FAMILY MEDIATION SERVICES FOR MINORITY ETHNIC FAMILIES IN SCOTLAND

Vibha Pankaj
Family Mediation Scotland

The Scottish Executive Central Research Unit 2000
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Appendix 1
SUMMARY

Background

There are 12 independent regional family mediation services affiliated to Family Mediation Scotland (FMS). They provide a range of services to reduce the stress experienced by children of separating and divorced families by helping parents to make informed decisions about future arrangements for their children. FMS was aware that its services were under-utilised by minority ethnic communities in Scotland and was keen to explore the reasons for low uptake. The impetus to extend mediation services to various communities was also provided by the Children (Scotland) Act 1995 which recognises the ethnic diversity of children and families. This study explores cultural attitudes, norms and practices associated with separation, marriage and divorce in minority ethnic families and assesses the acceptability of the concept and underlying ideology of family mediation to diverse ethnic groups. It also assesses the present framework of service provision and its suitability for minority ethnic families. The study aims to assist mediation services adapt practices and policies to make service provision more inclusive and accessible to the diverse families of Scotland.

The study used qualitative methods of data collection and analysis. It drew information from four sources:

1. discussions with co-ordinators and workers of minority ethnic organisations;
2. focus groups and interviews with members of different minority ethnic groups;
3. completed questionnaires by co-ordinators and mediators in services affiliated to FMS;
4. discussions with selected family mediation service providers in England and Wales, affiliated to NFM.

This study was carried out from July 1999 to December 2000.

The Minority Ethnic Organisations’ Outlook

There was a general feeling that separation and divorce in all communities was increasing. Factors such as poverty, unemployment, unsociable working hours and health problems were cited as some of the reasons for disharmony in families. Other factors identified were “culture clash” between partners and the intrusion of extended family members. A “culture clash” occurs when the expectations and understanding of cultural values and behaviour differ between partners even though both belong to the same community. This is particularly pertinent when a resident partner seeks and marries someone from his/her country of origin.

Most organisations were unaware of family mediation services, but felt that the child-centred nature of these services is relevant and would be beneficial to all minority ethnic communities. However, it was important for such services to be culturally sensitive and show respect for diverse beliefs and cultural values. It was also suggested that presence of workers from minority ethnic communities would help with users’ language needs.
The Pakistani Participants’ Outlook

Most participants in focus group discussions and interviews believed that marriage is a bond between two families rather than just two individuals. Marriages normally take place through parental choice, but with the consent of prospective partners. Marriages to cousins are permissible and sometimes preferred. The members of the immediate family often are involved in domestic decision making. Family links provide support but can also be a reason for discord between partners. Culture clash was identified as one of the reasons for marital conflict. Divorce is permitted, but takes place only when all reconciliation efforts are exhausted. Sometimes the stigma attached to divorce and financial insecurity are reasons for women to continue in an unhappy marriage. Cohabitation is generally unacceptable. The participants felt that they would perhaps be best served if the mediator belonged to their own ethnic group or at least had an understanding of their cultural and religious beliefs. At the same time, they were apprehensive that the close knit nature of their local ethnic group would inhibit them from discussing their problems with a mediator who was also from the same community.

The Chinese Participants’ Outlook

The concept of family is very important in the Chinese community. However, most families in Scotland are nuclear. The reasons for marital discord were identified as unsocial working hours, gambling, extramarital affairs and culture clash. There is an emphasis on keeping the family together and divorce takes place only when partners find it difficult to get along. Family mediation was seen as a useful service for ensuring amicable separation. The focus group participants felt that professionals such as lawyers and doctors had respect in the community and mediation services needed to be seen in the same light. Experienced and culturally sensitive mediators would be preferred. The participants felt that the presence of workers from their own ethnic group would ease access to mediation services.

The African-Caribbean Participants’ Outlook

Scotland has a small African-Caribbean population with a majority from Africa. All focus group participants were Christians. Cohabitation is considered a realistic first step prior to marriage. Traditionally “a family” comprises of parents, uncles, aunts and cousins, and a marital bond implies that one accepts all relationships across the family. No community specific reasons were cited for breakdown of marital relationships. The participants felt that friends and family were sources of support in situations of domestic dispute. Even after divorce partners remain part of the “family” and it is not unusual for children to remain in contact with both parents. Most participants were unaware of family mediation services but felt that these should be culturally sensitive and that the workers should have an understanding of issues related to family, marriage and children in their community.

The Indian Participants’ Outlook

The participants were Hindus and Sikhs. Marriages in the Indian community are generally through parental proposals. Prospective partners often interact with each other and make the final decision. Married women have a dual role of contributing to the family income and running the household. Participants felt that conflicts often arise due to unequal sharing of
household duties. Culture clash was cited as another reason for marital discord. Participants stressed the permanence of marriage and felt that divorce should only be considered when the relationship involves frequent quarrels and arguments. They felt that the prerequisites of successful family mediation service provision are cultural awareness and avoidance of stereotypical opinions.

**A comparison of different communities**

A comparison of views of participants from different communities highlights that there are both similarities and differences across communities. Available statistics and literature on minority ethnic groups corroborated many findings of this study.

**The Service Providers’ Outlook**

Responses to questionnaires from practising mediators and service co-ordinators affiliated to FMS suggest that mediation services are under-utilised by minority ethnic communities. A majority of mediators expressed concern about being misunderstood or saying something that might be construed as offensive by minority ethnic users. A majority also thought that it might be difficult to maintain a gender balance. Most mediators felt that cultural awareness training would equip and enable them to serve minority ethnic users with greater confidence. Even then, language could be a problem when providing services to minority ethnic users, since mediation involves picking up nuances of conversation and using interpreters has been found to be unsatisfactory.

Experience in England, in mediation services delivering mediation to minority ethnic communities suggests that training could help by improving sensitivity, by raising awareness about religious and family values and in avoiding stereotyping. However, there are limits to what one can learn through training. It was also felt that language was not as important a problem as can be made out to be and that, while issues of gender imbalance are stronger in some communities, images of submissive South-Asian women are exaggerated.

A range of options in service delivery should be made available with family mediation services to be employed where needed. To improve access to services it is necessary that users identify with them. Such identification is eased if service providers are from ethnic backgrounds similar to that of prospective users or are seen to be culturally sensitive and knowledgeable.

**Changing attitudes of second/third generation**

Since almost all participants in focus groups held with various minority ethnic communities were first generation settlers, the study reviews available literature on the shifts in attitudes of second and subsequent generations around themes related to family, parenting, marriage and identity. The literature reveals that there is some shift in attitudes due to the process of acculturation on many, but not all, of the above themes.

**Recommendations**
The study suggests that family mediation services are relevant and required by minority ethnic families in Scotland and that the concept of family mediation does not conflict with the religious or cultural norms of any community. However, a number of inter-related issues are relevant to enhance usage and accessibility of family mediation services by minority ethnic families:

- Family mediation services need to be more flexible and adaptable to the needs of the users, for example, by employing a statement of intent which includes support for partners who “may be considering” separation, a longer intake interview to assess needs, co-mediation with one male and one female mediator and family group mediation which includes members of the wider family in the mediation process as appropriate.

- Stronger links should be developed with minority ethnic organisations and with marriage counselling services, for example, by providing mediation services at the premises of minority ethnic organisations and by providing the services of relationship counsellors at family mediation service centres and vice versa.

- Training on cross-cultural issues and awareness raising should be provided for service providers.

- Recruiting mediators and workers from minority ethnic groups seems essential to help users identify with Family Mediation services.

- Information about Family Mediation services should be disseminated to minority ethnic groups through workshops, audio-visual means and newsletters of the various voluntary organisations.

- Ethnic monitoring would be helpful in assessing the inclusive nature of Family Mediation services.
CHAPTER 1

Introduction

1.1 Background

Family Mediation provides a range of services geared towards reducing the stress experienced by parents and children of divorced or separated families. It helps families in making future arrangements for their offspring, which are fulfilling both for parents and children. It is now widely recognised that the family as a whole benefits by being better equipped and informed through family mediation (McCarthy and Walker, 1996).

The Government’s recent White Paper on health (The Scottish Office Department of Health, 1999) states: “Social disadvantage, emotional strain and family disruption can lead to mental health problems in childhood, adolescence and early adulthood. Children at particularly high risk of mental health problems are those living in poverty, showing behavioural difficulties or living in families undergoing divorce or bereavement.” In this regard parental mental health is also significant in safeguarding the mental health of children. This has further underlined the importance of family mediation services.

The Children (Scotland) Act 1995 (The Scottish Office, 1995) has affected a wide range of areas related to children and their families. The Act encourages joint parenting, giving parents rights and responsibilities towards bringing up the child even after parental separation and divorce. There is a stronger recognition of children’s rights and their views, which include their religious persuasion, racial origin, linguistic background and culture (Social Work Services Inspectorate for Scotland, 1998). The Act has provided an impetus to the extension of Family Mediation services to minority ethnic communities.

Family Mediation Scotland (Appendix 1) has been concerned that its affiliated services were not being utilised by minority ethnic communities that constitute the multicultural fabric of Scotland. It therefore became important to explore the reasons for this low uptake and to find out if the concept and underlying ideology of family mediation was acceptable to the diverse cultural/religious beliefs. It was also necessary to find out if the present framework of service provision was capable of catering to cultural sensitivities. The questions that needed to be answered for different minority ethnic communities were:

- What are the cultural attitudes, norms and practices associated with marriage, separation and divorce?
- How do families cope with family break-up?
- Is there a need for family mediation services for the community?
- Would families welcome external support (Family Mediation)?
- Could we devise ways to make services more sensitive to the needs of culturally diverse communities?

According to the 1991 Census, (The Scottish Office Information Directorate, 1996) the minority ethnic population of Scotland is 62,634 which constitutes for some 1.3% of the total population. The largest minority ethnic group in Scotland is of Pakistani origin (21,192) followed by Chinese (10,476), Indian (10,050) and African-Caribbean (3,707). This study
therefore, considered the above minority ethnic groups. The Glasgow region of Scotland has the largest proportion of this population (34%) followed by Edinburgh (16%).

Every community consists of individuals. However, no individual or set of individuals can be assumed to be totally representative of that community. The identity of an individual emanates from his or her historical background, upbringing, family customs, economic situation and social norms. The present multicultural society contains a wide range of family norms, cultural traditions and kinship patterns. In fact a person may owe allegiance and be loyal to more than one group without any conflict. In other words two individuals perceived to be from the same broad minority ethnic group could have significantly different views on a specific issue. However, it was felt that on issues such as marriage and divorce at least some consensus could be achieved through focus group discussions. These constituted the principal method of research. They could also lead to a reasonably good understanding of the family structure and inter-relationships, which is important in understanding the needs of a community during marital discord, separation and divorce. This research (carried out from July 1999 to December 2000) could serve as a compass indicating the main directions that should be adopted by Family Mediation services.

1.2 Exploring the need

There are 7,300,000 families with dependent children in Britain (Social Trends, 1999). These families constitute both couples with children and lone parents. The percentage of lone parents from different ethnic groups (derived from Labour Force Survey) is as shown in Table 1.1.

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>Lone parent families (%)</th>
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<tbody>
<tr>
<td>Pakistani/Bangladeshi</td>
<td>17</td>
</tr>
<tr>
<td>Indian</td>
<td>9</td>
</tr>
<tr>
<td>Black</td>
<td>55</td>
</tr>
<tr>
<td>White</td>
<td>22</td>
</tr>
<tr>
<td>Other groups</td>
<td>27</td>
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Table 1.1 indicates that the percentage of divorce/separation in families with children from some minority ethnic groups may be significant considering that in some communities having children out of wedlock is not common. As compared to the majority White population, lone parent families constitute a higher percentage for the Black ethnic group, a comparable proportion for the Pakistani/Bangladeshi group, and a lower proportion for the Indian group. It has been suggested that child bearing in Caribbeans frequently takes place outside marriage, and there is an emphasis on mother-child bond and a lack of emphasis on the conjugal bond (Clark, 1957; Smith, 1956). This perhaps accounts for the large number of lone parent Black families.

Smith (1991) has also provided an approximate percentage of lone parent households in Scotland. According to him there are 3% Indian, 3% Chinese, 6% Pakistani and 6% White lone parent households in Scotland. It may be noted that the base in this case is the total number of households with or without children in each community.
Data on marital status based on the two percent Sample of Anonymised Records (SAR) has been provided by Berrington (1996). Tables 1.2 and 1.3 provide percentages by sex, age and ethnic group of the British population that have gone through divorce at least once. These include those who may have divorced and then remarried someone else. These tables have been derived from the detailed marital status distribution data provided by Berrington (1996).

