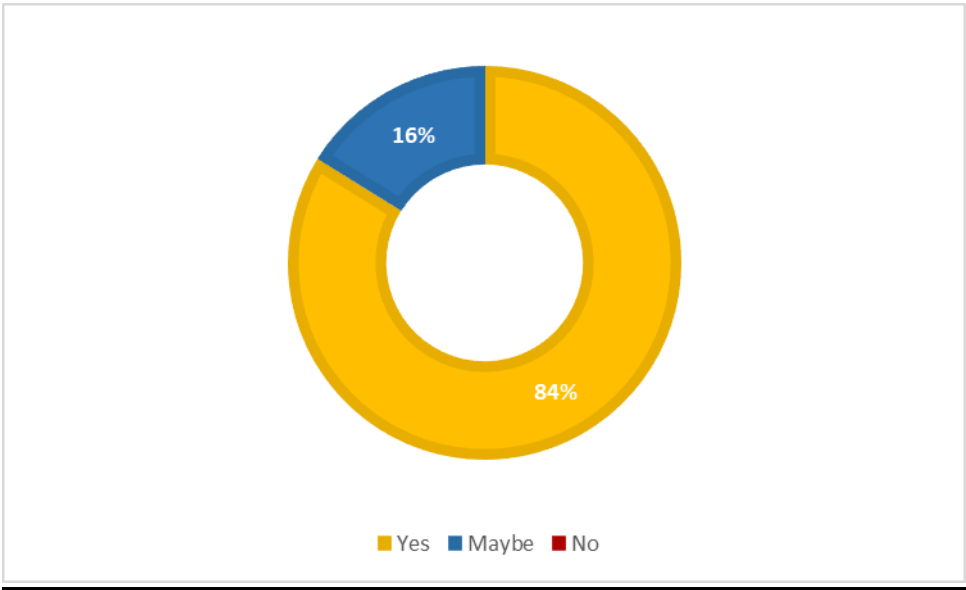
Figure 4 - Elder Mediation Acting in A Preventive Way to avoid Conflict Escalation

This question sought to identify whether the mediators believe that Elder Mediation might act in a preventive way by avoiding a future escalation of conflict between the elderly and the other parties involved in the process. 84% agreed that Elder Mediation might act in a preventive way, 16% agreed that it is a possibility. None of the respondents disagreed with this possibility.

Conflict Situation Involving Elder people

Figure 5 – Experiencing Conflict involving the Elderly

When asked if they have ever experienced conflict situations involving the elderly, 82% answered Yes, 16% answered No, and 3% answered they did not remember it.

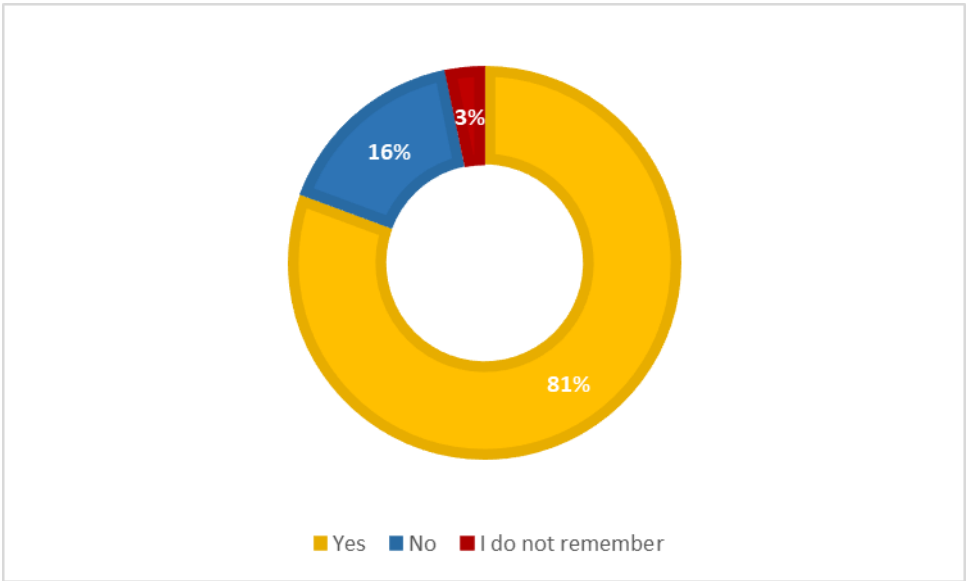**Most Common Issues Involving the Elderly**
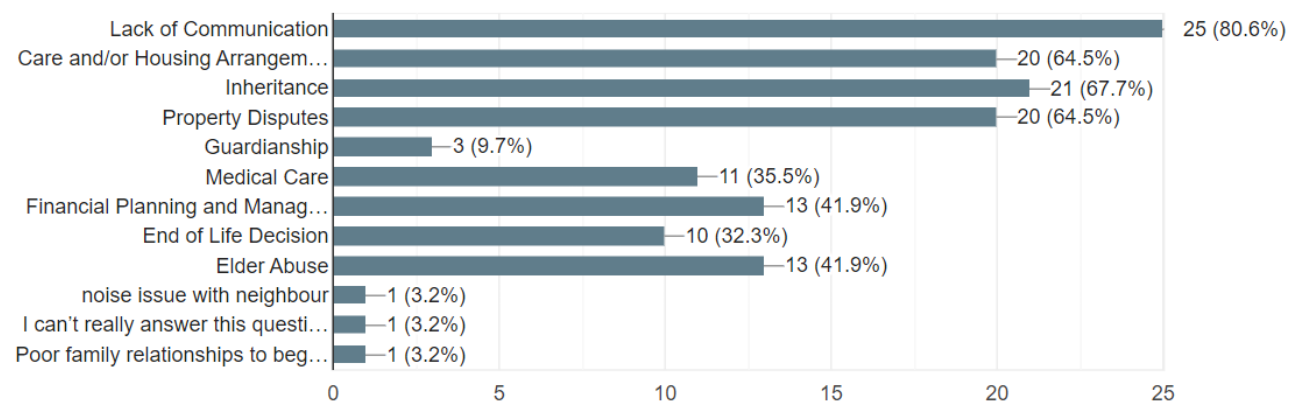
Figure 6 – Most Common Issues involving the Elderly

Concerning the question about the common issues related to Elder Mediation, based on their own experience, among the thirty-one respondents, 80.6% reported lack of communication, followed by 67.7% reported Inheritance, 64.5% reported care and/or housing arrangements and property disputes, 41.9% reported elder abuse, 41.9% also reported financial planning and management, 35.5% reported medical care, 32.3% reported end of life, 9.7% reported guardianship, 3.2% reported issues with neighbours, 3.2% related poor family relationship. One of the respondents (3.2%) did not feel comfortable to respond this question due to, according to them, having not a huge amount of elder mediation experience. In this question, more than one response was allowed.

Other Parties Mostly Involved in An Elder Mediation
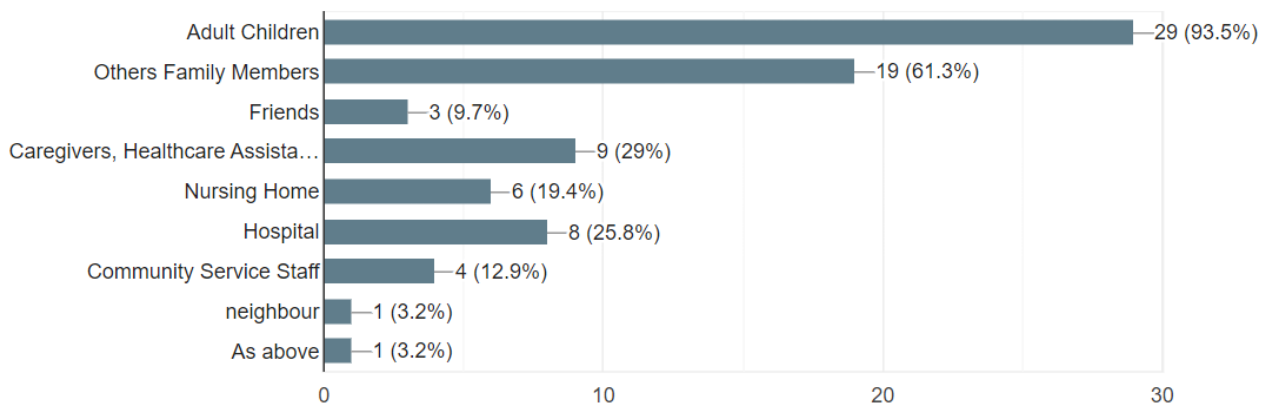
Figure 7 – Other Parties Mostly Involved in An Elder Mediation

Regarding the Elder Mediation process, 93.5% of respondents pointed out adult children as the other parties most frequently involved followed by other family members (61.3%), caregivers, healthcare assistants or healthcare workers (29%), hospitals (25.8%), nursing homes (19.4%), community service staff (12.9%), friends (9.7%), neighbour (3.2%). One of the respondents (3.2%) did not feel comfortable to respond this question due to, according to them, having not a huge amount of elder mediation experience. In this question, more than one response was allowed.