Table 1.2: Percentage of divorced/remarried men by age and ethnic group. Resident population, Britain 1991 [data derived from Berrington (1996)]

<table>
<thead>
<tr>
<th>Age group</th>
<th>White</th>
<th>Pakistani</th>
<th>Chinese</th>
<th>Indian</th>
<th>Black Caribbean</th>
<th>Black African</th>
<th>Black Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-34</td>
<td>12.4</td>
<td>4.8</td>
<td>4.9</td>
<td>6.1</td>
<td>7.3</td>
<td>4.3</td>
<td>7.5</td>
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<tr>
<td>35-39</td>
<td>19.0</td>
<td>4.7</td>
<td>4.3</td>
<td>6.6</td>
<td>11.9</td>
<td>12.0</td>
<td>20.4</td>
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<tr>
<td>40-49</td>
<td>21.9</td>
<td>10.2</td>
<td>8.3</td>
<td>7.6</td>
<td>19.3</td>
<td>20.1</td>
<td>26.8</td>
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</tbody>
</table>

Table 1.3: Percentage of divorced/remarried women by age and ethnic group. Resident population, Britain 1991 [data derived from Berrington (1996)]

<table>
<thead>
<tr>
<th>Age group</th>
<th>White</th>
<th>Pakistani</th>
<th>Chinese</th>
<th>Indian</th>
<th>Black Caribbean</th>
<th>Black African</th>
<th>Black Other</th>
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<tbody>
<tr>
<td>30-34</td>
<td>17.9</td>
<td>4.7</td>
<td>5.8</td>
<td>8.0</td>
<td>6.8</td>
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<td>12.6</td>
<td>6.0</td>
<td>25.8</td>
<td>23.3</td>
<td>28.8</td>
</tr>
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</table>

The data illustrates that the percentage of divorce in Pakistani, Indian and Chinese communities, though smaller than in the White and Black communities, is still significant.

Divorce data specific to Scotland is not readily available.

1.3 Study design

As the study involved obtaining representative views on the inter-relationships within a family, particularly in the event of family break-up, qualitative methods of collection of data and analysis were considered appropriate.

The present study drew data from four sources:
1. Discussions with co-ordinators and workers of minority ethnic organisations;
2. Focus groups and interviews with members of different minority ethnic groups;
3. Discussions with some mediators and questionnaires completed by services and mediators affiliated to Family Mediation Scotland (FMS); and
4. Discussions with mediators of selected family mediation services affiliated to National Family Mediation (NFM) in England and Wales.

1.3.1 Discussions with minority ethnic organisations

Several minority ethnic organisations in Edinburgh and Glasgow were contacted. Meetings were held with co-ordinators and workers. The format of all meetings was similar. They were given information about Family Mediation services and the project. Then they were given a free hand to raise issues they considered important.

The aim of these discussions was to collate community specific issues on family break-up and the possible role of Family Mediation services. These issues could then be discussed in focus groups with community members. Some minority ethnic organisations were also asked to arrange focus groups with their users.

1.3.2 Focus groups and interviews

Focus groups were held with members of the Pakistani, Chinese, African-Caribbean and Indian communities. Individual interviews were held with some members from the Pakistani and Indian communities. The discussion in focus groups was on family life, marriage, divorce, whether the mediation services could be a source of support and how they could be made sensitive to the specific needs of the communities. In all focus groups and interviews the participants were informed about various Family Mediation services and the aims of this study before initiating discussions.

1.3.3 Questionnaires for Family Mediation service providers in Scotland

The third prong of this study was to seek the views of Family Mediation services affiliated to FMS and of their mediators. Two questionnaires were designed. The first questionnaire, for completion by the co-ordinators of FMS affiliated services, aimed to elicit thoughts on the appropriateness of the current set-up and the need for specialist resources. It also sought information on the usage of their centres by minority ethnic families.

The second questionnaire sought the experiences of those mediators who had mediated with minority ethnic families and the perception of those who had not. It tried to find out if they felt confident of serving minority ethnic families and whether any additional training could help boost confidence and remove anxieties.

1.3.4 Discussions with family mediation service providers in England and Wales

Discussions were held with co-ordinators and mediators of NFM affiliated family mediation services in London, Birmingham and West and Wales region. Some of these services have extensive experience of providing family mediation services for minority ethnic communities. Discussions attempted to find answers to the following questions:

- Are family mediation services much in demand by minority ethnic families?
- How do the mediators prepare themselves to serve users with varying cultural backgrounds?
- What are the important issues that need to be addressed during service provision?
• What kind of changes to service design could enhance usage by minority ethnic communities?

1.3.5 Data integration and analysis

Detailed notes were taken during meetings with the co-ordinators and workers of minority ethnic organisations. These were subsequently examined and the main themes emerging from these discussions tabulated, and were subsequently used in focus group discussions.

All focus groups were recorded on tape. The focus groups with the African-Caribbean and the Indian community were in English. Focus groups with the Pakistani community were in a mixture of English and Urdu and the Chinese focus group was held in a mixture of English and Cantonese with the help of an interpreter. The recorded version was also transcribed with the aid of another Cantonese speaker. The focus group discussions were flexible and open-ended with themes collated from the co-ordinators being used as cues. Subsequent analysis revealed several issues that were common for different communities and many others that were community specific.

The completed questionnaires from Family Mediation service co-ordinators and mediators were analysed to derive the main issues raised by them. Issues emerging from experiences and perceptions of family mediation service providers of England and Wales were collated.

1.4 Limitations of the study

In general all four prongs of research revealed useful information. However, some limitations were found with focus group interviews. In some communities there is a stigma attached to separation and divorce. Given that, and the often small and interconnected family system, some members had reservations about participating in group discussions. They were concerned that whatever they said might be seen as their personal experience and become known to families and friends. In view of this some individual interviews with those experiencing family break-up were conducted. Focus group researchers recommend choosing participants that do not know each other. This requires providing incentives to participants and holding a large number of focus groups (Morgan, 1997; Krueger, 1997a,b). Due to shortage of time and financial resources this was not practicable.

The use of minority ethnic organisations could be a limiting factor when seeking representative views of a community as it reaches only those who access these organisations.
CHAPTER 2

Family Mediation—
The Minority Ethnic Organisations' Outlook

2.1 Introduction

A number of meetings were held with the co-ordinators and workers of various Minority Ethnic organisations (Table 2.1). The format of all meetings was similar. First the workers were given information about Family Mediation services and this project. They were then given a free hand to raise issues they considered important.

Table 2.1: Meetings with Minority Ethnic organisations

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Major areas of work</th>
<th>Number of meetings (No. of workers)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Health and information support for South-Asian women</td>
<td>1(4)</td>
</tr>
<tr>
<td>B</td>
<td>Legal advice and counselling support for Pakistani and Bangladeshi community</td>
<td>1(2)</td>
</tr>
<tr>
<td>C</td>
<td>Mental health support for men from minority ethnic groups</td>
<td>1(1)</td>
</tr>
<tr>
<td>D</td>
<td>Interpretation and translation support</td>
<td>1(1)</td>
</tr>
<tr>
<td>E</td>
<td>Mental health support for women from minority ethnic groups</td>
<td>2(2)</td>
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<tr>
<td>F</td>
<td>Support for domestically abused women from minority ethnic groups</td>
<td>1(2)</td>
</tr>
<tr>
<td>G</td>
<td>Information, health and language support for Chinese community</td>
<td>2(2)</td>
</tr>
<tr>
<td>H</td>
<td>Mental health support for minority ethnic groups</td>
<td>1(1)</td>
</tr>
<tr>
<td>I</td>
<td>Support for women from minority ethnic groups</td>
<td>2(8)</td>
</tr>
<tr>
<td>J</td>
<td>Support for women from minority ethnic groups</td>
<td>1(2)</td>
</tr>
<tr>
<td>K</td>
<td>Support for Pakistani community</td>
<td>1(2)</td>
</tr>
<tr>
<td>L</td>
<td>Information and support for African-Caribbean community</td>
<td>1(1)</td>
</tr>
<tr>
<td>M</td>
<td>Religious and social support for Indian community</td>
<td>2(2)</td>
</tr>
</tbody>
</table>
2.2 **Factors contributing to marital discord**

There was a general feeling that separations and divorces in all communities are increasing. A number of reasons were cited; some were community specific and others were common to all. Common factors cited were poverty, unemployment, unsocial working hours, health problems, and domestic violence. Depression due to social exclusion, particularly in unemployed women, was cited as another common factor.

In South-Asian communities there is significant interaction within members of the extended family who are seen as sources of support (Beishon et al., 1998). It was felt that often members of the extended family interfere in the affairs of a married couple, thus initiating marital discord.

Another reason for marital discord common for Pakistani, Chinese and Indian communities was “culture clash”. Often marriages took place between one who had been brought-up in the UK and another coming from the first’s country of origin. It was perceived by the marrying partners and the community that they would share similar values. This was often not the case and there was a considerable difference in the understanding of cultural values and expectations of behaviour. The incoming partner sometimes felt isolated as he/she had little support to rely on in comparison to the resident partner who often had family and friends on his/her side. Workers cited cases where social exclusion of the incoming partner had made him/her live in misery and with low self-esteem. Some cases were cited where stress and depression was so great that they had developed suicidal tendencies.

The above mentioned organisations offered a wide range of services to help those in stress by providing counselling, group support, complementary therapy, advocacy, information, language support and English language classes.

2.3 **Family Mediation services for minority ethnic communities**

Most organisations welcomed and appreciated the child centred nature of Family Mediation services. Most also felt that Family Mediation and its local services had the expertise and resources to extend their services to Minority Ethnic communities. The general opinion was that special minority ethnic organisations for family mediation services would not be practical in Scotland in view of the population size. It is worth mentioning that in London, with a larger minority ethnic population, organisations such as African-Caribbean Family Mediation Service and Eye to Eye Mediation have had considerable success in providing family mediation services.

It was suggested that generally minority ethnic communities have faith in professional services and they would be willing to use Family Mediation services as an alternative to the legal process if these services were perceived as professional. For example doctors and lawyers are considered professional whereas counselling services are not. A number of suggestions were made to facilitate more widespread use by minority ethnic communities. These are discussed in the following sub-sections.

2.3.1 **Raising awareness of Family Mediation services**

Most organisations had little or no knowledge of the existence of Family Mediation services. They felt that outreach work and seminars could help create awareness about services.
Almost all organisations were of the opinion that Family Mediation services were necessary and would be found useful by minority ethnic groups. While welcoming this research initiative they were quick to express their desire for an early follow-up action.

### 2.3.2 Maintaining confidentiality

It was suggested that confidentiality was paramount when providing services in the sensitive area of family break-up. Every effort must be made to ensure that services are perceived as confidential at all levels of delivery. Minority ethnic communities in Scotland are small and closely knit. The presence of an individual from their own minority community in the mediation process could seem to dilute confidentiality. The presence of an interpreter may also be perceived in a similar manner. Therefore individual needs should be carefully assessed before delivery of services. To maintain confidentiality, it was suggested that Family Mediation services should be situated in city centres, where they could be used without being conspicuous.

### 2.3.3 Issues related to the mediator

Scottish Minority Ethnic organisations welcomed the involvement of a neutral, professionally trained mediator. They, however, expressed the following concerns about the delivery of services:

**Cultural Awareness**

Everyone agreed that effective communication required the mediator to be aware of the cultural and religious beliefs of individuals to whom the service was being provided. Since communication is more than language, cultural sensitivity was seen as an important issue by most organisations. It was suggested that cultural awareness training was essential to prevent stereotypical assumptions.

Culture is in constant transition and can have a range of attitudes, experiences and values existing within a single community. People from the same community with different upbringing will understand culture differently. Sometimes belonging to a particular community does not imply that the person is knowledgeable about its culture or conforms to all its generally accepted norms. Thus cultural awareness training emphasising that every individual has his/her own identity would be essential for mediators and workers from all communities.

**Language**

Mediation involves listening to people and understanding the nuances of conversation. Hence knowledge of language is an important factor in conducting mediation effectively. This would help in providing a stress free environment where the user is confident that his/her feelings are being understood.

The need for bilingual mediators was strongly stressed by many workers. A bilingual mediator who could speak the language of the users would facilitate better communication. Language seemed to be a strong barrier for the Chinese community, as many find it difficult to communicate in English. Hence language support in Cantonese/Hakka would be required at various levels. The Pakistani community would also need such support in Urdu/Punjabi.
Using interpreters can sometimes make communication extremely difficult since the mediator would not pick up the nuances of conversation and interpreters might not be able to bring out the feelings of the user. Having an extra person in the process might also be seen as diluting confidentiality and it might not be practical to have the same interpreter for all mediation sessions.

Age

Many workers were of the view that a younger mediator would not seem appropriate since he/she would not be perceived as having the required wisdom or experience which one gains with age.

Providing choice

It was suggested that users should be provided a choice of options in service delivery depending on their personal needs.

Some users might prefer a mediator from their own minority community who could speak their own language. In other cases having a mediator from one’s own ethnic community might impinge on confidentiality. The smallness of minority ethnic communities in Scotland might deter people from choosing a mediator from their own local ethnic community.

2.4 Active participation of men

Some workers on projects for men suggested that there was a common prevailing perception amongst men about most services being more supportive and sympathetic towards women as compared to men and that their needs were frequently overlooked. In order to ensure usage of services by men they have to be assured that services would be impartial. The myth that services would take a woman’s side needs to be dispelled. This could be done by moving away from the stereotypes that depict men as being oppressive towards women. In general, it was suggested that men were less likely to seek help from “outside”.

2.5 Networking

Family Mediation services should work in co-ordination with local Minority Ethnic organisations for referrals and support workers, as well as for dissemination of information. The workers could help in providing the required moral support and language support wherever necessary.

Outreach work could target individuals and groups who do not use the services of the local organisations and raise awareness about the services that are available to them.

It is necessary to work in close contact with counselling services to provide an option of reconciliation to the users. In the Pakistani and Indian communities a married couple would like to be seen as doing their best to resolve their dispute.

2.6 Training
Training in cultural awareness and equal opportunities for workers at all levels of service provision, starting from the first point of contact, is necessary, to enable them to address the needs of people sensitively. A service where workers are culturally sensitive and deliver services on the basis of needs expressed rather than on preconceived ideas of what is expected by members of a certain community would be welcome.

2.7 **Employing workers from diverse cultural backgrounds**

It was felt by the minority ethnic organisations that Family Mediation services should have workers from minority ethnic communities. This would help users identify the services as being culturally sensitive.

2.8 **Overview**

The issues raised by minority ethnic organisations can be classified either as organisation-related issues or user-related issues. The responses are summarised in Tables 2.2 and 2.3.
### Table 2.2: Issues related to users

<table>
<thead>
<tr>
<th>Issues raised</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E&lt;sup&gt;1&lt;/sup&gt;</th>
<th>E&lt;sup&gt;2&lt;/sup&gt;</th>
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<th>L</th>
<th>M</th>
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<tbody>
<tr>
<td>Need for greater information about FM services</td>
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<td>Ease of communication on first contact</td>
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<td>Service providers being aware of ME cultures</td>
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<td>Service providers being aware of ME religions</td>
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<td>Bilingual mediator</td>
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<td>Mediator from same ME community</td>
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<td>Confidentiality</td>
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<tr>
<td>Including family members in mediation</td>
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<tr>
<td>Need to bring about greater awareness amongst men</td>
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<tr>
<td>Location of mediation services is an important issue</td>
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<tr>
<td>Using workers from ME organisations for moral/language support of their clients using FM services</td>
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</tbody>
</table>

<sup>1</sup> relevant to Chinese; <sup>2</sup> relevant to Black minority

ME – minority ethnic, FM – family mediation, ** - issue raised strongly; * - issue raised; pc – provide choice, ns – not sure
<table>
<thead>
<tr>
<th>Issues raised</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
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<th>M</th>
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<tbody>
<tr>
<td>Raise awareness about FM services amongst ME organisations</td>
<td>**</td>
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<tr>
<td>Leaflets in different languages</td>
<td>**</td>
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<tr>
<td>Advertise and train mediators from ME communities</td>
<td>**</td>
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<tr>
<td>FM worker devoted towards development of services for ME groups</td>
<td>**</td>
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<tr>
<td>Networking with ME organisations</td>
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</table>

** issue raised strongly; * issue raised
ME – minority ethnic, FM – family mediation
CHAPTER 3

Family Mediation—
The Pakistani Participants’ Outlook

3.1 Introduction

The Pakistani community is the largest Minority Ethnic community in Scotland with a population of approximately 20,000. Five minority ethnic organisations were contacted to set up focus groups with members of the Pakistani community. Of these, two organisations subsequently expressed difficulty in finding participants willing to participate in discussions on these sensitive issues. One of the remaining organisations sent out a large number of letters to invite participants. However, on the day of meeting no one turned up. This occasion was then used to hold focus group discussions with its workers. A focus group organised by the fourth organisation could attract just two participants. The discussions with these participants were then conducted in the form of personal interviews. Two focus groups were organised by the fifth organisation attracting 3 participants and 7 participants respectively. Overall the views of 18 women and 4 men were considered either through focus groups or through personal interviews. All discussions with men and women were held separately. Earlier talks with workers of minority ethnic organisations had revealed that it would be difficult to hold mixed gender meetings with the members of the Pakistani community to discuss issues related to separation and divorce. All interviews and focus groups followed a similar pattern. The participants were informed about various Family Mediation services prior to discussions. All discussions were recorded on tape for subsequent analysis.

3.2 Participant characteristics

All participants belonged to the Muslim faith and had varying linguistic abilities. While a few participants spoke fluent English, in addition to Urdu and Punjabi, others were more comfortable with Urdu/Punjabi. All meetings were therefore conducted in a mixture of Urdu and English. None of the participants were born in the UK. Many had come to this country to join their spouse after marriage. Two of the male participants had separated. Their children were living with their wives. They stated that they had remarried under Islamic law. Two female participants were experiencing strong marital discord, while one had a sister who had gone through a divorce. All participants were in the age group of 25-50. Some of the women revealed that they had come to focus group discussions secretly and without the knowledge of their husbands.

3.3 Family and marriage issues

The Pakistani community generally follows a patriarchal system where the male is the breadwinner and his wife as carer of the household. The family is built upon the husband’s family. Daughters go to live with their husbands and sons bring their brides into their parents’ home (Beishon et al., 1998). Traditionally extended families could consist of a woman’s in-laws and in some cases her husband’s cousins as well. However, these extended households
are not the norm in this country and only 25% of Pakistani households were made up of two or more family units in 1991 (Smith, 1991). Children are an important part of married life. The parents have an obligation towards children and children are expected to respect their elders.

It has been suggested that there is a strong feeling of kinship amongst family members and friends who are seen as sources of moral support and strength (Modood et al., 1994; Hylton, 1997). This was confirmed by the participants during focus group discussions. However, many women participants felt that marital discord was often initiated due to the intrusion of members of the extended family, particularly the mother-in-law.

Marriage is seen as the union of two families rather than just two individuals. Arranged marriages are a norm where partners are chosen by the parents. However arranged marriages are not synonymous with forced marriages as is often perceived in Western society. Marrying partners need to provide consent to the match found by the parents. Marriage to cousins is permissible. Marriage to cousins ensures suitability and some compatibility of the partner and is seen to be “safe”. Almost half of the participants were married to their cousins. All participants were unanimous that cohabitation outside marriage is considered extremely shameful.

The male participants said that men held power within the household. Female participants agreed that men had a dominant position.

*Men feel that they are independent and don’t listen. They rarely compromise and never accept their fault.*

*Since men are the breadwinners they force decisions that suit themselves.*

All participants felt that religion plays an extremely important role in all aspects of their lives. The women participants felt that Islam had given them equal rights but men had “misinterpreted religion to seize power”. Some of the male interviewees felt that women “had to listen to them since their religion says so”, while other males felt that women had “equal rights according to Islam”.

### 3.4 Factors contributing to marital discord

Many female participants felt that marital discord was often initiated because they were not given sufficient independence and had little opportunity to express their individuality. A number of other factors were cited that contributed to marital discord:

*He wants to see his wife to be the way his mother was. Why doesn’t he understand that this is not the 60’s, the new millennium has arrived, things have changed but he is still living in the age 30-40 years back and expects us to be of that time. We can’t be like that, times have changed.*

*Over-interference of other family members specially the parents and in some cases brothers and sisters causes conflict.*

There was a feeling that marital problems sometimes arise between partners when one of them had come from Pakistan after marriage to join his/her spouse. In such cases while both partners might be perceived to be from the same ethnic origin they may in fact have considerably different cultural values. The perceptions of the accepted value system might be
quite different for the two. Invariably in such cases the partner from Pakistan is dominated by the one who has lived here longer. Two of the men interviewed had come to the UK after marriage and felt aggrieved by their wife and her family’s treatment of them.

### 3.5 Attitudes to separation and divorce

None of the women participants had gone through a divorce, although two women were having marital problems and were using help from voluntary organisations and attending group sessions to help them cope with the situation. Two men interviewed had separated from their wives (cousins) some years ago. Both of them stated that they had remarried under Islamic law.

Most women participants felt that a divorced woman is ostracised by the community and in many cases experiences extreme isolation. It was felt that the social stigma attached to a divorced woman is so great that she is likely to get less support and sympathy than a widow. Several women continue with an unhappy marriage and seek help from their close friends or family. Divorce is seen to be the last resort when all efforts towards reconciliation are exhausted.

> The women would like to keep the marriage as long as possible, till they can not carry on.

> There are many families that are broken from inside but would not divorce because of children; they will carry on in these marriages.

> The woman is scared of how the community will think and speak about her. She does not want to live with her husband and does not want to separate. This conflict causes mental problems.

Another reason for delaying separation/divorce is financial instability. This factor is not exclusive to one community. Women are not confident of living alone and supporting themselves.

> Some women don’t receive any maintenance from their ex-husbands and could lead a life of poverty.

The male participants also felt that maintaining a marriage was important.

> Women should not think of divorce just because they are unhappy and can’t get along with their partner, unless there is domestic violence. In that case women have a valid reason to leave.

Concerns were expressed that their culture was consistently being portrayed as being oppressive to women.

> I don’t believe in oppression. There are rules and roles for men and women. If anyone steps out, a conflict occurs.

Two of the male participants who had come to Britain after marriage to their British Pakistani spouse said that they were always considered “inferior” which led to separation.
The men who come from Pakistan (after marriage to their British Pakistani wife) have certain expectations. Some men can put up with being considered less appropriate; those who can’t, their marriages break up.

It was also suggested that women who were comparatively independent, had some professional education/training and an open-minded upbringing are less inclined to be overwhelmed by the pressures of the community and would be able to decide for themselves.

The younger generation was thought to be less tolerant and would not maintain an unhappy marriage to the extent done by older generations. They will not be bound by the traditional restraints and barriers as their parents and would get out of the marriage earlier. They identify themselves with their religion yet also find similarities in their way of living with the majority population. The younger generation identifies themselves as British as well as Pakistani (Commission for Racial Equality, 1998).

3.6 Family Mediation services for the community

With perceived increase in the rate of marital discord and separation in Pakistani families the role of Family Mediation services is seen to be quite relevant. In the present form, however, these services are relevant only to the second/third generation of Pakistanis where women are comparatively more independent and financially secure. Services in their present form may also be used by families where gender roles are flexible.

The majority of participants included in the focus groups were middle aged. All of them were born in Pakistan and most of them used services provided by minority ethnic organisations. Their views on gender roles were traditional.

In spite of this they all felt that Family Mediation services would be useful to their community if they were seen to be sensitive to their culture and values. None of them had heard of these services before. The salient issues that emerged during these discussions are outlined in the following sub-sections.

3.6.1 Possibility of reconciliation

Divorce or separation is seen as “the end” when all discussions have ceased.

*What is there to talk about once the family is broken?*

The religion also restricts communication between divorced partners. Family Mediation services would therefore attract more users from the Pakistani community if they did not exclude users where the possibility of reconciliation still existed. Thus the statement of intent of FMS that it provides help to “partners who are separating or divorced” needs to be modified.

At present providing reconciliation services is thought to be beyond the understood remit of FMS. The services therefore, need to work in close association with relationship counselling services. If “intake” appointment includes partners who have not yet decided to separate then there is a much stronger possibility that they would seek Family Mediation services when they decide to do so. Even couples who have decided to separate may like to be seen in the community as exploring options for reconciliation.
3.6.2 Cultural Awareness and professionalism

All participants felt that service providers should be aware of their traditions, culture and religious values. They should avoid generalisations and need to be sensitive and reasonably knowledgeable. One male member of the community who had started using Family Mediation service after being interviewed by the author felt:

*Cultural sensitivity is important because it gives you confidence in using the service. Ultimately it is the professional competence of the service provider that matters. After all, the trauma of family break-up and future expectations cannot be very much different from the White community.*

3.6.3 Confidentiality and ethnicity of the mediator

The participants saw the confidentiality of family mediation as an extremely important issue. All discussions should remain confidential. They would also not like their community to know that they are using such services. It was suggested that service centres should be located in the city centres where they could be used inconspicuously. Since in different Scottish towns and cities, members of the Pakistani community are close knit, a mediator from their own group may not be welcome to all. Some partners may not feel confident confiding in a member of their own community due to fear of breach of confidentiality. At the same time in view of the language and cultural barriers, many members of the Pakistani community prefer to be served by workers from their own community. This is particularly true for issues related to health. Some participants felt that only a mediator from their own community could understand their problems. It might be essential to use a mediator who can speak the language of users. It was suggested:

*A mediator from a different town or another (minority ethnic) community will be good.*

It appears that assessment of individual needs during intake interview and appropriate provision is the best way forward.

3.6.4 Including members of the extended family

The participants were asked how they would react to the possibility of including members of their extended families. A few participants felt that this might be useful as decisions in any case are made in consultation with the extended family. However, some participants were of the opinion that this might create additional problems rather than being beneficial to the mediation process.