The biggest challenges in mediation with the elderly
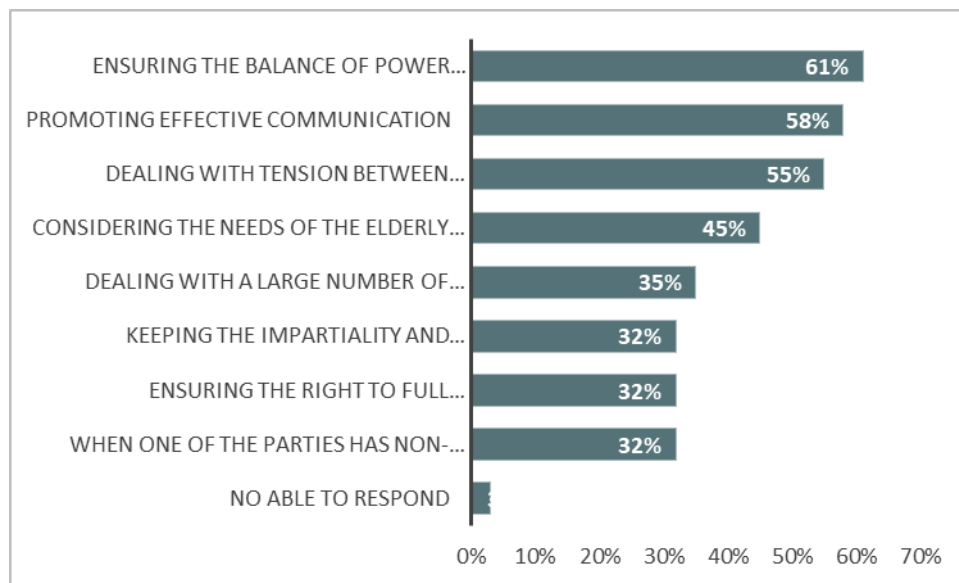

Figure 8 – Challenges in the Elder Mediation

Concerning the question about challenges in mediation with the elderly, respondents pointed out that "ensuring the balance of powers between the parties" (61%), followed by "promoting effective communication" (58%), dealing with the tension between dependence and independence in relation to multiple areas among the parties (55%), considering the needs of the elderly when scheduling meetings, how to manage time (45%), dealing with a large number of parties (35%), keeping the impartiality and neutrality, ensuring the right to full participation when one of the parties is physically disabled and cases where one of the parties has non-physical disabilities (32% each of them). One of the respondents (3.2%) did not feel comfortable to respond this question due to, according to them, having not a huge amount of elder mediation experience. In this question, more than one response was allowed.

Elder Mediation Specialist (Self-assessment)

The following chart indicates whether respondents considered themselves a specialist in Elder Mediation.
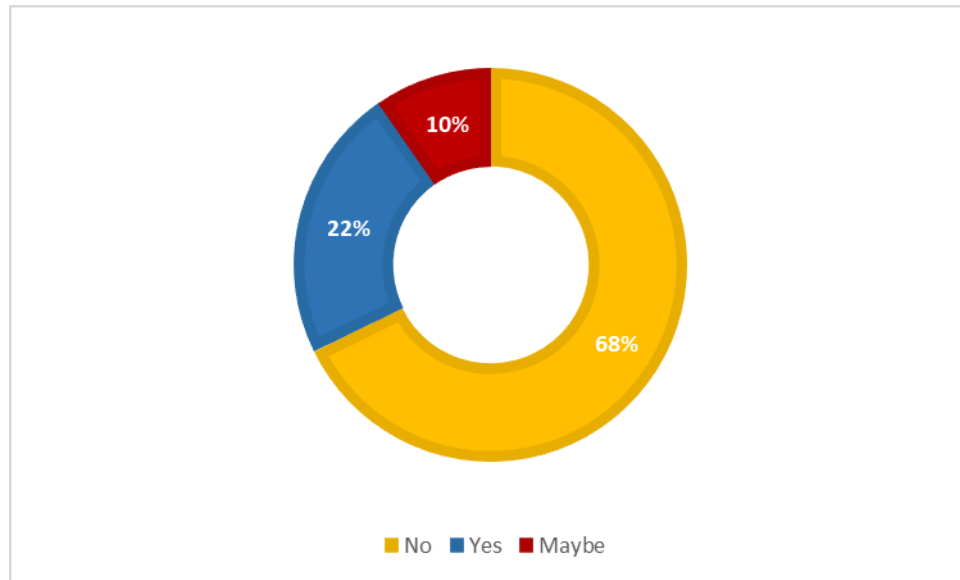
Figure 9 – Self-assessment of being Elder Mediation Specialist

68% of respondents did not describe themselves as a specialist in Elder Mediation, while 22% consider themselves a specialist, 10% considered that maybe they are a specialist. One of the respondents pointed out they are only current involved in a mediation where an elderly person had an issue, although they have some expertise with elderly mediation. For this reason, they are not confident to answer yes, thus the response was gathered in the option "Maybe".

Elder Mediation Training
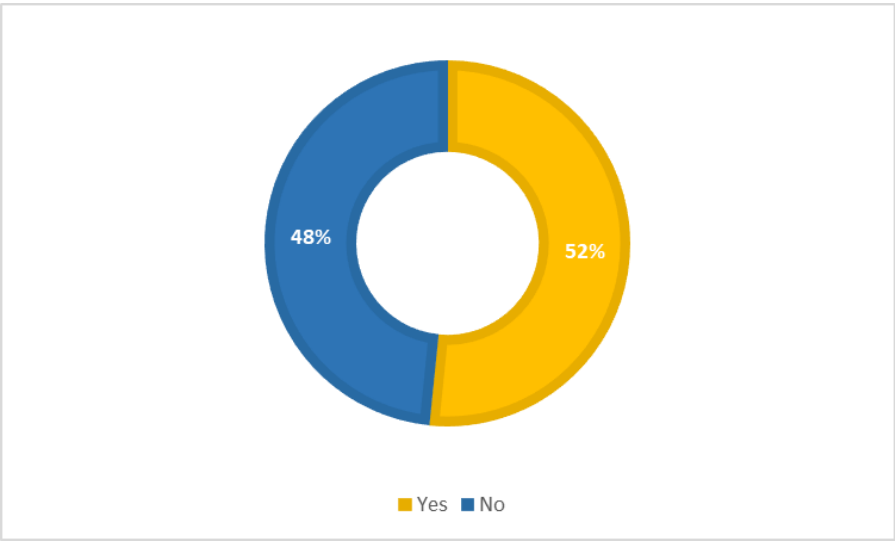
Figure 10 – Taking part in an Elder Mediation Training

Of thirty-one responses obtained, 52% of respondents have taken Elder Mediation Training and 48% haven`t taken it.

Evaluation of Elder Mediation Training

The following chart indicates the evaluation of the Elderly Mediation Training by the respondents in relation to their own experience.
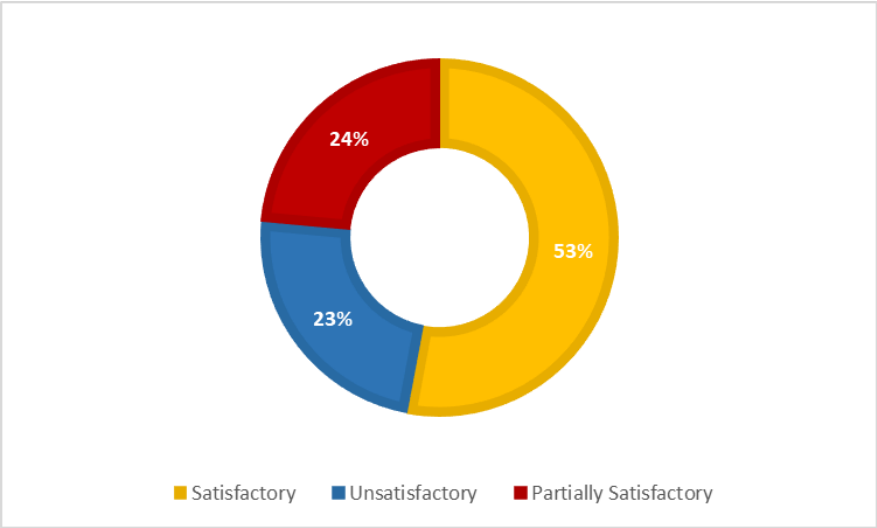
Figure 11 –Elder Mediation Training evaluation by respondents

Among the 52% of respondents who previously answered Yes, the majority (53%) describes the training as satisfactory, providing all or most of their needs as an elder mediator. 24% describe it as partially satisfactory and 23% describe it as unsatisfactory, desiring more specific training in certain areas.