3.6.5 Dissemination of information

None of the participants had any knowledge of Family Mediation services. This included those who had separated or who were having marital problems. Family Mediation services
therefore need to advertise more effectively. Moreover, the dissemination of information should give a clear indication that the services would be culturally and religiously sensitive.

One group of services, which could attract use by the Pakistani community, is the contact centre network since their usage does not require separated partners to meet each other. Dissemination of information about contact centres might be a good starting point.

It appears that while women may be more willing to use family mediation services, men would be more resistant. A feeling exists amongst men that the nature of services is more “pro-women”. The gender impartiality of Family Mediation services needs to be emphasised.
CHAPTER 4

Family Mediation—
The Chinese Participants’ Outlook

4.1 Introduction

A voluntary organisation working closely with the Chinese community was contacted. A preliminary meeting was held to explore the possibility of holding a focus group with their users and to understand the general outlook of the Chinese community towards family related issues. The organisation readily agreed to organise a focus group. They were also able to include participants who had experienced marital discord and separation. A focus group was held with nine participants- six women and three men. The participants were in the age range of 30-50 except for one male participant who was 67.

4.2 Participant characteristics

Four participants had separated from their partners and one was divorced. The remaining were married. All the participants had children. Only one of the participants could speak English while the rest spoke Cantonese. A bilingual worker was used for translation. The discussion was recorded and later transcribed into English. None of the participants had been born in the UK. None of them specified their religion. The group openly talked about the problems, and family issues. The elderly man had adult children who had their own families that lived separately. None of the participants had any members of their extended family living with them.

4.3 Family and marriage issues

Traditionally the concept of family is very important in Chinese culture. The family is seen to comprise of parents, grandparents, uncles and aunts. The elders are seen as wise persons and treated with respect. A person of the younger generation will generally recognise and value the seniority of another from a previous generation. However, most Chinese families do not have extended families in this country. This is a very young community and is more likely to live in nuclear families (Chan and Chan, 1997). According to Smith (1991) 87% of Chinese families comprise a single-family unit.

There is a sense of obligation and responsibility towards family values. Children learn to respect and obey their elders. Marriages were either by the choice of the partners or through parental choice. After marriage both partners work to contribute to family income.

4.4 Factors contributing to marital discord

A number of reasons were cited for marital discord. Domestic violence, extramarital affairs, gambling, unsocial working hours and spending very little time with the family were cited as some of the reasons.
The women sometimes tolerate domestic violence but cannot put up with extramarital affairs.

Culture clash due to one of the partners arriving in this country after marriage to the resident partner was also cited as an important factor.

4.5 Attitudes to separation and divorce

Traditionally divorce is not seen as an easy option. The older participants felt that divorce should be the last resort when family relationships break down completely.

We have children to consider here, so we should make every effort before taking a drastic decision. Every family has several problems, so the general principle is to tolerate each other. After you have made every effort and still cannot resolve the problem, then consider divorce.

The younger participants felt that if the reason for marital discord is serious such as infidelity then divorce should take place sooner rather than later.

If there were no communication between the couple then they would simply go to their lawyers to consider divorce.

Some couples appear good, but in reality they do not relate well. Why should a couple value their social reputation more than their relationship? Why shouldn’t they go their own way rather than maintain a bad marriage?

There was considerable discussion on the extent of tolerance of marital unpleasantness between the older and younger participants of the focus group. Traditionally in the case of serious marital discord, members of the Chinese community would approach the elders in the family for help. The younger generation too has a strong sense of ‘helping out the family’ (Song, 1997). However, the participants felt that nuclear Chinese families in Scotland have neither the support nor the pressure from the extended family.

They cannot control us. They would not be impartial and would only give advice in the interests of their side of the partnership.

The two partners might speak to their side of the family. In most cases both of them would say that they were correct and the other side was wrong. The problem will not be resolved.

4.6 Family Mediation services for the community

A service where a couple could sit and talk in a professional setting was an extremely attractive option for the focus group participants.

Both sides sit down to talk. You can hear points of view from both sides. It is fair and just. Nobody can argue with that.

The importance of the professional nature of the services was emphasised by the participants. They felt that the accredited status of the service provider would be extremely
reassuring. It was pointed out that a number of separating couples approach the courts due to their faith in professional services.

4.6.1 Language

Language was seen as a major barrier in accessing services. They emphasised the importance of having someone they can talk to when they make the first contact with services.

*If you hear a person speaking English and you cannot express yourself clearly what are you going to do- you’ll put the phone down.*

4.6.2 Ethnicity of the mediator

Some of the participants felt that they would feel comfortable with a mediator from their own community.

*It is not comfortable speaking to a White mediator. There is always a cultural gap, which is difficult to get across.*

Other participants felt that they would be happy with any other mediator as long as he/she was professionally trained.

*There is no problem in having a White mediator from any community. The problem is language. Even though we can speak some English we cannot clearly express what we mean.*

Many participants felt that the younger generation, which had grown up in this country, would not be particular about the ethnicity of the mediator.

4.6.3 Cultural sensitivity

Many participants stressed the importance of the service providers’ familiarity with the users’ culture. They felt that a mediator who is aware of the needs and nuances of the community would be desirable.

*If the person knows our culture then he can understand us better, so it will be easy to communicate.*

4.6.4 Workers from the minority ethnic community

Most participants felt that while using a service if they saw workers from several different cultural backgrounds then that would help them feel less conscious of their apparent differences.

*I go to the government (benefits agency), all are White there, I feel uncomfortable. If there are different ethnic groups I’ll be sure that there is no discrimination.*

They felt that even if they knew that there was one Chinese worker they would not need any extra help.
I mean that if there is at least one Chinese I will have no problem. I will go on my own without asking for help from other people. If there are a few Chinese workers it will be very convenient.

4.6.5 Including members of the extended family

Most participants felt that it would be detrimental to involve people from the extended family in the mediation process.

It is best to have only three persons. If lots of people are there you speak one word, I speak another there will be only confusion.

4.6.6 Use of contact centres

There was agreement that children should have regular contact with both parents and both parents should be responsible for supporting their children. They felt that contact centres would be a good place for the non-resident parent to meet his/her children.

If this service is available why not, it is safer.

We do not know that such services are available, so we usually ask our relatives for help.

4.6.7 Dissemination of information

None of the participants had heard of mediation services before. Many of them felt that using family mediation would be simpler than going to the court. At present going to court is seen as an obvious step when marriage is irreparable. The participants felt that their community must be made aware through Minority Ethnic organisations whose workers could help them use these services in the initial stages. Leaflets in their languages would help considerably.
CHAPTER 5

Family Mediation—
The African-Caribbean Participants’ Outlook

5.1 Introduction

Scotland has a comparatively small African-Caribbean population with a majority of African origin (South Lanarkshire Council). A voluntary group working with the community was contacted to organise a focus group that consisted of five participants. The participants were informed about Family Mediation services and this study before initiating discussions.

5.2 Participant characteristics

Three females and two male participants attended the focus group. All participants were in the age range 38-47. They were all Christians following different denominations such as Church of Scotland and Pentecostal Church. Four participants were married. One male participant had separated and had made use of Family Mediation services. They were all fluent in English, which formed the language of the focus group discussion. None of them had been born in this country and all had arrived in their early twenties. They had a total of nine children under the age of 15 amongst them.

5.3 Family and marriage issues

It is common to classify African-Caribbeans as a single minority ethnic group. In view of the large geographical area involved there is a wide diversity in culture. In some communities the families are male dominated while in others women have authority.

In the African-Caribbean community cohabitation is often seen as a realistic first step towards marriage (Beishon et al., 1998). In many cases couples may be “in a visiting union” (Berrington, 1996). Marriage is seen to bring security and stability and as having emotional benefits for the children.

Traditionally “a family” consists of grand parents, uncles, aunts and cousins who may share the responsibility of bringing up the child.

*It takes a whole village to bring up a child.*

*The marriage is not for two people it is for the whole family.*

Getting into a marital bond automatically implies that one accepts all relationships within a family.

*The family comes first. Both partners would need to sacrifice some of their interests for the good of the family.*
All participants agreed that the traditional outlook of collective responsibility in the upbringing of children had been somewhat diluted in this country. And there is also change in the feelings towards collective problem solving.

5.4 Factors contributing to marital discord and divorce

During the focus group discussion, no community specific reasons for marital discord emerged. It was felt that differences in expectations from marriage resulted in marital discord. The participants felt that divorce is acceptable if the two partners cannot get along or in extreme situations such as domestic violence. Even after divorce the partners are considered to be part of the family.

5.5 Family Mediation issues

Of the five participants three had not previously heard of Family Mediation services. One woman had heard of it and thought it was meant to bring the two partners together.

There are so many organisations that people don’t know where to go. They all sound the same but apparently do different things.

One male participant had used Family Mediation and dominated some of the discussion.

5.5.1 Cultural sensitivity

All participants felt that it was important for the service provider to be culturally sensitive and to understand issues related to marriage and children in the community.

It puts you off when you feel that you are dealing with a person who does not know you at all.

Some participants felt that a mediator should be from their own community.

If you get someone who is White, not married, and don’t have children then how would he know anything about married life and our culture?

5.5.2 Dissemination of information

The participant who had used Family Mediation services felt that he had learnt of these services only after he had spent a substantial amount of money on his lawyer’s fee.

When you have been torn apart by the lawyers and you can’t find a solution they say why don’t you try family mediation. Whereas if we had started with family mediation people, we probably wouldn’t have had to spend six thousand pounds

5.5.3 Possibility of reconciliation
All participants, in particular the one who had used Family Mediation service, were of the opinion that these services should not completely rule out the possibility of reconciliation.

We have a saying that the tongue and teeth live in the same room. So two people with two different brains cannot get along all the time but there is always a possibility of talking it over.

They (the mediator) immediately threw in- that we are not here to put you together. Let people sit down and talk and see what is in the interest of their children and ask themselves if they really need to go that far, but if you close that door and say that bringing together is done by another service then it is too compartmentalised. Family Mediation says, we are only concerned with the child, but the child does not live in a vacuum, you have to consider his parents too.

5.5.4 Including members of the extended family

None of the participants reacted negatively to the possibility of using members of the extended family in the mediation process. Some of them felt that this might be a positive step forward. They felt that discussion between partners who are not communicating well might be facilitated by their family members. These relatives could be elders “who have had experience of life”.

5.5.5 Use of contact centres

Everyone agreed that divorce has detrimental effects on children. Moreover, it is not unusual in their community for divorced parents to have regular contact with their children. These contacts are often facilitated by children’s grandparents, uncles and aunts.

After divorce you are still part of the family. This is where our understanding of marriage is very different from what goes on here.

Even if the custody of the child is with one partner he (the child) can stay with either of them. It is not like here that one parent takes the child and the child is not allowed to see the other parent.

One female participant found the concept of contact centre “a bit alien”. The participants agreed however that in situations where the services of relatives or friends were not available contact centres would be useful.

5.5.6 Gender bias

The male participants were of the opinion that services often took decisions, which were more favourable to women.

The society seems to be asking if the decision is in the woman’s interest. The interests of the family are more important.
CHAPTER 6

Family Mediation—
The Indian Participants’ Outlook

6.1 Introduction

The Indian community is the third largest minority ethnic community of Scotland with a population of approximately 10,000. Four minority ethnic organisations were contacted with a view to holding focus groups with members of the Indian community. Two groups focus (one all female group and one mixed gender group) were organised by these organisations attracting 7 and 10 participants. Personal interviews with members of the community who had been separated from their spouses were also conducted. Overall the views of 13 women and 6 men were considered either through focus groups or through personal interviews. All the interviews and focus groups followed a similar pattern. The participants were informed about various Family Mediation services prior to discussions. All discussions were recorded on tape for subsequent analysis.

6.2 Participant characteristics

Three participants were Sikhs and all others were Hindus. Most participants spoke fluent English along with Punjabi and Hindi or Gujarati and Hindi. All discussions were conducted in English. Only one of the participants was born in the UK. Many had come to this country to join their spouse after marriage. Two had come to UK at a very early age. Most participants were married. Together they had a total of 15 children under the age of 16 years. None of the participants in the focus groups was divorced or separated. Two personal interviews were conducted with members of the Indian community who had separated. Three focus group participants had close relatives/friends who had divorced their partners recently. The age group of the participants ranged from 18 to 60. They were articulate and took an active part in the discussions. The participants were predominantly from Punjabi or Gujarati descent.

6.3 Family and marriage issues

The Indian community is based on the traditional patriarchal form of family set-up. The family is generally built upon the husband’s family where after marriage the female partner leaves her parental home to live with her husband’s family. Traditionally households could consist of brothers, sisters, and parents of the male partner. In Scotland about 22% of Indian households consist of two or more family units (Smith, 1991) and even in India such households constitute 21 per cent and 20 percent in urban and rural regions respectively (Goodwin et al., 1997).