Continuous and specialized Elder Mediator Training – Level of Importance

The following chart indicates the evaluation of the importance of Elderly Mediation Training by the respondents from 1 (No important) to 5 (Very important).
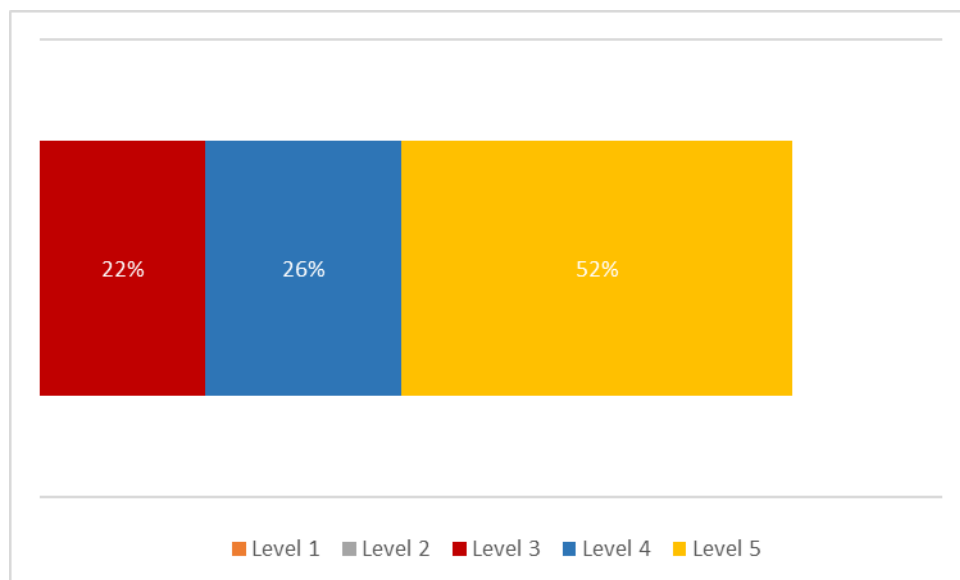
Figure 12 – Mediation training for elders – Assessment of level of importance

When asked how important continuous and specialized Elder Mediator Training is, 52% assigned to level 5 (very important), while 26% attributed level 4, and 22% assigned to level 3.

Performance in an Elder Mediation process
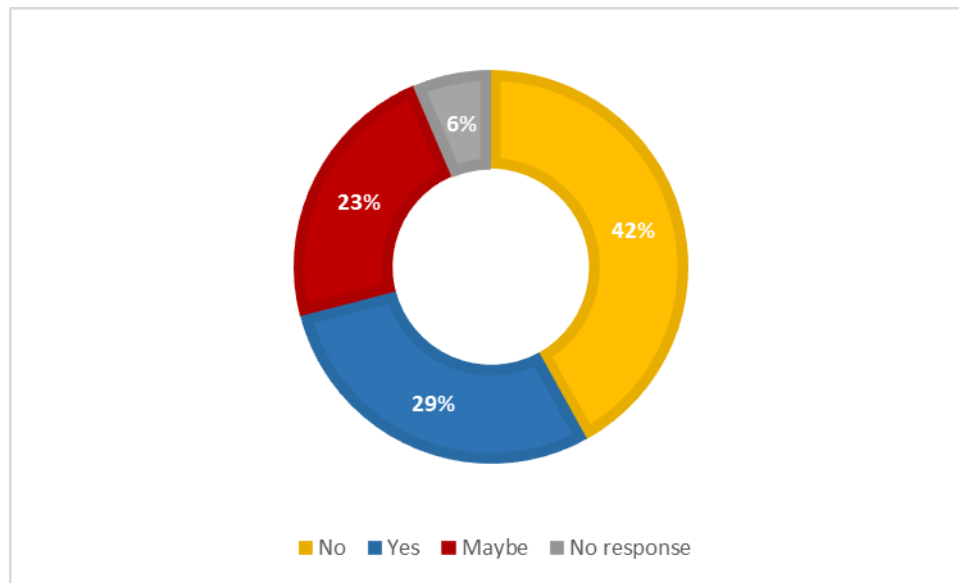
Figure 13 –Assessment of act in a Mediation in relation to knowledge of fields

The following chart indicates the self-assessment of the respondents, based on their professional experience, of the possibility of assisting the parties better if they had more knowledge about a certain field. Among the 31 respondents, 42% believe they did not act in a Mediation process where they could improve their performance if they have specific knowledge in a field. However, 29% responded yes to this question and 23% answered it could happen. 6% of the respondents did not reply to this question.

Self-assessment in an Elder Mediation Process – Level of Importance

The following chart indicates the evaluation of self-assessment by the respondents from 1 (No important) to 5 (Very important).

| 3% | 16% | 32% | 49% |

■ Level 1 ■ Level 2 ■ Level 3 ■ Level 4 ■ Level 5
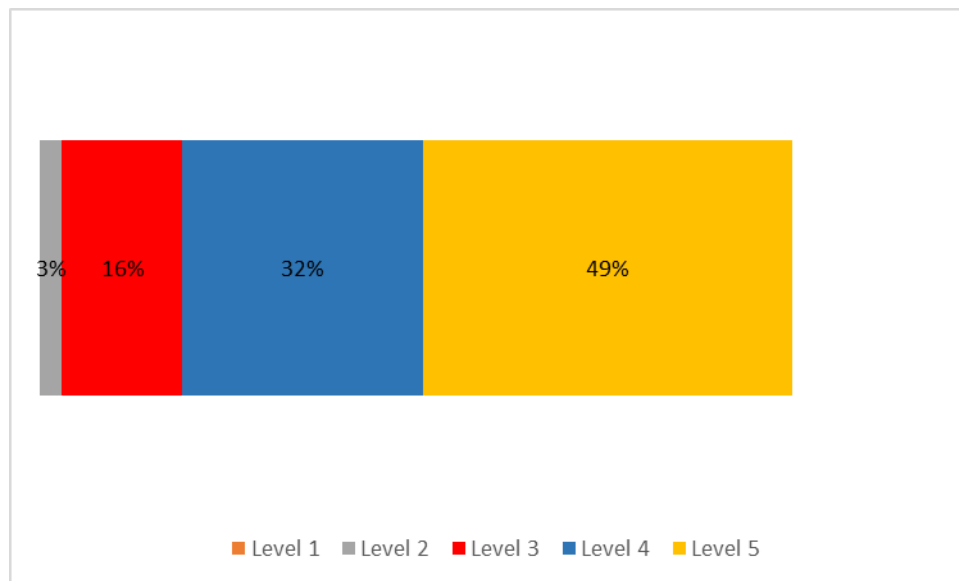
Figure 14 – Self-assessment - Assessment of level of importance

When asked how relevant self-assessment is before accepting to mediate an elderly dispute 49% of the respondents indicate level 5 (very important), while 32% attributed level 4, 16% assigned to level 3 and 3% assigned to level 1 of importance.

3.2 Quantitative Questions

In order to gather qualitative information on the research subject, a total of six open questions were used. These qualitative questions enable a deeper understanding of the views and experiences of the participants. For all the questions in this section, respondents were nominated by numbers preserving their confidential data.

- **Could you explain why do you think is more difficult or not in relation to Impartiality and Neutrality in the Elder Mediation Process?**

This question sought to identify why mediators believed that in the elder mediation process, it would be or not, more difficult to remain impartial and neutral due to one of the parties being an older person.

A total of 30 responses were obtained. Some of the responses are presented below separated by categories of response "Yes or Maybe", "No" and "Multipartial". Respondents were nominated by numbers preserving their confidential data.

"Yes or Maybe"

"Because elderly people can be disempowered, it can be more challenging for the mediator to retain their impartiality"

"Natural empathy for an older person, together with respect and a desire not to cause them upset or anguish. Also, the inherent respect for the elderly can be a challenge in such mediations."

"Because of their vulnerability the mediator tries to take the elderly side though she/he knows it is not professional."

"I find that I can have more of a connection with an elder at times".

"Issues arising in Elder Mediation can be very emotional and can also be familiar in one's own life."

"No"

"As a mediator, you must always be impartial."

"Elder Mediation is complex in comparison with other types of Mediation and certainly without specialist training and continuous professional development it would be difficult to maintain the requirement for the Mediator to be impartial."

"I am always conscious of unconscious bias, and it is always to the forefront when engaging in mediation".

"In mediation impartiality and neutrality are a vital component of the process and cannot be overlooked regardless of the clients".

"Because the participants create the resolution if any. The mediator is there to ensure each party is treated with equanimity".

"I think the challenge/obligation to remain neutral is the same regardless of the type of mediation".

I'd like to think in mediation one is equally impartial with clients, irrespective of age".

I think the challenge/obligation to remain neutral is the same regardless of the type of mediation".

"There should be no difference because of age or capacity each person in the process must be treated as having a right to have their needs met both young and old".

"Multipartial"

"I prefer multipartial as it expresses the fact that all those in attendance, and not just the older person who may be vulnerable have rights which have to be balanced".

- ▪ **Could you explain, in your opinion, the reasons why Elder Mediation could act in a preventive way avoiding conflict escalation between the elderly and other parties?**

This question sought to understand why mediators believed that the Elder Mediation could act in a preventive way, avoiding future conflict escalation between the elderly and other parties. A total of 27 responses were obtained, some of which will be presented below.

"Depending on the issue at conflict, if conducted correctly, it should expose dialogue between the parties to help maintain a dialogue into the future and lessen the severity and frequency of conflict".

"The other parties if they do not benefit from mediation may be their problem escalate and comes to view it in future".

"Mediation provides parties with a confidential and personal environment where they can freely express their concerns. Parties to a mediation are more likely to reach a solution that suits both of them, which in turn is more likely to prevent future conflict".

"Very often deeply held views and opinions only emerge at the first mediation session. Very often

these come as a shock to the other party and when known can soften their position".

"By the parties to consider a sustainable resolution with an eye to the future".

"Early communication with one another and discussion of future planning always helps".