Traditionally in the Indian community marriage is thought as the proper way of living together and was understood to be the most stable and suitable environment to raise children (Goodwin et al., 1997). The marriage framework ranges from the traditional form of “arranged marriages” to self-initiated unions involving just two individuals (Modood et al., 1994). The former has an element of negotiation between the marrying partner and his/her
parents (Beishon et al., 1998; Goodwin et al., 1997). Here potential partners are chosen by the parents and introduced to each other. The final decision on marriage then rests with the potential partners. Focus group participants felt that the number of marriages in which there was little or no parental involvement were on the increase. There was considerable debate on the use of the term “arranged marriages” for the Indian community. The majority of participants felt that the term as understood in the West was synonymous with marriages where the partners had no choice. They felt that the so-called “arranged marriages” in the Indian community merely had parents playing the role of matchmakers. Perhaps such marriages could be described more appropriately as marriages initiated through parental proposals.

Traditional Indian society was stratified on the basis of castes. Goodwin et al. (1997) found that there was some resistance to inter-caste marriages in the Hindu Gujarati community of Leicester. Berrington, (1996) also noted some importance of caste in Indian marriages. On the other hand studies conducted by Modood et al. (1994) and Ballard (1979) found that caste is not an important factor. Focus group participants of this study were unanimous in the view that caste played little or no role in the choice of partners today. Amongst the participants there were several who had had inter-caste marriages. Economic status, educational qualifications, earning prospects and family background remain important considerations.

The participants in the focus groups stressed the permanence of marriage:

*Marriage is for life and one has to make efforts to make it work. You can’t have a marriage that will work day in and day out itself.*

An elderly male participant felt that the recent trend of early break-up and absence of marital unions was being encouraged by governmental policies that had failed to maintain family values and had let the changing trend become a norm rather than an exception. The participants felt that marriage is based on mutual respect, understanding and compromise.

*The first law of any marriage is to have that give and take situation and to have mutual respect. Failure to respect should be seen as a clear sign that a marriage is not working.*

Female participants felt that men had a dominant position in the household although the women had equal input of their views when making decisions. Several male participants, however, felt final decisions were invariably made by women. Other men suggested that this varied from family to family and depended upon the education, personality and upbringing of individuals. All participants agreed the time of *pati parmeshwar* (women treating her husband as almighty) had long gone.

Children are important in the family set-up. The children are expected to respect their elders.

Cohabitation was considered inevitable for the new generation growing up in this country. The general feeling was that though they would not be in favour of their children cohabiting, they would accept it if their son/daughter chose to do so.

*We will not want the children to do it. Presently it is kept under wraps and is shameful but is still acceptable if the younger generation does it.*

*I will not like my son to cohabit. I will talk to him and explain the pros and cons of this arrangement.*
If the couple have children then they should get married.

Younger generation is more influenced by the mainstream culture. Peer pressure is great. They don’t want to be different.

6.4 Factors contributing to marital discord

The discussion revealed that there were few community specific issues regarding reasons for marital discord. A number of reasons were cited. These included the husband giving too much importance to his mother’s wishes as compared to his wife’s, unfaithfulness, personality conflict, arguments around domestic duties and male/female dominance. The participants felt that the level of tolerance was lower in the younger generation.

Often British Indians have looked for partners from India. It was suggested that this trend is on the decline. It was felt that such marriages sometimes resulted in a “culture clash”.

Some participants felt that sometimes in such marriages the resident partner was more traditional than the incoming partner was.

She [female partner from India] came from India and soon had a good job, much better than her husband’s family members who had lived here for a long time. They [husband’s family] were expecting a simple wife but got someone who was economically independent. This hurt their ego and they often derided her Indian educational qualifications.

Almost all focus group participants, male and female stressed the importance of education for both sexes. They also felt that both partners should contribute to the family income by earning a living.

Once they [women] start working they forget their culture. Once the woman becomes independent and a little dispute happens, she says I’m going my way, because she knows she can earn her living.

Self-sufficiency is very important. Self-sufficiency does not motivate women to opt for divorce. It is something she can fall upon in times of crises or severe financial situations – she will be able to fend for herself.

One main reason of marriages failing in this country is the need to have the best of both traditions. What it actually means is that the men want the best of both worlds. They want a beautiful wife who can go out to work, who has wonderful qualifications, who’ll come home - put on her Punjabi suit and make roti [Indian meal]. So actually women are under more pressures than before.

Some female participants felt that sometimes marital discord was initiated due to arguments related to domestic chores particularly when women were also earning a living. Some studies indicate that there is increasing participation of men in domestic chores (Dosanjh and Ghuman, 1997, 1998).

6.5 Attitudes to separation and divorce

Most participants stressed the permanence of marriage.
Marriage is for life. The concept of “till death do us part” is implied in all marriages and perhaps in all cultures.

The participants felt that their religion (Hinduism and Sikhism) offered considerable flexibility and there were no fixed rules related to separation and divorce. However divorce is not an easy option. The pressure to maintain a marriage is more due to cultural traditions than religious sanctions.

*Hinduism does not say that if marriage is broken then you will be punished. Hinduism gives a woman a lot of choices that she can get out of the marriage, she does not have to put up with it.*

*There is no religious decree against divorce. In fact there is no restriction under Hindu religion that is imposed by a religious establishment.*

It was suggested that sometimes unsolicited involvement of “self appointed carers” of the community adds bitterness to a failing relationship. There is a tendency to designate one of the partners of a failing marriage as the “guilty” party.

*The thoughts are quite painful. The involvement of the community deteriorated the matters further. They felt that such a thing (separation/divorce) does not happen in our community. They act as leaders and make judgements.*

Most participants agreed that when relationships involve frequent quarrels and arguments and where partners could not get along with each other, divorce was the option to take.

*Where parents are quarrelling with each other all the time it would not be a good environment for the children to grow up in.*

Whether or not the couple decides to separate or divorce depends upon the attitudes of the partners and their circumstances.

*The word we are looking for is choice. If a woman has choices she will be less tolerant to what seems to be reasonably tolerable situation to another woman. If you have more choices you are likely to get out faster. If you talk to older women who appear to be in well established traditional marriages, and if you really push them they will admit that if they had choices they might not have tolerated what they did for such a long time.*

*Even the girls who have been brought up here, if they don’t have the support [from family or friends] or information [about sources of support from voluntary/statutory organisations] then they have no choice other than to carry on living with the partner—even if he (husband) is abusive or hard to carry on with.*

Some participants felt divorce generates considerable gossip and still has some stigma attached to it. The partner perceived to be guilty of break-up receives little support from the community. In the period immediately after break-up the “guilty” person may not find many friends in the community who are willing to show their allegiance.

The decision to separate or divorce may be hastened or delayed by the influence of parents and relatives. On one hand, to prevent gossip, parents are keen to prevent separation as long
as the relationship does not involve physical abuse. On the other hand, incidents were quoted where the parents pushed their son/daughter to separate. Thus there is considerable involvement of parents in such matters. The “mother in law syndrome” exists in some extended families where the son gives greater importance to his mother’s feelings than to those of his wife.

The participants also felt that generally it was more difficult for a divorced woman to remarry as compared to a divorced man.

### 8.4 Family Mediation services for the community

All the participants felt that separation and divorce in the Indian community was on the increase. None of the participants had heard of family mediation, including those who had separated. There was a tendency to equate family mediation with some form of counselling. It was felt that it would be difficult to persuade men to use family mediation services as compared to women.

> Mediation will appear to men as an extrapolation of relationship counselling, and their resistance to counsellors is one of the reasons why they might not come forward.

> The men would perceive it as interference. The term mediation would be a put off. They don’t want mediation, they want to see their children

Most participants felt that the Indian community would use Family Mediation services only if it was perceived as a professional service, such as that provided by lawyers and doctors, working to the users’ benefit. Services provided by voluntary organisations are generally not seen to be professional.

> My relative approached the legal service to maximise the possibility of having custody of his child.

The participants felt that family mediation services would be useful in the early stages before the relationship develops bitterness.

> There are several stages in a marital break-up. We may have considered mediation in the early stages, but later things had become so bad that there was no way we could sit together and talk.

#### 6.6.1 Cultural Awareness

All the participants felt that service providers need to have cultural awareness, which includes extended family inter-relationships in the Indian community.

> The mediator should not have stereotypical opinions about our community.

#### 6.6.2 Ethnicity of the mediator
While some participants felt that a mediator from their own community would be desirable, others felt that in-order to maintain confidentiality a mediator from a community other than theirs might be preferred.

I would like an Asian person whom I did not know.

If I see an Asian [mediator] I would probably shut up completely.

8.4.2 Including members of the extended family

The participants were asked for their reactions to the possibility of involving members of extended families in the mediation process. A few participants felt that this might be useful but most others thought that families would take sides and prevent rational discussion.

6.6.4 Use of Contact centres

At present some children maintain contact with their separated parents. In many cases however, children stay with their mothers and the man is advised by his side of the family to forget the past and move on. In general separated couples with liberal backgrounds maintain contact with their children; otherwise links are severed. The contact with children is cut off by one parent if the separation was acrimonious. The participants felt that the contact centres would be used by the Indian community if people knew they existed.
CHAPTER -7

Family Mediation—
A comparison of different communities

7.1 Introduction

Findings from focus groups and individual interviews on marriage, divorce and family mediation issues for four minority ethnic communities were discussed in the previous chapters. This Chapter compares the views of different communities on some of these issues to highlight the similarities and differences across communities. Since the sample size of participants was small, a comparison with available statistics and literature on minority ethnic and majority White communities is also included. It is seen that many findings can be corroborated from available statistics and literature. There are, however, a few findings that appear to be different from those of other investigators. A number of issues that were not considered in earlier studies are also compared.

7.2 Family and marriage issues

7.2.1 Cohabitation

There is a significant variation in the perceptions of different communities regarding cohabitation. The African-Caribbean participants felt it to be a realistic and logical step prior to marriage. Participants from the Indian community felt that this was not a traditionally acceptable practice. However, they acknowledged that the younger generation could not be kept away from the influence of the mainstream society in which cohabitation was relatively common. They felt that a flexible approach wherein the young people would first be advised against such an arrangement, to be followed by acceptance (if the young people still wanted to go ahead) was perhaps the only way today. The feeling was that cohabitation was not a strong enough reason to spawn feelings of acrimony between parents and their young sons/daughters. There was also an acknowledgement that cohabitation causes gossip in the community. The view of the Pakistani participants was that cohabitation was not an acceptable arrangement.

Berrington (1996) compared the trends in cohabiting unions between first and second-generation individuals in Britain. She found that among all groups (except Pakistani and Bangladeshi women) those born in the UK are more likely to cohabit. Her data also suggested an increase in cohabitation among young second-generation Indian men. Overall, however, cohabitation among South Asians is far less common compared with African-Caribbean or White ethnic groups. Berrington’s data suggests that in the age group 25-39 less than 3% of South Asians enter cohabiting unions. Percentages for Whites, Black-Caribbeans and Black-Africans are 10-11%, 9-18%, 5-6% respectively. Amongst the second generation men in the age range 25-34 the percentages of cohabiting unions were about 20% for Black-Caribbean, 7% for Black-African, 6% for Indian and 2% for Pakistani and Bangladeshi groups. Similar percentages for second-generation women were 10%, 9%, 2% and 0% respectively.

7.2.2 Marriage process
Participants of all the minority ethnic communities considered in this study stressed that marriage was not merely a formal union of two individuals but of two families. The process of finding marital partners, however, varies from one community to another. In the African-Caribbean community individuals choose their own partners with their parents having little or no input. According to the participants from the Pakistani community marriages arranged by parents were the most common form of marital unions. It was suggested that in most cases the opinion of the marrying partners would also be sought. Some of the participants felt that the choice of marital partners was such a vital decision that it was best left to “persons with experience” who would “do their best” for their progeny. Marriages between cousins were common as these are permitted in Islam. Such marriages are seen to be “safe” as the marital partners and their families know each other well. Although no data on the marriage process for various communities is available, similar findings were reported by Beishon et al. (1998) and Ballard (1990).

Participants from the Indian community had an objection to calling marriages in their community “arranged”. They felt that marriages in which young persons found their own partners were becoming common and were generally acceptable. However, in many cases parents played the role of seeking and introducing prospective marital partners. Traditionally such introductions were supervised, but now young people prefer to “get to know each other better” before taking the crucial decision. All the participants felt that caste played no role in the choice of marital partners and several participants had married outside their caste. However, issues such as earning prospects, education and family status were considered important. Several earlier studies on Indian marriages have emphasised the importance of caste amongst British Hindus and Sikhs (Beishon et al., 1998; Goodwin et al., 1997; Bacchu, 1985). The focus group findings of this study on Scottish Indians did not find such evidence. The participants’ opinion on caste was similar to the study by Modood et al. (1994) wherein the respondents felt that caste was not an issue as long as the partner was of the same religion and there were similarities in lifestyles.