"I think in all mediation, including that with elder clients, once one has seen the value of communication and giving the other person a voice, one might use that process going forward in other situations".

"If the mediation results in a successful level of dialogue and understanding then it stands to reason those future conflicts will be positively affected".

"Inheritance of property as an example".

"As the population ages we will find ourselves having to support elder disputes and mediation is the way forward to reduce this conflict".

"The aim of Elder Mediation is to be preventative and to preserve and protect the interests and well being of the person at the centre of the care and of the parties involved in providing that care".

"Clearly, family disputes in particular and issues with elders can escalate /imbed; so early intervention can help".

"Mediation allows for dialogue and planning essential for the mitigation of escalating problems".

"Elder Mediation offers a forum for families to resolve issues by dealing practically with the issues that arise with ageing".

- **For those respondents who answer "Unsatisfactory" in relation to Elder Mediators Training, which areas would you like to have increased your knowledge?**

This question seeks to identify areas in which elder mediators would like to increase their knowledge. A total of 3 responses were obtained, some of which will be presented below.

"Too much emphasis on joining larger member groups e.g., EMIN - why don't we have our own

proper training. and accreditation here in Ireland".

"It is specialised and there is a need for far greater training in the area"

- **Could you explain the reasons why do you consider continuous and specialized Training for Elder Mediation to be important?**

The purpose of this question was to determine if respondents assigned a high level of importance to continuous and specialized training for elder mediators. A total of 31 responses were obtained, some of which will be presented below separated by categories of response.

Particular Needs

"There are different needs in elder mediation, all tightly associated with memories, versions of events, love, anger, sadness, fears and financial and capacity issues. All of these amongst other issues need to be identified and addressed. Resentments can hamper communication also".

"There are particular nuances to Elder Mediation, not usually found in other Mediations"

"Although the capacity to mediate is fundamental to all mediations it is seldom taught and I consider it should be and some issues that arise from this, such as the need for an advocate for the elderly person, are often ignored. There are also specialist knowledge areas, for example, Fair Deal etc".

"It requires specialist skills such as the understanding capacity of parties, family dynamics, and larger group facilitation."

"Elder mediation is a different process from other types of mediation. It is unethical to practise in this area without specialist training"

"It is important in Elder mediation to remain up to date and appropriately skilled in the practice".

Sensitive topics

"Looking for elderly abuse and bullying"

"A very specialised and sensitive area, important"

"Elder mediation can be so varied that ongoing continuous training is a big plus"

"Elder Mediation requires mediators to be sensitised to issues involving older people and families".

Underdeveloped field

"I think the area of elder mediation is probably underdeveloped in comparison to other forms of mediation. I base this on how infrequently I read about, hear about it from other mediators or get referrals where elder mediation is the topic of the dispute"

Ireland's Population Is Ageing

"The age of the country is increasing all the time and Covid will flare up more cases in the future"

No Need for Specialised Training

"More often than not, the elderly are fully capable persons and so unless a mediator is seeking to specialise in such an area then specialised training will not be required"

"Once you have been trained, then some CPD is definitely useful but constant training would seem unnecessary"

"There is no specific training programme for elder mediation in Ireland, so maintaining CPD is an effective way of keeping up to date with standards as set by the MII Code of ethics"

"As with any professional engagement, employing discipline and being conscious of the need and the requirement to keep up to date with evolving data - pertinent to the subject matter, of the particular matter, in this case, Elder Mediation. Processes for improving the efficacy of elder mediation is achieved by continued training in the specific mode of mediation"

"Although the situation is the different core process of Mediation should stay the same".

- **Based on your own experiences as a mediator, could you share examples of your greatest challenges in the mediation process with older people?**

This question sought to identify personal challenges faced by the respondents in Elder Mediation Process. A total of 26 responses were obtained, some of which will be presented below separated by categories of response.

The capacity of communication and understanding

"Communication skills where persons have a limited ability to communicate"

"Ensuring the elderly understand what is on offer and being decided"

Emotive Issues

"Removal of the emotion of the parties on all sides. Elderly issues are always emotive, and this can cloud clear and impartial thinking. Elderly people tend to see change as a threat or a negative thing, that can feed into their fears and anxieties, if not handled correctly. Elderly people worry that they will become a burden and not receive the care that they need."

Vulnerable Population

"Older persons are vulnerable, particularly, in respect to Wills and family, (assuming there is a family), especially surrounding the matter of legacy and the content of distribution of the wishes of the elder party, following death. Older persons worry, how their wishes, especially as set out in their will) will not be a cause of disharmony amongst children or family members."

"Understanding the vulnerability of the various parties and preparing the ground adequately"

Balance of Power

"Ensuring the esteem of parity and equality comes as a challenge in some situations"

"At pre-mediation getting adult children to recognise that the older person needs either to be facilitated to represent themselves in mediation or have an independent advocate do so."

"Managing the different levels of awareness and that's not just the elderly person at the centre of the dispute as family members can be self-centred and not focused"

"At the beginning of my mediation journey but having more respect for my elders may present a challenge."

"Including the older person successfully, ensuring balance, dealing with toxic communication"

Family Relationship Issues

"Covering up for family dysfunctions"

"Conflict between siblings of either the elder or their children"

"Building trust and rapport with all of the participants and managing the exchanges between the parties particularly where family dynamics and poor relationships start to dominate the discussions"

- **Based on your own experiences as a mediator, could you share examples of good learning encounters in the mediation process with older people?**

Based on respondents' experiences with the Elder Mediation, this question sought to identify good learning encounters during the process with them. A total of 24 responses were obtained, 10 of them will be presented below.

"Communication and patience are key, and while it may take older people a little longer to assimilate information and formulate answers, they deserve the respect to be afforded these."

"Being part of a process that removes conflict and stress on the part of Elders"

"Recognising and exploring pathways to communication and resolution from the interactions between the parties"

"Realise that sometimes it is simply not possible/too late to change long-established habits of behaviour such as coercive control even when a party states that they wish to change it!"

"The ability to make them feel listened to in a safe environment."

"Develop patience, listen attentively, use appropriate language and question forms and allow time to build up trust."

"Listening, working out the family dynamics, having further information gathered"

"Respect- Respect - Respect. I have a general mantra that I try to apply and that is to change my mindset to "Unlearn to Relearn"

"Experiencing the love that participants can have for each other, generosity of spirit, the resilience of people in the face of challenges"

"The elder gets the respect they deserve"

Chapter 4 – Data Analysis and Findings

This chapter will present a comprehensive analysis of the data obtained from 31 respondents who are mediators working with Elder Mediation in Ireland. To capture a variety of views, participants were requested to respond to six open-ended questions in addition to fifteen closed questions via an online questionnaire. Since the survey provided six open-ended responses, thematic analysis was used to identify parallels and repetitions in the results.

The data obtained from the primary research are interwoven with the literature review from Chapter 1 to conduct a thematic analysis. This type of analysis provides a consistent evaluation and can be used when the researcher is familiar with the data (Howitt & Cramer, 2010 cited by Watson 2013). This study employed inductive analysis based on data, rather than theoretical assumptions.

Subsequently, three key aspects emerged from the primary data collected, pertinent and related to the literature review and the objectives of this study. First, the data revealed the most common issues involving the elderly. Secondly, the data identified the greatest challenges related by elder mediators in an Elder Mediation process. Finally, the data showed the considerations in relation to training for elder mediators.

Unlike the presentation of the data in chapter three, the quantitative and qualitative data are presented in an integrated way in this chapter. The purpose is to complement the information obtained between them.

4.1 Gender and Area of Expertise
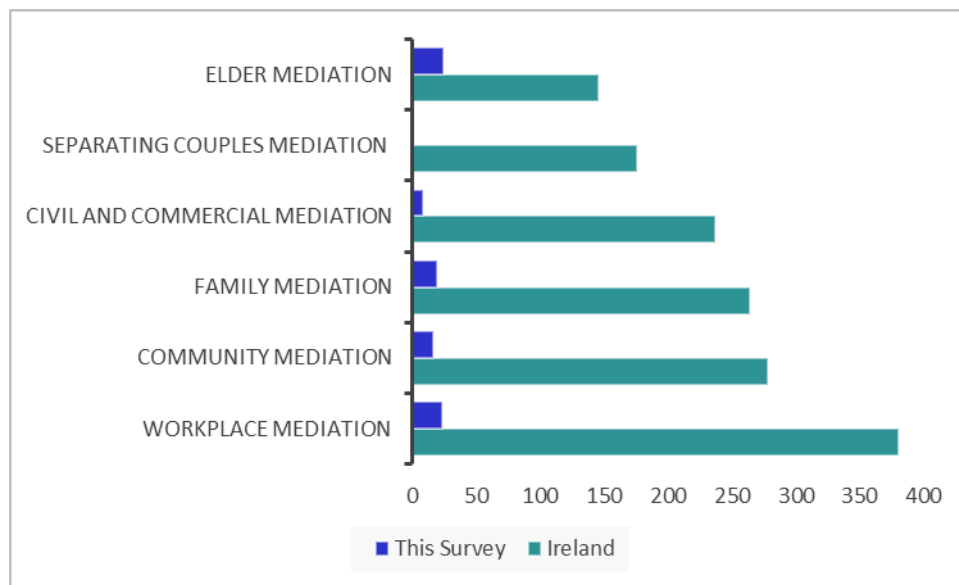
Figure 15 - Distribution of Mediators according to field

It was observed in this study that the majority of the participants described themselves as male (55%), a percentual thirteen times bigger than the respondents who described themselves as female. Although elderly mediation is a growing area in Ireland and worldwide, the number of elderly mediators in Ireland is still small. According to information available from the Mediator`s Institute of Ireland, the largest number of mediators available to mediate in Ireland is in the workplace (380 mediators), followed by the community (278), family (264) civil and commercial (237). At the time this study was conducted, the number of elder mediators available to mediate was 146 and 21.2% of these mediators responded to this survey. The respondents of this survey work in more than one type of mediation, being the elderly mediation the most cited by them as an area of expertise (77%), followed by workplace mediation (74%) and family mediation (61%).

4.2 Impartiality and Neutrality
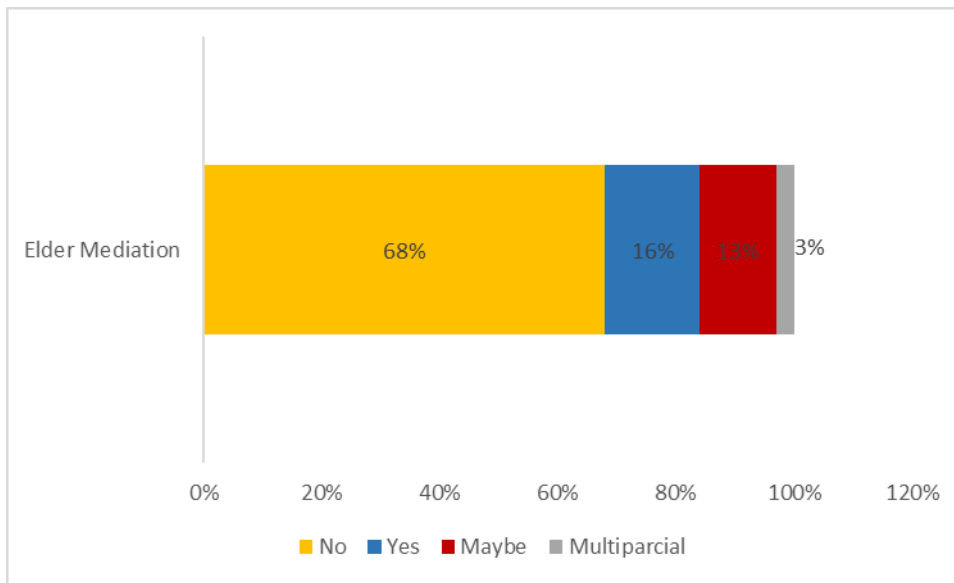
Figure 16- Impartiality and Neutrality – more difficult to achieve in an Elder Mediation?

Most participants (68%) do not find it more difficult to be impartial and neutral in elder mediation processes compared to other types of mediation. This result reflects the mediators' awareness of the importance of the principles of mediation, widely discussed in the literature. Discussions of mediators' ethics and standards often mention neutrality and impartiality, for this reason, unless the mediator is able to conduct the mediation in an impartial manner, they should decline the mediation. In the same way, a neutral relationship between the mediator and all the parties is essential to the process. Therefore, neutrality and impartiality are vital principles for the practice of mediation in any type of dispute (Shyam, 2006).

- *"In mediation impartiality and neutrality are a vital component of the process and cannot be overlooked regardless of the clients".*
- *"Because the participants create the resolution if any. The mediator is there to ensure each party is treated with equanimity".*

- *"I think the challenge/obligation to remain neutral is the same regardless of the type of mediation".*

- *"I'd like to think in mediation one is equally impartial with clients, irrespective of age".*

- *"I think the challenge/obligation to remain neutral is the same regardless of the type of mediation".* **"There should be no difference because of age or capacity each person in the process must be treated as having a right to have their needs met both young and old".**

4.3 Elder Mediation Acting in A Preventive Way

According to respondents of this study, 84% believe that the Elder Mediation might act in a preventive way by avoiding a future escalation of conflict between the elderly and the other parties involved in the process.

In the literature, Six, 1990 states mediation can be conducted in accordance with four different goals: "creative mediation" which attempts to create new relationships between individuals or groups, "mediation renewal" that aims to rebuild relationships, "preventive mediation" to prevent conflict and "curative mediation" which goal is to assist parties in finding a solution. (Six J.F., 1990: p. 164; Six J.F., 1990: p. 164).

Observations during the analysis of qualitative responses suggested that the vast majority of respondents stated that dialogue, through effective communication in a safe and confidential environment, enables parties to express their present and future concerns. As a result, Elder Mediation would increase the chances of future conflicts being identified and plans could be formulated during the process. Furthermore, in situations where it is not possible to anticipate potential conflicts, elder mediation can guide the parties to reach a healthy level of effective communication in their relationship.

Some authors suggest that emotional states such as confusion, anxiety, hostility, and aggressiveness

can escalate to conflict due to a misunderstanding. Often, it is possible to find a process in court due to miscommunication between the parties that has escalated (Buzatu and Pipas, 2014). Therefore, promoting clear communication can be an effective way to avoid future conflicts escalation.

4.4 Most Common Issues Involving the Elderly

In regards to the common issues related to Elder Mediation, based on their own experience, the issue pointed out by most mediators was lack of communication.

Communication is essential to build and develop interpersonal human relationships in order to achieve social integration. Therefore, effective communication prevents communication issues and eliminates them, while a lack of communication has a negative and direct impact on relationships and conflicts can arise from it (Buzatu and Pipas, 2014).

Although lack of communication was pointed out most often (86%) as one of the main issues in the Elder Mediation by the respondents of this study, followed by inheritance (68%), housing arrangement and property disputes (both with 64% each), it is possible to observe in the literature, other issues widely reported, such as elder abuse, financial planning management and eld of life (Larsen and Thorpe, 2006; O'Donnell et al., 2012). In fact, these issues were cited by some respondents, however, they were not pointed out by most of them as the main issues involved with the elderly. It is worth noting that the data from this research reflects the professional experience of a sample of this population studied (21% of elder mediators in Ireland). On the other hand, some authors question the viability of elder mediation in cases of abuse. They argue that mediation would be inappropriate considering abuse victims may be unable to advocate for themselves or feel unsafe to attend meetings with the abuser. Furthermore, power imbalances will result in mediation agreements that would favour the interests of the possible perpetrator over the victim (Braum, 2015). In addition, it can be tough to identify abuse, and it can be hard to determine the risk of injury to an

abuse victim due to participation in mediation.

4.5 The greatest challenges faced by the respondents in Elder Mediation Process.

According to the quantitative analysis, the majority of respondents pointed that ensuring the balance of power (61%) followed by promoting effective communication between the parties (58%) and dealing with the tension between dependence and independence (55%) as three of the biggest challenges faced by elder mediators. When respondents were asked through a qualitative question to explain, based on their own experience, challenges faced by them, it can be observed that balance of power issues, communication issues, emotive issues, family relationship issues, and elderly as a vulnerable population was frequently cited.

4.5.1 Balance of Power

Several Elder Mediation specialists agree that the power balance between the parties in elder mediation is challenging. Considering that elder mediation often involves multiple parties, it is worth noting that managing power dynamics in multi-party mediation can be even more complex (Braum, 2015).

Power imbalances often emerge in mediation and manifest themselves in a variety of ways, which may cover a variety of domestic, formal, informal, social, economic, political, and legal relationships between parties. Identifying the power imbalance is a crucial first step towards minimising its negative effects in the process. (Qtaishat,2018).

According to Agustí-Panareda, 2016, although some experts have argued that when a significant imbalance of power is evident, mediators should act to seek to correct it between the parties, there is still no agreement on how to conduct this. Some strategies can be identified in the literature to attempt to establish a balance of power between the parties. It has been recommended that the mediator ensure

equal speaking time, provide equal clarification, supply joint problem-solving assistance, and produce a clear articulation of the settlement agreement (Page, 2005). Shapira (2009) pointed out that some mediators may conduct equity power as an alternative technique to address power imbalance, leading a party to consider whether it has caused wrongdoing or harm to the other party to employ equity power in an attempt to make the party feel responsible to compensate the other party. On the other hand, some scholars point out the challenge of correcting the power imbalance, so as not to affect the principles of impartiality and neutrality essential in the mediation process (Braum, 2015). Nevertheless, there is a consensus of some scholars such as Hedeen (2003), Voyles (2004) and Page (2005) who argue that the mediator should end the session when they identify one of the parties does not have sufficient power to participate effectively (Page, 2005).

It is important to be aware that, although this may often be the case, elder people are not always at a power disadvantage in mediation. Social interaction occurs through the use of power and during mediation, once power is determined by circumstances and relationships between individuals (Braum, 2015).

4.5.2 Effective Communication and the capacity of communication and understanding

Promoting effective communication was highlighted by the respondents as one of the biggest challenges of elder mediation. Ensuring that the older person and all other parties understand what is being discussed and identifying whether all parties can communicate appropriately were factors highlighted in the qualitative questions. Although the possible deficiency in communication and understanding is not exclusive of the older party, it is important to point out there is in the literature a great concern about the cognitive capacity of the elderly in a mediation process.