According to the participants of the Chinese community, marriages in their ethnic group are predominantly through the choice of the marrying partners. Initial introductions could be made through family and friends on social occasions. Those members of the community who are unable to find partners in this country look for partners from their country of origin.

7.2.3 Gender roles

Both male and female participants from the Pakistani community felt that gender roles in their community were generally well defined. While the males went out to earn a living the females were expected to fulfil household duties and take care of children. The male members have a dominant position and are responsible for taking most decisions for the family, often after consulting their female partners. Female and male participants had a different interpretation of the Islamic teachings with reference to gender roles. While female participants were of the opinion that equality of sexes was enshrined in their religion, the male participants believed that there were clear religious restrictions on the movement and the role of women outside the home. Similar arguments on the religious interpretation of gender roles and restrictions also emerged in the study by Hylton (1997). The female participants of this study opined that these roles are undergoing a change amongst younger Pakistanis. Ballard (1996) used the 1991 census data to show that there was an increasing trend among younger Pakistani women towards employment outside the home.
The Indian ethnic group participants felt that women in their community today had a dual responsibility: earning a living and also efficiently running the household. There was a strong emphasis on education for both sexes and on the importance of both males and females earning a livelihood to maintain a comfortable standard of living. The female participants felt that the male contribution to household chores was limited. The importance of having two earners in the family in the Indian community has also been highlighted by earlier studies (Goodwin et al., 1997; Beishon et al., 1998). Beishon et al. (1998) also pointed at the asymmetrical domestic division of labour. Hylton (1997) too talks about mothers expertly juggling multiple roles.

Gender roles in the Chinese community are similar to those of Indians. Both men and women are expected to earn a living and women are also expected to take care of domestic chores. Decisions on important matters are made jointly, although the female participants felt that there was an element of male dominance. In the African-Caribbean group too both males and females have a role in contributing to family income.

There is now considerable data on the number of women from different minority ethnic communities in paid employment outside the home. Berrington (1994) used the 1989-91 Labour Force Survey to suggest that while two-thirds of Indian minority ethnic women age 25-34 are economically active, (roughly the same percentage as for White women), the figure for Pakistani and Bangladeshi women are much lower at 22% and 10% respectively. Peach (1996) gave detailed statistics of economically active women above the age of sixteen for different ethnic groups. His data suggests that 67% Black-Caribbean, 60% Black-African, 55% Indian, 53% Chinese, 50% White and 27% Pakistani women were economically active. Thus, except for the Pakistani ethnic group, all minority ethnic communities considered in this study have a larger percentage of economically active women than the Whites. Amongst the women in employment in socio-economic Class I, the Chinese and Indian communities have the highest representation at 7.6% and 4.4% respectively. Similar percentages for Black-African, Pakistani, Black-Caribbean and White women are 3%, 2.7%, 1% and 1.7% respectively.

### 7.3 Divorce and separation issues

#### 7.3.1 Maintaining a marriage

Participants from all the communities expressed the sentiment that marriage is a commitment for life and that strong attempts should be made to maintain it. However, the opinion on how far one should remain in a marriage that was not working well varied from one community to another. Participants from different communities provided some common and some community-specific reasons for maintaining an unhappy marriage. The financial insecurity of women and often the fear of losing their children were cited as common causes for maintaining an unhappy marriage. This was particularly emphasised by the female participants from the Pakistani community. They also felt that the lack of knowledge of support systems after divorce was a contributing factor. The participants of the Pakistani community were of the view that divorce was a disgrace to the family and that it was therefore important to maintain a marriage unless the situation became unbearable due to reasons such as domestic violence. Divorced partners, particularly women, are stigmatised and the prospects of support and sympathy from the community are low.
Divorce is not seen as an easy option in the Indian community. The participants felt that a marriage should be maintained until the relationship becomes extremely acrimonious resulting in frequent quarrels, which could adversely affect the children. It was suggested that divorce generated gossip in the community and had some stigma attached to it.

No community specific reasons for maintaining an unhappy marriage were cited by the participants from the Chinese and African Caribbean communities. In the African-Caribbean community divorce was not considered as a break-up of ties and the divorced partners were still a part of the family. Regular contact with children by both parents is often maintained. The sentiments of the participants from the Chinese community were similar to those from the Indian community who felt that divorce should not be seen as an easy option and that marriage should be maintained until there is a breakdown of communication. Gambling amongst Chinese males (cited a number of times as a reason of marital discord) was also seen as an acceptable reason to separate. Some Chinese participants felt that inability to communicate in English may deter some members of their community from taking a step which might make them face life alone.

7.3.2 Culture clash

It is not unusual in British Pakistani, Indian and the Chinese communities to look for partners from their country of origin. In such alliances there is a perception that the two partners share similar cultural values and expectations. Focus group participants from these communities pointed out that there could be a considerable difference in understanding of cultural values and expectations of behaviour. This causes marital discord.

Some estimates on such alliances can be made using population statistics for various ethnic groups (Peach, 1996) and using the data on spousal acceptance for settlement in the UK (Berrington, 1996). From these, information on spousal acceptance per thousand population for different ethnic groups can be deduced. It should be pointed out that spousal acceptance data provided by Berrington (1996) is in the form of bar charts and the calculations are at best approximations. Moreover, Berrington (1996) has not provided this data for the Chinese community. For the year 1993 the calculations show that for the Pakistani community approximately five husbands per thousand population and six wives per thousand population were accepted for settlement. For the same year approximately one husband per thousand population and two wives per thousand population came to settle from India. Similar numbers for the Bangladeshi community are six and four respectively. Using the mean age of marriage (Berrington, 1996) and age/sex pyramids (Peach, 1996) approximate number of marriages per thousand population can be worked out. The calculations indicate that a substantial percentage of British Pakistanis and Bangladeshis seek partners and marry from their country of origin. Comparatively such marriages also constitute a lower but significant proportion amongst British Indians.

7.3.3 Gender role expectations

Participants from the Pakistani community spoke of the specific roles for the two genders – men as providers and women as carers. The male participants felt that problems arose when these expectations were not met. The female participants were of the view that strict adherence to these gender role expectations led to the stifling of female independence and individuality.
In the Indian community women are expected to be responsible for household chores in addition to contributing to the family income. The expectation of women from their male counterparts for contribution towards domestic duties sometimes initiates marital discord. Chinese participants had similar views in this regard.

7.3.4 **Extended families**

Traditionally Indian and Pakistani wives would live with their husband’s family constituting what was termed as a joint or extended family. According to Smith (1991) approximately 25% Pakistani, 22% Indian and 13% Chinese households comprise of more than one family unit. Thus, although a majority of households in these communities are nuclear, there is a significant proportion of extended households as compared to the White community (7%). In the study by Beishon et al. (1998) most respondents from the Pakistani community indicated that living as an extended family in a single household was ideal. In their study most respondents from the Indian community believed strongly that adult children should live with their parents, at least until they were married, after which they should set-up a home on their own. In this study, apart from some participants of the Pakistani community who spoke about the support from the extended family, most felt that extended families were often a source of marital discord. Traditionally in the Pakistani and Indian extended families a married male conducts a balancing act of pleasing both his wife and mother. Mother-in-law (husband’s mother) and daughter-in-law conflicts often cause marital discord.

7.4 **Family Mediation issues**

Although divorce is considered a drastic step in some minority ethnic communities, it is permissible in all. In fact divorce statistics presented in Chapter 1 indicates that divorce percentages in these communities are not insubstantial. The perception of most participants was that divorce is on the increase.

The concept of family mediation was not found to be alien or conflicting with the cultural or religious norms of any community. In the Pakistani community however, there might be some restrictions on the partners talking to each other after an “Islamic divorce”. In such cases the family mediation process should perhaps start earlier. It may be pointed out that Islamic divorce includes a period of reflection during which there are no restrictions on communication.

The views expressed about various issues related to family mediation by different communities are summarised in the following subsections. It should however be pointed out that since almost all participants were unaware of Family Mediation services their views were limited by what they understood from the brief information on these services provided before discussions by the investigator. Since no studies (to the knowledge of the investigator) on family mediation with specific reference to minority ethnic communities have been conducted, direct comparisons cannot be made.

7.4.1 **Knowledge of Family Mediation**
None of the participants except one had heard of family mediation before. Several of these participants were having marital problems or had separated/divorced. One participant had used Family Mediation and another went for intake after being interviewed for the study. Generally participants felt that in order to access an external agency for support one needs to be convinced about its cultural sensitivity. A large number of participants understood family mediation as some form of counselling service in spite of being told otherwise. Such lack of knowledge of mainstream and voluntary family support services by minority ethnic communities has been documented in various studies (Hylton, 1997; Evans and Grant, 1995; Hylton, 1995; Walker and Ahmed, 1994).

7.4.2 Reconciliation

Focus group participants of the African-Caribbean, Indian and the Pakistani community raised the issue of including reconciliation in the mediation process. There is considerable societal pressure to maintain a marriage, especially in the Pakistani community, and divorcing partners would like to be seen to be making attempts towards reconciliation rather than merely making post-divorce arrangements. Family mediation promotes itself as helping in making arrangements for those parents who are divorcing/separating. The participants felt that the possibility of reconciliation should be left open. The recent study by Lewis (1999) also talks about situations where mediation was felt to pay insufficient regard to the possibility of reconciliation, or even actively to exclude such a possibility. The above study mentions that some parties described mediators proceeding to discussion of contact, residence and division of assets in spite of the parties stating that they did not consider the relationship to be over.

7.4.3 Cultural and religious sensitivity

Since marriage, separation and divorce are issues that are greatly affected by the cultural values and often religious beliefs of a community it is important that any help provided in this area will have to be compatible. Participants from all communities stressed the need for service providers to be knowledgeable and to respect the cultural values of different communities. Ignorance and stereotyping lead to social exclusion and work against equal access to services.

7.4.4 Confidentiality

The minority ethnic communities of Scotland are small and close knit. In the Pakistani and Indian communities divorce has a social stigma attached to it. Partners considering separation or divorce would like to keep their marital problems as discreet as possible. This includes having services in city centres where they can be used inconspicuously.

7.4.5 Language

Some participants felt that language may be a barrier in accessing services. This was particularly voiced by Chinese community participants and to a lesser extent by participants from the Pakistani community. The participants from the Chinese community also felt that the presence of workers from their own community would help them in accessing services.

7.4.6 Timing of mediation referral
Some participants who had experienced separation/divorce felt that early referral is preferable. Delayed referral after the development of extreme bitterness (often during the legal process) would make it difficult for separating partners to talk to each other during mediation. The findings of Lewis (1999) also suggest that prolonged involvement with legal process can lead to entrenched positions in mediation.

7.4.7 Professional background of the mediator

The participants from the Chinese and Indian communities stressed their faith in professionals such as doctors and lawyers. It was suggested that Family Mediation services need to be perceived as professional. The impression among the participants was that these were another form of counselling services which men would be reluctant to use. Lewis (1999) also suggests that the male clients would be more respectful of the authority of solicitors rather than the ability of people with voluntary sector background. Uneven and low awareness and confusion between counselling and mediation are not uncommon even in the majority White community (Lewis, 1999).

7.4.8 Ethnicity of the mediator

Most African-Caribbean and Chinese participants would prefer to have a mediator from their own community. In the case of Chinese participants, this is partly due to language problems. Opinion in the Pakistani and Indian communities on using a mediator from their own community was divided. While some participants felt that they would prefer a mediator from their own community (but perhaps from a different town) others would prefer a mediator from a different community to ensure complete confidentiality.

7.4.9 Reluctance of men

It was felt by all community participants that men would generally be reluctant in accessing any kind of support. Some men find it difficult to talk about their emotions (Lewis, 1999). There was also a perception of favourable bias towards women in various services.
CHAPTER 8

Services for Minority Ethnic Families-
The Service Providers’ Outlook

8.1 Introduction

During the course of study it became apparent that present Family Mediation service provisions may need to be adapted to meet the cultural requirements of minority ethnic communities. It was therefore thought necessary to seek out the experiences, perceptions and views of service co-ordinators and mediators in Scotland who would be instrumental in bringing about changes. This would also provide an opportunity to obtain some information on the current usage of these services by minority ethnic communities. Some family mediation services in England and Wales (affiliated to National Family Mediation) were also contacted to gather their experiences in providing services to minority ethnic users. This Chapter discusses the outlook of the service providers.

8.2 Study Design

To obtain the Scottish perspective views were sought from the Family Mediation Scotland (FMS) affiliated service co-ordinators and mediators. Two questionnaires were designed. The service co-ordinators were asked to complete the first, while the second was for completion by practising mediators. Eleven out of twelve co-ordinators and 72 mediators (out of 106) responded. Discussions were also held with the co-ordinators of these services.