Capacity is a legal concept that refers to the ability to make rational decisions based on cognitive

understanding. Although medical professionals use this term to describe the evaluation of capacity as a medical assessment, they cannot declare someone incapable legally (Braum, 2015); only a Court has the authority for that (Williams, 2013)

According to Watts (2009) and CCEL (2012) cited by Watson (2016; p. 16) capacity refers to the competence to comprehend decisions and their implications. In addition, communication is cited by Waldman (2011) as another element related to capacity (Watson, 2016).

Elder mediators regularly face situations in which they should ensure to assess a participant's ability to communicate and understand the issues under discussion in order to engage in mediation (Braum, 2015).

Effective communication provides transmission and reception of messages without distortion, promoting the building or rebuilding of the relationship between the parties involved. Therefore, ensuring good communication between all parties is essential in elder mediation (Buzatu and Pipas, 2014).

4.5.3 Tension Between Dependence and Independence – "Vulnerable" Populations

Dealing with the relationship of dependence and independence between the parties involved in the dispute was widely cited by 55% of respondents as a major challenge in elderly mediation. When this quantitative data is analysed in conjunction with the qualitative data, a link between parties' dependency and independence with vulnerability can be observed.

On the subject of age-related vulnerability, there is considerable debate. In the United States, it is typical to associate vulnerability with age, with older people being considered vulnerable as an age condition. On the other hand, several Canadian law academics criticize this correlation, stating that vulnerability is determined by social conditions rather than age-related (Braum, 2015).

In any case, elderly people are more susceptible to be in vulnerable positions due to a wide variety of

socioeconomic factors, including mental and physical disability, dependency on other adults, capacity issues and financial dependency, lack of education, social exclusion, language barrier, housing instability, gender, or sexual identity, and/or history of abuse (Watson, 2016).

The Department of Health, 2000 (cited by Mandelstam, 2008, p.1) provide another definition of vulnerability as a "person who is or may be in need of community care services because of mental or other disability, age or illness; and who is or may be unable to care for himself or herself, or unable to protect himself or herself from significant harm or exploitation".

The concept of vulnerability also includes dependency that can be manifested in a variety of ways, including the need for care, daily living necessities, and financial management. (Watson, 2016). Therefore, although autonomy is the right of all people in possession of legal capacity, independently of their age (Watson, 2016)., dealing with the tension between dependence and independence between the parties is still a big challenge faced by elder mediators.

4.6 Considerations in relation to Elder Mediation Training

This research sought to identify the value of specialized training in Elder Mediation by examining how elder mediators in Ireland are faring in terms of elder mediation training. According to the data analysed, the majority of mediators in Ireland (52%) received some type of specialized training for elder mediators. The training was rated as satisfactory by 53% of these respondents. When questioned about the level of importance to have continuous and specialized elder mediator training, 52% indicated it is the maximum level of importance (level 5). When these quantitative data were compared to the qualitative data, certain similarities and repetitions in the findings were discovered in regard to the reasons given by the respondents when they stated that continual and specialized learning is extremely important. A number of responses were repeated, including those connected to

Elder Special Needs, Sensitive Topics, Underdeveloped Fields, and Ireland's Ageing Population.

Elder Mediation is a complex field and specialized and continuous training assists to develop a set of standards for mediators to ethically respond to the challenges that arise in this type of process. These guidelines would assist in building the training requirements, ethical codes of conduct, ongoing professional development elder mediators' field in Ireland.

Elder mediation has been proving to be a promising and effective alternative for resolving disputes involving this population. When a trained mediator is present with abilities to manage power imbalances and facilitate efficient and clear communication between the parties, a number of positive outcomes can be achieved, including ensuring that elder people's rights are upheld. Therefore, it is recognized that elder mediators training is beneficial in supporting the process and the main issues of elder people (Herro,2020).

4.7 Summary of the Data Analysis/Findings

The primary data revealed three key aspects that are interconnected. The most common issues involving the elderly, the greatest challenges related by elder mediators in elder mediation and the considerations in relation to training for elder mediators to guide the elder mediator to manage the process.

Chapter 5 – Discussion

5.1 Introduction

This chapter will present a discussion on the integration of primary and secondary data and the research objectives. The aim is to compare the responses provided by respondents during primary data collection with the literature review to demonstrate how the findings can shed light on the main research question.

This discussion is structured based on the objectives cited in the introduction, reflecting on the main considerations around the issues involving elder people conflicts, the main challenges reported by elder mediators during mediation, and the practice of elder mediators training in Ireland. Elder mediation has been growing in Ireland, with particularities facing elder mediators in relation to this field. This study enabled an in-depth review of the research questions based on the analysis collected in the previous chapter and the responses provided by the respondents.

This section also includes recommendations for training elderly mediators. While the key principles of mediation guide mediators in all fields of mediation and even though training for elder mediators is not mandatory in Ireland, some unique aspects of this process were highlighted in this study, indicating that specialised and continuous training in this type of mediation could be beneficial for these mediators.

5.2 Objective 1 – Considerations Associated with Conflicts involving the Elderly Population

Based on the results achieved through primary research, it confirms that the Elderly population has specific considerations in relation to conflicts resolution and it was possible to identify the correlations between the data and the literature obtained.

The primary analysis reveals that the majority of respondents did not agree that impartiality and neutrality would be more difficult to achieve in an Elder Mediation process. This result mirrors what

is discussed in the literature in relation to the key principles of mediation being neutrality, impartiality, confidentiality, voluntary participation, informed consent, and self-determination, which should be practised at all types of mediation. When the mediator, previously or during the process, notices they are not able to achieve any of these key principles they should decline or stop the mediation process.

Mediation principles are an important aspect of this process and stand as its basis. Each interaction of the mediator with the parties, among themselves, or with third parties should be governed by the principles of mediation (Surma, 2018). Neutrality and impartiality are the most vital conditions for a fair, objective, constructive, comprehensive approach. The term impartiality refers to acting with no bias or prejudice (Exon, 2007).

According to the European Code of Conduct for Mediators, mediators are required to act impartially toward the parties and be willing to provide equal service to all parties in the mediation process (Surma, 2018). In the context of mediation, the term neutrality refers to the neutral position of the mediator in relation to the parties. In other words, the mediator should not have a background that generates any relationship, in any respect, with any of the parties, be that relationship be of financial, psychological, affective, or of authority (Taylor, 1997). The mediator should be in a neutral position to maintain a communication mechanism in the process (Cobb, 1991). In this way, both are essential in all and any type of mediation, being basic principles to mediators.

These concepts, as well as their application in a more realistic way, have been discussed in the literature. Some scholars point out that in human relationships, total impartiality and neutrality is difficult to achieve. However, it is, in general, agreed that mediators who believe, after completing a self-assessment process, they are unable to remain neutral and impartial in any mediation process, should not proceed with it (Taylos, 1997; Surma, 2018).

Thus, this study also sought to investigate the perception of respondents regarding self-assessment. The purpose was to identify how respondents evaluated this step of the process and most respondents

rated it as very important or important. According to Donato, 2015, self-assessment is a subjective and introspective process that allows the mediator to assess its weaknesses and strengths. Mediators can learn from their experiences, reflecting on their attitudes and evaluating their intervention and behaviour by self-assessment. As a result, the mediator becomes more aware of the impact of their actions (Bronson, 2010). In relation to elder mediation, in particular, Watson (2010) points out that older mediators should be aware of their own personal bias to prevent and avoid a paternalistic approach.

The primary analysis reveals that a large number of respondents agreed mediation may act in a way to prevent future conflicts escalating. The respondents pointed out that mediation aims to promote a safe environment and clear and effective communication between the parties, thus allowing the parties to feel comfortable and safe to express concerns about the future. Six (1990), agreed with this perception, indicating that preventive mediation can act to prevent conflicts. In this way, elder mediation can act in early intervention and assist parties in existing conflicts before they escalate.

From the data analysis, it was found that lack of communication, inheritance issues, housing arrangement and property are significant issues involving elderly mediation. In fact, these issues are widely reported in the literature as mentioned in chapter one and also presented below.

When the biggest issue in the dispute between the parties is the lack of communication, experts pointed out that the mediator can act to repair communication between the participants. To accomplish this, the mediator should be aware of the issues raised during the mediation sessions and have a clear understanding of each party. As a result of good communication between the parties, the mediator is able to lead them in the development of solutions to solve the conflicts by themselves. (Franco, 2018). Barry (2013) indicates that in the context of elder mediation, conflicts involving the family and the elderly are the most frequent. These conflicts are usually caused by disagreements about the way in which elderly people with disabilities conduct their personal and financial lives. At the family level, it is also possible to list issues involving guardianship, elder abuse, conflicts between

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the elderly and their care and/or hospitals. In another review, Watson (2013) identifies and discusses power issues that arise in this field such as autonomy, capacity, vulnerability, and elder abuse.

It is worth noting that there is no consensus in the literature about the use of elder mediation as an alternative dispute resolution in some cases, such as when there are doubts about the capacity to communicate and understanding of one of the parties involved in the process and also in cases of elder abuse. Some scholars agreed that mediation should not be used in cases involving serious allegations of abuse, on the other hand, a number of specialists believe that mediation may be acceptable in some circumstances involving financial exploitation (CCEL Report).