The experiences of family mediation service providers in England and Wales were obtained through discussions held with mediators and co-ordinators of selected services. These included the African Caribbean Family Mediation Service (ACFMS) based in Brixton, London, Eye to Eye Mediation Service (EEMS) based in Camberwell, London, Birmingham District Family Mediation Service (BDFMS), and co-ordinators of NFM West and Wales family mediation services. Overall discussions were held with 13 family mediation service providers in England and Wales.

8.3 The Scottish perspective

FMS is the umbrella organisation for 12 independent regional Family Mediation services. All services provide child centred mediation within the ethos of Children (Scotland) Act 1995. All Issues Mediation (includes mediation on finance and property) is provided by six of these services. Direct services to children are provided by 11 FM services. Fourteen contact centres are managed under the auspices of local FM services, out of a total of 28 centres in Scotland. Recently FMS included a module on religious and cultural awareness, which was delivered as part of the training course for new mediators.
8.3.1 Usage

Eleven out of the twelve co-ordinators of Family Mediation service responded to the questionnaire. Amongst the respondents only two services had a system of recording the ethnicity of their users and neither of these had had any minority ethnic users in the past three years. Almost all service co-ordinators estimated that their services were being under-utilised by minority ethnic communities. Half of the services had had occasional users from these communities in the past three years.

There were a total of 106 practising mediators affiliated to 12 local Family Mediation service of whom 72 responded to the questionnaire of which thirty had mediated at least once in their career with minority ethnic users. Some of the mediators included users from other European, North and South American families as members of minority ethnic communities. One of the co-ordinators included English and Welsh users as clients from other communities. As expected the majority of mediators with experience of mediating for minority ethnic users were from FM Lothian and FM West, which have higher populations of minority ethnic communities living in and around them.

Two of the five FMS affiliated services that have contact centres had not had any minority ethnic contact centre users in the past three years. Recent research (McConnell-Trevillion, 2000) investigating use of 28 contact centres across Scotland over a three month period found that the parents (users) were almost exclusively White, both across the centres and the new referrals.

8.3.2 Experiences and expectations of mediators

Mediators who had worked with minority ethnic families were asked to highlight their experiences. The remaining mediators were asked to anticipate possible issues that might arise in such mediations. About 60% of the mediators were concerned about being misunderstood or saying something that might be construed as offensive.

A clear naiveté of unintentional offence not realised could undermine people’s belief in mediation as an appropriate step for them.

I did not feel that I always knew what might be the significant elements in the situation for each individual.

I would probably slow the process down to enable me to weigh up exactly what I was saying before actually saying it.

This (saying something insensitive) would be inadvertent – I hope, and through ignorance, but nevertheless it could lead to reticent or “apologetic” mediation.

A majority (57%) of mediators felt that there was/would be difficulty in maintaining balance between genders, which is important for an equitable mediation between partners making their own decisions. Many mediators also cited cases in which there were cultural differences between the partners from similar ethnic background.

On one occasion father linked very much to me as one of the co-workers in an “us men can work it out together” attitude. I considered that this was from a male dominated culture. I could however be wrong and that this was just how
he was as an individual. On the second session we changed the seating arrangement to break up our “male bonding”.

The cultural issues are important. Being a female mediator where the male client was from a minority background, mediation has been difficult.

The husband (from minority ethnic family) wouldn’t mediate.

In one case – father was a very strict Muslim, whilst mother was not, - to me it felt like dealing with three people in mediation - mum, dad and culture/religion.

The father (Mainland China) insisted that he was acting correctly by smothering his daughter with overprotection and allowed no freedom of movement. He preferred his son who was utterly spoilt. Mother (Chinese, Hong Kong) wanted her children to be brought up as Westerners.

I have had experience from families where mother has been raised in UK and father elsewhere- difficulty here was that parents were from different cultures although from same ethnic origin.

About a third of the mediators felt they would not be in full control of the session for a number of reasons, including lack of understanding of the culture of users and inability to speak or understand the users' language.

I did not always know what was being said and was not sure that my communication was understood as intended- including with interpreter.

There may be strongly held beliefs, values and traditions, which I might not be aware of.

I might have difficulty in interpreting what is being said, not simply because of language but because of cultural difference.

Participants may expect not to be understood by a mediator from a different background or culture. The need therefore for even more explicitness in setting out the principles and parameters of sessions. Empowering the participants to be clear about the issues that are brought to mediation and allowing that these might also be the mediator himself/herself.

8.3.3 Perception of needs

Service co-ordinators were cautiously optimistic about being able to provide services to the diverse range of Scottish families and expressed their willingness to be part of the development process.

There have been no major difficulties with the people/families (minority ethnic) who have used our service to date. However, we are aware that we probably are not too attractive to minority ethnic people generally.

Many of them thought an increased minority ethnic usage would improve their service profile. They highlighted a number of needs that should be considered.
Networking

There is a need for consultation and networking with local Minority Ethnic organisations for referrals and support. These local services could help in referring users who might benefit from mediation services as well as providing support during the initial contact phase. Co-ordinators acknowledged limitations in their awareness of minority ethnic communities and their needs, as well as about other voluntary organisations providing services to minority ethnic families. It was felt important to interact with the latter to reach the target communities.

Training

Co-ordinators identified a need for staff and mediators to be trained by developing better understanding of culture, so that they can provide appropriate services sensitively, effectively and with confidence. Out of the 72 mediators who responded, 66 felt that they would like to be more culturally aware. Some responding mediators (12%) had undergone some form of cultural awareness training which was not a part of the FMS training programme. The general perception was that feelings of discomfort were due to a lack of knowledge about minority ethnic families. The mediators (91%) felt that cultural awareness training would equip and enable them to deal with minority ethnic users with greater confidence. At the same time, it was also inherent in their responses that there were limits to what one could learn about different communities through training programmes.

A mediator knows nothing of the particular traditions, customs and unwritten rules of any family, whether Scottish, English, religious or not, wealthy or poor, drug users or teetotallers. This means that the mediator is asking parents, as an essential part of the process, to describe what the world is like for them. In some respects it is helpful for a mediator not to think or act as if they know too much about a given family.

The areas pointed out for inclusion in awareness and training programmes are enumerated below:

8 The role of the extended family, which may be powerful in diverse minority ethnic families
9Information on different cultural backgrounds, social structure and cultural values
10Cultural differences related to divorce, separation and contact with children
11Perceptions of younger people growing up in a predominantly White country
12Religious issues
13Gender issues including gender roles
14Expectations from children on issues relating to children’s rights
15Mixed marriages
16Equal opportunities
17Racial equality

It should be mentioned that the Lord Chancellor’s Advisory Committee on Legal Education and Conduct has also recommended the inclusion of training on the impact of culture and religion both on the mediation process and on the legal context of divorce and separation (The Lord Chancellor’s Advisory Committee on Legal Education and Conduct, 1999).

Language needs
Co-ordinators expressed dissatisfaction in service provision when there was a language barrier. They felt that using untrained interpreters made the whole process problematic and difficult to control. Most mediators (80%) felt that language could be a problem when providing mediation services to minority ethnic users.

The mediator is not fully in control of the process and does not know what is being said. There are problems of interpreter remaining impartial. Reframing through interpreters is most difficult. Training of interpreters may help.

If an interpreter is involved, it can change the dynamics of the session.

Personally I have not required help from interpreters, but this could raise many issues- confidentiality etc. Mediation is about listening to what people say and how it is said. Have vague worry about how a mediator picks up the nuances of conversation via an interpreter especially if the mediator is not conversant with the language spoken.

In spite of a large number of mediators perceiving language to be an important barrier in service provision only a few had actually made use of interpretation services. Out of the twelve services only FM Lothian and FM West have used interpreters in the past three years. Most co-ordinators felt that wherever possible attempts should be made to recruit staff from minority ethnic communities. At present workers of FMS affiliated services are almost exclusively White.

Leaflets about FMS services in minority ethnic languages are only available in FM Lothian, which, the co-ordinator felt, needed to be further developed. FM Western Isles provided information in Gaelic, and FM Borders in Gaelic, French and sign language. FM Dumfries and Galloway provide for the use of other languages for comments and complaints.

Information

Co-ordinators felt that potential users need to be informed about Family Mediation. The information should reassure them that the services are knowledgeable about their culture and expectations.

Finances

Co-ordinators felt that there might be a need for increased finance for the development of appropriate practices and resources for the frequent use of interpreters, employment of workers from minority ethnic communities and longer mediation/intake sessions.

Design Modifications

Some services like FM Lothian and FM West had more experience of providing services to minority ethnic families. They felt that it might be necessary to alter the design of the services to suit the needs of culturally diverse families. In some cases a longer intake interview might be required while in others the possibility of having two mediators instead of one (co-mediation) may need to be considered.

8.4  English and Welsh perspective
Family mediation services are provided in England and Wales by National Family Mediation, which has over 60 affiliated local mediation centres. All centres provide child centred mediation and some also provide all issues mediation covering finance and property. The views of selected services are discussed in the following sub-sections.

8.4.1 Usage

According to the 1991 census, the Greater London region contained 44.8% of the British minority ethnic population (Owen, 1996). About 14% reside in the West Midlands region, particularly Birmingham. The London based ACFMS was established to provide services predominantly to minority ethnic communities and has about 95% users from these communities. EEMS has about 49% users from minority ethnic communities. These services are located in regions with high minority ethnic population densities. BDFMS in Birmingham has 28% minority ethnic users and neighbouring Walsall 16%. On the other hand an extremely limited number of minority ethnic users take advantage of services provided in the NFM West and Wales region.

Minority ethnic referrals in the Birmingham and London services are on the increase since the Legal Services Commission funding code came into existence in March 2000. This code requires divorcing parties to attend an information meeting to explore the possibility of mediation in order to be eligible for legal aid. In Scotland, while the recent White Paper on Family Law (Scottish Executive, 2000) recognises the role of family mediation in reducing conflict and potential damage to children, it does not make attending mediation a precondition of eligibility for legal aid in divorce proceedings.

8.4.2 Cultural awareness and training

Family mediation involves users talking about personal matters and problems. All the co-ordinators recognised that for a successful family mediation service users should be able to identify with these services and have confidence in using them. Such identification is eased if the service providers are from ethnic backgrounds similar to that of the prospective users or are seen to be culturally sensitive and knowledgeable. Sensitivity to and awareness of different cultures comes predominantly from experience and can be initiated through training programmes, although all co-ordinators were in agreement that there are limits to what one can learn through training.

If the man is from Ethiopia and the woman from South Africa how much do I really know about them? All I know is that these are two different persons from two different parts of Africa with two different cultures. I really don’t know what these differences are. So I have to be very sensitively tuned and think that we can help because we can make them communicate.

Most respondents felt that training could help in improving sensitivity and in avoiding stereotyping. Training could help raise awareness about religions and family values in different cultures. Presently National Family Mediation includes a cross-cultural mediation module as part of the training programme for new mediators.

There were differences in views on matching the ethnicity of the user with that of the service provider. One view is that belonging to the culture assures empathy and sensitivity (Jones, 1999; Shah-Kazemi, 1996). The other view is that such ethnicity matching creates
complications in service provision and is not necessarily what the users want. There were suggestions that many Asian users actually prefer non-Asian service providers, often when confidentiality is an issue.

8.4.3 Language support

The services in London and Birmingham have some bilingual mediators. In some cases interpreters and translators were made available to provide language support. There was unanimity in the view that the use of interpreters in mediation was not completely satisfactory. It was felt that interpreters were unable to convey the feelings of the users and sometimes could even change the essence of the statements.

_In interpretation nuances of information are lost. In mediation the inflection of tone, the way people speak to each other is so important that for the mediator it is a nightmare to be working with interpreters. The dynamics of family breakdown and the psychological processes have to be understood. While working with interpreters there is a fair chance of misunderstanding, which can have disastrous effects._

The extent of difficulty experienced by mediators in using interpreters can be felt by the following response where the mediator seems to prefer translators who could do literal translation of phrases, to interpreters. However, it should be pointed out that such literal translations have little utility when dealing with people’s emotions.

_We don’t want somebody interpreting and putting a spin on what somebody has said. We want simple factual translation._

It was generally felt that users with little or no English speaking abilities were less likely to use family mediation services. It was also felt that language is not as major a problem as it is often made out to be. In fact provisions other than language support may play a far more important role in increasing access to Family Mediation services. Research conducted on the use of health services by minority ethnic patients also shows that often emphasis on linguistic barriers as the predominant constraint on service use may prevent acknowledgement of other limitations (Bowes and Domokos, 1996).

8.4.4 Gender imbalance

There was a general acknowledgement that issues of gender inequality exist to some extent in all communities including the White community. It was suggested by some that gender imbalance is perhaps stronger in the South Asian community. At the same time several experienced mediators felt that the so-called oppression of women was normally over emphasised. Often women giving an outward impression of being submissive may in fact be strong matriarchs. Similarly the stereotypical image of South Asian women being forced into arranged marriages is mostly untrue and exaggerated. In the experience of the English mediators situations where the female partner was completely overwhelmed by the presence of her male partner had never arisen. Similarly they had never experienced the demand for a mediator of a particular gender.