5.3 Objective 2 – The Challenges Related to An Elder Mediation Process

According to the majority of respondents, elder mediators face three main challenges: maintaining the power balance, promoting effective communication and attending to the tension between dependence and independence of the parties. Other significant aspects were mentioned as challenges by a smaller number of respondents, despite the fact that they are frequently cited in the literature on the topic, such as conducting a mediation with multiple parties, dealing with special needs of the elderly, capacity and vulnerability issues. These issues are now discussed in more detail below with dependency and independence included as part of capacity and vulnerability.

In accordance with the findings of the comprehensive literature review and interview analysis, the power imbalance is a great challenge faced by elder mediators. It is critical to ensure that the perspectives of all parties are reflected in mediation to achieve an outcome that benefits all the parties. The elder mediator should seek to ensure a balance of power, especially when one of the parties has some degree of cognitive impairment, physical, social, or financial dependency (CCEL Report, 2012; Larsen and Thorpe, 2006).

Even though power imbalance is a great challenge for the elder mediator, Waldman (2011) argues

that this imbalance, on some level, is inherent to mediation processes and while it is challenging, other concerns, such as safety and capacity of the parties involved are the most important indicators of whether the process is adequate.

As discussed previously in this chapter, most of the respondents agreed that maintaining neutrality and impartiality in an elder mediation process is no more challenging than in other types of mediation. However, in a possible attempt to redress the imbalance between the parties in the elder dispute, the neutrality and impartiality of the mediator may apparently be compromised, or at least in the view of the parties involved in the process. As a result, the mediator may lose the confidence of the parties in relation to their neutrality and impartiality (Braum, 2015; Shyam, 2006).

The challenge of promoting effective communication was another issue identified in the analysis of the previous chapter and has been widely discussed by several authors in the literature. In the case of elderly mediation, this challenge is, directly and indirectly, related to the intergeneration issues arising from multiples party mediation. Promoting good communication between them, clarifying issues, assisting to point out their needs and interests in order to achieve a satisfactory outcome for all parties seems to be even more challenging in the elder mediation (Buzatu and Pipas, 2014).

Another important point to consider is the challenge of mediating with multiple parties. The primary data obtained in this study reveals that the most frequent parties involved in the mediation process are adult children, other family members, caregivers, healthcare assistants or healthcare workers, hospitals, nursing homes, community service staff, friends, and neighbours.

Although Radford, 2002, points to the flexibility of the mediation process to allow multiple parties as an advantage, this same author recognises that this can be a challenge. Radford highlights, among other considerations, that if too many parties are in mediation, the procedure can become complex and exhausting, especially for the elderly. According to Franco (2018) and (Watson 2010) since elder mediation processes typically involve multiple parties from two or more generations, cultural intergenerational issues may arise during mediation. In this context, it is important that the mediator

is aware of the culture and values of the generations, as the topics discussed during mediation may be viewed differently depending on the generation represented by each of these participants. Understanding the culture and values of different generations avoids misunderstandings and provides respect and dignity between the parties. The mediator's role in this process is to identify how the characteristics of each generation affect them to build and strengthen relationships.

The findings of the literature review and data analysis show that mediators should be aware of the special needs of the elderly. Elder mediation may present particular challenges due to the age and capacity of participants, as they often have declining physical or mental fitness, as a consequence of ageing, illness or injury. As a result, some adaptations may be required to ensure that the elderly are more actively engaged in the process. These adaptations include reducing the duration of mediation sessions and scheduling them at times when the elderly appear to be more attentive and understanding, as well as ensuring that the elderly with hearing loss have access to hearing aids. The location for the mediation also must consider the special needs of this group, such as quieter and accessible space, a room on the ground floor, and when requested, a private home session. Virtual sessions, in general, are not recommended for the elderly, since physical sessions tend to promote a better response from the elderly (Barry, 2013; Radford,2002; Watson, 2016).

Capacity and vulnerability are commonly discussed in the literature on elder mediation, and they also were cited in this research study. According to British Columbia-based legal research that examined the relationship between capability and vulnerability, they are distinct concepts and vulnerability is more related to social factors than to inherent characteristics (Braum, 2015). Despite the fact that there is extensive literature on the topic, mediators still do not have enough guidance on elderly capacity issues. Some authors argue that concerns about capacity at any level make mediation inappropriate (Barry, 2013). Carroll and Smith (2010), for example, assert mediation is seldom employed in guardianship disputes in Australia, in part due to concerns about capacity.

5.4 Objective 3 – Elder Mediators Training in Ireland: current practice of this training

Finally, the last objective of this research entails identifying the current practice and effectiveness of elder mediators training in Ireland. The Institute of Mediators of Ireland (2021) does not require elder mediators training for those who mediate in this field, apart from Accredited Mediation Training and Ethical and Practical Training. A basic understanding of mediation skills and processes is essential to becoming a mediator, however, simply attending training may not be sufficient to establish competency. In any career field, continuous learning and professional development are fundamental. (Bronson, 2010).

According to the data analysis of this research, the majority of mediator respondents received some type of specialized training for elder mediators and most of them rated this as satisfactory. Other findings of this research also assert that respondents recognize that specialized and continuous training is very important. Such findings are supported by Radford (2002) who pointed out in his research, the finest mediators have a solid balance of training and experience in the working area.

McCann-Beranger (2010), pointed out that elder mediators, who want to be effective in disputes involving the elderly, must have a continuous and credible standard of practice, operate under a code of ethics, and achieve a level of certification that assure they are qualified to lead an elder mediation. In the United States, organisations such as the American Bar Association and the American Arbitration Association have developed guidelines concerning the qualifications and training of mediators in order to guarantee the qualification of mediators while preserving the mediation as a dynamic and collaborative process (Radford, 2002).

It is interesting to notice that according to the data collected in this study, sixty-eight percent of the elder mediators, who responded to the survey, did not consider themselves specialists in this area. This finding is in line with the literature, which according to Barry (2013), even though there are

elder mediation organisations in Europe and the United States, as well as specialised training and accreditation in elder mediation, it is difficult to determine how many mediators consider themselves specialists in this field.

5.5 Recommendations

Given the relevant statistics obtained in this project regards to the challenges faced by elder mediators, as well as the main issues related to the elderly and the current practice of elder mediators training in Ireland, this research considers a few important recommendations.

As the elderly population grows in Ireland, mediators will need to prepare for growth in the field of elder mediation. By analysing the specific characteristics of this type of mediation and related to the ageing process, it may be possible to promote a re-evaluation of the fact that specialist training in mediating elder people is not compulsory for professionals wishing to work in this area. Elder mediators should seek specialised training to learn about issues related to the particularities of ageing, such as cognitive deterioration diseases and their impact on the elder's decision-making capacity. Specialized and periodic training may assist to develop and promote actions that can improve the elder mediator's performance. Another point to consider is that elder mediators should be aware of the special needs of the elderly such as accommodation requirements and also questions in relation to access of the elderly to facilitate their engagement in the mediation session.

Conclusion

Elder Mediation is a growing area, which has been become more recognized as a new and promising alternative of dispute resolution between elder people, and other parties, such as family members, caregivers, health workers, nursing homes, hospitals, etc. However, it is important to be aware of this type of mediation faces certain particularities due to the special needs of the elderly. The elder mediator must understand these issues and challenges in order to determine best practices to lead the mediation effectively.

This study aimed to investigate the specific considerations associated with elderly conflicts and the practices of elder mediator`s training in Ireland. The research focused on identifying the challenges faced by mediations on the management of the Elder Mediation process in Ireland.

This research was conducted using the mixed methods, quantitative and qualitative nature, based on epistemology philosophy with a focus on interpretivism, directly addressing the opinion of 31 elder mediators who currently work in Ireland, collecting data through open and closed questions by online survey. Such methodology enabled first-hand knowledge and a possibility of understanding the research question from the elder mediators' perspectives, providing new insights, and reflections related to different perspectives.

From the information presented through existing literature and primary data collected, it is noticeable that ensuring balance of power, promoting effective communication, and dealing with dependence issues have been great challenges faced by elder mediators. It is especially challenging due to this type of mediation tipically involves multiple parties, and thus may become a process more complex and exhausting, especially for the elder party. In addition, as pointed out by Franco (2018) and (Watson 2010), cultural intergenerational issues may arise in this type of mediation. In this context, acknowledging different cultures and values from generations is essential to conduct the mediation.

Moreover, lack of communication was the issue most reported by mediators based on their own professional experience in elder conflicts. The literature suggests that effective communication allows

the parties involved in the process to hear and understand each other's perspectives, preventing communication issues and assisting to build or rebuilding relationships. Furthermore, the majority of mediators also agreed that older people's mediation can act in a preventive way to avoid the escalation of future conflicts.

Similarities among literature and primary data were also observed in relation to the importance of impartiality and neutrality. Mediators pointed in the survey that these key principles of mediation should be applied regardless of the type of mediation as they are a vital component of the process. In the literature about this topic, there is a consensus that mediators who are unable to maintain neutrality and impartiality, in any type of mediation, should not proceed with it.

Finally, considering the characteristics related to the ageing process such as the cognitive decline and other special conditions, as well as the specific characteristics of this type of mediation with multiple parties, such as the cultural intergenerational, managing balance power and effective communication can be even more challenging. Therefore, this study demonstrates the importance of promoting specialised and continuous training for elder mediators, once it would be beneficial in supporting the mediation process and assisting to develop a set of standards to ethically respond to the main issues involving elder people.

Reflection

Throughout the dissertation process, the consequences of the pandemic period affected me. As a healthcare worker, I was a front-line worker during the whole pandemic period. I went through ups and downs during that time until I lost my first, closest and dear patient. From this point, my anxiety got out of control, and I had several anxiety attacks. The guilt for not being there when she needed me is still latent in my life.

Due to the topic of my dissertation, I should read a lot of articles about the elderly, including elderly situation, elderly issues, elderly conflicts etc. I just could not though do it for months and to be completely honest, I was not sure I could do it one day. This was a personal challenge for me. My first learning from this study came before I started it. I have learned to ask for help, to recognise my weaknesses and I am on the path to learning how to strengthen myself. I asked for help from my family, my therapist, my friends, the college. I am so grateful for all that help.

Without being able to read the files or follow up on this research, it took months of mental health counselling. I also was aware that the researcher must be unbiased and impartial in order to complete the study, for this reason, I was also unable to continue the research for several months. After this period and after self-assessment, I was able to return to the topic and do the research with impartiality and neutrality. The difficulty of leaving my own feelings in relation to the elderly and developing critical thinking skills was one of the achievements in relation to this work.

Some of my colleagues suggested to me to change the topic, however, the reason why I chose to work with the elderly in a mediation study was, firstly, because I am interested in this field and I have been working with elder people since I arrived in Ireland, and secondly, because it is a growing field and I would like my research to contribute to Ireland society in some way. Besides working with the elderly for over 3 years and studying at a Master of alternative dispute resolution, the interest in elder mediation was inevitable.

In the process of literature review, it was possible to learn about the elder situation, the issues related

to ageing, identify the most common conflicts in relation to the elderly, the multiple parties involved in this type of mediation, as well as the practice of training for older people's mediators in Ireland and worldwide. The experiences reported by mediators and their different perspectives on the research topic further broadened my knowledge on the subject.

In order to select the most effective method to conduct the research, a detailed review of methods and methodology was conducted. Mixed-method was chosen in order to investigate more deeply some issues and to know more deeply the different perspectives of the mediators. Although the analysis of this type of method takes more time and is more complex, I believe that it added value to the research. In contrast to the choice of topic on the mediation of the elderly that occurred naturally, the definition of the target population was a process that demanded a little more time. Although I am personally satisfied with the knowledge acquired through the mediators' perspectives, during the process of formulating the project, the possibility of interviewing another target population, the elderly, were considered. Investigating the challenges of elder mediation from the perspective of the mediator and the elderly party involved in the process would have been even more enriching. However, some issues were taken into consideration: ethical issues involving this population, the difficulty of conducting online research with this population, the impossibility of conducting face-to-face interviews during the pandemic, considering above all that this population is a risk group

In the work, I learned about elder special needs, respect, and dignity towards them. At College, I learned about Alternative Disputes Resolutions. In my research, I have been learning about the elderly, conflicts, mediation, elder mediation, self-assessment, elderly issues, power imbalance, effective communication, dependence, and other challenges and I have been learning how different points of view increase knowledge. Outside my research, I have been learning how to be stronger.

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Appendix A Form A -Application for Ethical Approval

Form A: Application for Ethical Approval

Undergraduate/Taught Postgraduate Research

This form should be submitted to the module leader for the relevant initial proposal and/or the relevant supervisor is the proposal has already been accepted.

Please save this file as *STUDENT NUMBER_AEA_FormA.docx*

Title of Project	What are the challenges faced by mediators on the management of elder mediation in Ireland?
Name of Learner	Sula Ligiero Sally
Student Number	51708493
Name of Supervisor/Tutor	Orla Tuohy

Check the relevant boxes. All questions must be answered before submitting to the relevant lecturer / supervisor. Note: only one box per row should be selected.

Item	Question	Yes	No	NA
1	Will you describe the main research procedures to participants in advance, so that they are informed about what to expect?	☒	☐	
2	Will you tell participants that their participation is voluntary?	☒	☐	
3	Will you obtain written consent for participation (through a signed or 'ticked' consent form)?	☒	☐	
4	If the research is observational, will you ask participants for their consent to being observed.	☐	☐	☒
5	Will you tell participants that they may withdraw from the research at any time and for any reason?	☒	☐	
6	Will you give participants the option of not answering any question they do not want to answer?	☒	☐	☐
7	Will you ensure that participant data will be treated with full confidentiality and anonymity and, if published, will not be identifiable as any individual or group?	☒	☐	
8	Will you debrief participants at the end of their participation (i.e., give them a brief explanation of the study)?	☒	☐	
9	If your study involves people between 16 and 18 years, will you ensure that passive consent is obtained from parents/guardians, with active consent obtained from both the child and their school/organisation?	☐	☐	☒
10	If your study involves people less than 16 years, will you ensure that active consent is obtained from parents/guardians and that a parent/guardian or their nominee (such as a teacher) will be present throughout the data collection period?	☐	☐	☒
11	If your study requires evaluation by an ethics committee/board at an external agency, will you wait until you have approval from both the Independent College Dublin and the external ethics committee before starting data collection.	☐	☐	☒

Item	Question	Yes	No	NA
12	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.) will you inform participants in writing that their grades and/or evaluation will be in no way affected by their participation (or lack thereof) in your research?	☐	☐	☒
13	If you are in a position of authority over your participants (for example, if you are their instructor/tutor/manager/examiner etc.), does your study involve asking participants about their academic or professional achievements, motivations, abilities or philosophies? (please note that this does not apply to QA1 or QA3 forms, or questionnaires limited to market research, that do not require ethical approval from the IREC)	☐	☐	☒
14	Will your project involve deliberately misleading participants in any way?	☐	☒	
15	Is there any realistic risk of any participants experiencing either physical or psychological distress or discomfort?	☐	☒	
16	Does your project involve work with animals?	☐	☒	
17	Do you plan to give individual feedback to participants regarding their scores on any task or scale?	☐	☐	☒
18	Does your study examine any sensitive topics (such as, but not limited to, religion, sexuality, alcohol, crime, drugs, mental health, physical health, etc.)	☐	☒	
19	Is your study designed to change the mental state of participants in any negative way (such as inducing aggression, frustration, etc?)	☐	☒	
20	Does your study involve an external agency (e.g. for recruitment)?	☐	☒	
21	Do your participants fall into any of the following special groups? (except where one or more individuals with such characteristics may naturally occur within a general population, such as a sample of students)		☐	☐
			☐	☐
			☐	☐
			☐	☐
			☐	☐

If you have ticked any of the shaded boxes above, you should consult with your module leader / supervisor immediately. **You will need to fill in Form B Ethical Approval** and submit it to the Research & Ethics Committee **instead** of this form.

There is an obligation on the researcher to bring to the attention of the Research & Ethics Committee any issues with ethical implications not clearly covered by the above checklist.

I consider that this project has **no** significant ethical implications to be brought before the relevant Research & Ethics Committee. I have read and understood the specific guidelines for completion of Ethics Application Forms. I am familiar with the codes of professional ethics relevant to my discipline (and have discussed them with my supervisor).	⊠
Name of Learner	Sula Ligiero Sally
Student Number	51708493
Date	28/03/2021
I have discussed this project with the learner in question, and I agree that it has no significant ethical implications to be brought before the Research & Ethics Committee.	☐
Name of Supervisor/Lecturer	Orla Tuohy
Date	29th March 2021

Appendix B Survey Questionnaire

1. - Do you consent to participate in this research?

2. - What is your gender?

3. - What is your area of expertise? More than one option is possible.

4. Do you think it is more difficult to be impartial and neutral in relation to Elder Mediation Process than other types of Mediation?

5. Could you explain your answer in question 4, please?

6. n your opinion, could Elder Mediation act in a preventive way, avoiding future conflict escalation between elderly and other parties? *

7. If you have answered "Yes" in the question 6, could you explain shortly your reasons?

8. Have you ever experienced conflict situation involving elderly?

9. Based on your own experience, what are the common issues related to an Elder Mediation? More than one option is possible

10. Regarding Elder Mediation, what are the other parties most frequently involved in this type of mediation? More than one option is possible.

11. In your opinion, what are the biggest challenges in mediation with elderly? More than one option is possible.

12. Do you consider yourself as a specialist in Elder Mediation?

13. Have you ever taken Elder Mediation Training?

14. f you have answered "yes" in the question 13, how would you rate this training in relation to your professional experience?

15. If you have answered "Unsatisfactory" in the question 14, which areas would you like to have increased your knowledge?

16. - How much do you consider continuous and specialized Training for Elder Mediation to be important ?

17. Could you explain, briefly, the reasons for your answer on the question 16?

18. Have you ever acted in a mediation process where, according to your perception, you could have assisted the parties better if you had more knowledge about a certain area?

19. Personally, how much do you consider self-assessment to be relevant before accepting to mediate an elderly dispute?

20. Based on your own experiences as a mediator, could you share examples of your greatest challenges in the mediation process with older people?

21. Based on your own experiences as a mediator, could you share examples of good learning encounters in the mediation process with elder people?