8.4.5 Culture clash
The focus groups conducted with members of different communities in Scotland discussed in earlier chapters found strong evidence of culture clash as an important reason for marital discord. Service providers in England were asked if they saw this to be an important issue. There was a general agreement that partners perceived to be from the same community could have significant differences in perceptions of traditions and culture.

Consider a black couple with one of the partners from a family with a strong African tradition. This partner may want their son to be circumcised while the other may not think it necessary. Often people think that if you are black you are one people with one culture.

It was also suggested that there are cultural differences between people from the same part of the world but who migrated at different times as culture is not static and is an ever-evolving dynamic phenomenon. In fact some of the earlier migrants may be more traditional than the newer arrivals. There is a need to support partners, particularly females who leave their home country to join their spouses after marriage and experience marital problems.

8.4.6 Service design

A range of options should be available within Family Mediation services to be employed where needed. Intake is a vital stage where an appropriate form of mediation, if applicable, can be agreed. It was suggested that some minority ethnic users might take considerably longer to warm up before they start talking about their problems. A mediation service needs to be seen as a place where one can discuss marital problems. ACFMS provides such a session, which they suggest is midway between counselling and mediation and would like to portray their service centre as a place where persons with marital problems can come and have a chat. Thus couples considering the possibility of reconciliation are referred to marriage counselling but not prevented from using their services if they choose to do so.

In South Asian communities there may be considerable pressure on couples to maintain a marriage. Many couples, particularly those belonging to the first generation, may prefer to remain in an unhappy marriage rather than separate. In situations where separation becomes inevitable there may be a tendency to blame the other partner for marital break-up. In such cases both partners would like the mediator to empathise with their point of view rather than that of their partner. To maintain a balance co-mediation, possibly with one male and one female mediator, may be a good option.

Some members of the Muslim community had suggested that there might be some restrictions on partners meeting and talking to each other after a religious (Islamic) divorce. Shuttle mediation appears to offer a good solution for such situations. In Islam a religious divorce normally takes place after a period of reflection. If during this period the partners do not see reconciliation as a possibility then they could initiate the mediation process to ensure an amicable divorce. It may be pointed out that the Family Law Act 1996 includes a period for reflection and considering future arrangements (regarding finance, property and children) which are ideas that tally well with Muslim divorce (Poulter, 1989; Fisher, 1996).

In South Asian as well as African-Caribbean communities marriage is considered a union of two families rather than simply of two individuals. Thus separation and divorce is also a family issue. Several mediators feel that family group mediation may be a successful way forward. Families often influence decisions and their participation in direct discussions may make the process smoother and faster. In fact decisions reached during the mediation process in the
absence of the immediate and sometimes the wider family may not meet with their approval thus affecting the chances of the arrangements working out. Family group mediation is seriously being considered for mediation in England and Scotland.

The contact centres in London and Birmingham provided by various services are in much demand by minority ethnic users. About 95% of all users of contact centres provided by ACFMS and a majority in Birmingham area are from minority ethnic families.

All mediators were of the opinion that the concept of family mediation is suitable for all minority ethnic communities. In fact family mediation has always existed in different cultures in one form or the other.
CHAPTER 9

Changing attitudes of second/third generation

9.1 Introduction

Almost all participants in the focus groups held with various minority ethnic communities and discussed in previous chapters were first generation settlers. The obvious question that arises is whether there is a shift in attitudes of the second and subsequent generations. Shifts could be consequence of various factors influencing young people during their formative years. Literature suggests that shifts are due to process of acculturation and changed lifestyles (e.g. Pires and Stanton, 2000). This Chapter examines shifts in attitudes around themes related to family, parenting, marriage and identity as reported by previous studies. It should be mentioned that these changing attitudes are not merely a consequence of acculturation. Shifts of attitudes are a dynamic universal phenomenon happening both in the host country and in the settlers’ country of origin. For example the average age of marriage has increased in South Asian countries. A similar increase has been reported for the second generation of South Asians in the UK. In some cases the first generation of minority ethnic communities may be more traditional and less prone to change than their generation in their own country of origin. This may be due to social exclusion and a sense of needing to preserve a culture they came here with.

9.2 The family

The changing attitudes of second/third generation immigrant populations have been discussed by some researchers in light of the collectivistic attitudes and the emphasis on family in Eastern and African cultures, as opposed to the strong emphasis given to individualism in the Western-European cultures (Crystal et al., 1998; Schneider, 1998; Beishon et al., 1998). Relying on adults for decisions about social relationships may be seen as a sign of immaturity and excessive dependence in Western-European cultures. In Eastern and African cultures such reliance is seen as a sign of respect and ensures that the general harmony and welfare of the community is maintained. Studies conducted by Modood et al. (1994) found that obedience to parents was declining in the younger generations of African-Caribbean populations in England. The second generation respondents were less likely to seek financial help from their family members.

Amongst the first generation of South Asians there was a strong sense of duty and regular contact with the extended family which consisted of grandparents, uncles, aunts and cousins. Amongst the second generation this commitment appears to have been somewhat restricted to the immediate family. Modood et al. (1994) also found that Bangladeshis and Pakistanis were in closer touch with their extended family members in Britain and their country of origin than the Indians.
2 9.3 Attitudes to parenting

Dosanjh and Ghuman (1997, 1998) conducted a comparative study of first and second generation Punjabis to examine changing attitudes to parenting. Their sample consisted predominantly of Sikhs, (69%) and the remainder was Hindu and Muslim Punjabis. Their data indicated that second generation mothers were more regular attendees of antenatal clinics. They also found an increased contribution in household work and in bringing up the child in second generation fathers. Traditionally South Asians have a preference for a boy child who is seen as security for old age. The second generation of Punjabis would like children of both genders. However, there still exists a bias towards having more boys.

9.4 Personal space

9.4.1 Sharing a room

Literature suggests that Western Europeans place a great emphasis on children’s training for independence and that owning a bedroom is seen to be an important contributing factor in such training. It has been suggested that 49% of White children shared a room as compared to 85% Gujarati children in Britain (Hackett and Hackett; 1993, 1994). Other studies found that a majority of Punjabi children continued to maintain the traditional norm of sharing a bedroom (Dosanjh and Ghuman, 1998). They found that lack of space was not the reason for this custom. Research argues that sleeping alone is necessary for the development of individuality whereas co-sleeping leads to the development of communal ethics (Hackett and Hackett, 1994). A recent study conducted in Sheffield suggests that teenagers sharing a bedroom with their siblings may turn out to have stronger relationships than those who do not (Scotland on Sunday, Sept 17, 2000).

9.4.2 Sharing a house

There has been considerable research on the size and structure of households of various minority ethnic communities. The data suggests that Pakistani/Bangladeshi families have the largest household sizes followed by the Indian, Chinese and Black minorities (Murphy, 1996; Smith, 1991). The majority White community has the smallest household size. It has also been found that more Bangladeshis, Pakistanis and Indian communities live in extended households as compared to Chinese and Black minorities. The above does not make it clear as to whether these shared living arrangements are a preference or a necessity. Beishon et al. (1998) discusses the preference for multigenerational households felt by South-Asian and African-Caribbean communities.

Beishon et al. (1998) found that a majority of African-Caribbean did not want their parents living with them and only a few saw the possibility of additional support that elders might give to grown up children. The study indicated that Indian parents believe that married children should set up their own separate home while unmarried children, regardless of their age should continue to live with their parents. The study also found that younger Pakistanis and Bangladeshis were generally as much in favour of living in an extended family as their older counterparts.

Beishon et al. (1998) compared the data from the Fourth National Survey of Ethnic Minorities undertaken in 1994 with its predecessor of 1982. They found a reduction in the number of adults in Caribbean households, a slight fall in the number of adults in the Indian
households, but a substantial rise in Pakistani and Bangladeshi households. The number of children per household reduced for both Indian and Pakistani households.

There is apparently some shift in the attitude of the second generation of minority ethnic families in the perception of personal space and the family. It has been suggested by Murphy (1996) that there are difficulties in predicting the direction of future changes in the living arrangements amongst minority ethnic groups. The study suggests that as the proportion of British-born ethnic minorities increases with time, one might expect some convergence towards the overall average patterns.

With regard to family mediation one could extrapolate that members of the extended family would continue to play a role in influencing decisions related to marriage and divorce in some minority communities.

9.5 Cohabitation

Cohabitation is becoming an increasingly important part of individual’s life courses in Britain as a whole (Berrington, 1996). The study indicates changing attitudes of the second generation as compared to the first generation of several minority ethnic communities (Table 9.1). The Table suggests that cohabitation is more likely in all second-generation groups except for Pakistani/Bangladeshi women.

<table>
<thead>
<tr>
<th>Ethnic group</th>
<th>First Generation</th>
<th>Second Generation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>White</td>
<td>10.8%</td>
<td>10.5%</td>
</tr>
<tr>
<td>Black-Caribbean</td>
<td>16.3%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Black-African</td>
<td>5.3%</td>
<td>4.7%</td>
</tr>
<tr>
<td>Pakistani/Bangladeshi</td>
<td>1.4%</td>
<td>1.1%</td>
</tr>
<tr>
<td>Indian</td>
<td>2.0%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Other Asian (includes Chinese)</td>
<td>1.6%</td>
<td>1.7%</td>
</tr>
</tbody>
</table>

The attitude to cohabitation reflects a changing trend between first and second-generation minority ethnic groups. Modood et al. (1994) found that almost all first generation South Asians disapproved of cohabitation, as did most second generation Muslims. However, about half of the remainder of the second generation approved of a couple living together outside marriage and those who disapproved were not necessarily willing to condemn others.
9.6 Marriage

There is evidence of a shift in expectations regarding the process of marriage in second generation South Asians as compared to the first (Modood et al., 1994). Most second generation South Asians support the view that marriage is a matter of individual choice. There appears to be a significant difference between the first and second generation Indians on the custom of parentally arranged marriages. However, in cases where Hindus and Sikhs find their own partner they would normally seek parental approval. Another recent study (Hennink et al., 1999) also suggests variations in expectations of arranged marriages amongst teenage girls from the Asian community. The study found that there is a general acceptance of arranged marriages but most Hindu teenage girls (75%) expressed a low likelihood of entering into an arranged marriage. On the other hand a majority of Sikhs (75%) and Muslims (85%) expected an arranged marriage. Traditionally Hindus and Sikhs would marry not only within their religion but also within their caste. A study conducted in 1979 (Ballard, 1979) found that many Indians find the rules about marrying into their caste unreasonable and a majority strongly objects to marrying a boy or girl who has just been brought over from the sub-continent. A more recent study (Modood, 1994), found caste to be an “irrelevant” criterion in choice of marriage partners for both Hindu and Sikh, first and second generations. The study also found that a majority of second generation Indians has no objection to inter-ethnic marriages, though endogamy still appears to be the norm. Amongst the Muslims, marriages outside their ethnic group are endorsed by religion as long as the partner is or will become a Muslim. The second generation Muslims seem to entertain least, the possibility of marriage to non-Muslims who do/will not convert to Islam (Modood et al., 1994).

Both first and second generation Caribbean (Modood et al., 1994) considered personal relationships as the sole responsibility of the two adults concerned. Relationships based on love, mutual respect, common interests and commitment between two people is of greater importance than marriage (Beishon et al., 1998).

According to Berrington (1996) there is some indication of the increase in average age of marriage for some minority ethnic groups. There is some evidence that second generation Indian women delay marriage to a later age than their first generation counterparts. This trend is seen more clearly among men and women of Pakistani and Bangladeshi origin. Berrington’s analysis also indicates low levels of marriage among the UK Black population.

9.7 Identity

There has been considerable discussion on the definitions of ethnicity, ethnic identity, ethnic origin and ethnic intensity (Pires and Stanton, 2000). Ethnic identity is the extent of actual or perceived behavioural association with a given ethnic group. For an individual it could vary with time, changes in economic and political factors, family socialisation or educational influences (Pires and Stanton, 2000). Formation and reformation of an identity for individuals of minority ethnic origin could be a product of an environment, which includes racism, as a response to the experiences of categorisation, stereotyping and exclusion (Modood et al., 1994).

The development of identity amongst all adolescents is a process during which the image of self undergoes continuous change. At this time adolescents feel that they are separate individuals and not just extensions of their parents, constructing their own points of view on a
range of topics and critically examining the given moral imperatives (Weinreich, 1979). Identity of adolescents from minority ethnic backgrounds who identify more with their native White peers or have White “heroes” will be different from those who identify primarily with their parents’ culture.

Weinreich (1979) found that school leaving Asian boys and girls had “conflicted identifications” with general representatives of their own ethnic group, but not, significantly with their own parents. The study also found that West Indian boys have conflicted identifications with representatives of their own ethnicity and the native White population. In contrast West Indian girls were found to have conflicted identifications with representatives of their own ethnicity but did not have high levels of identification conflicts with native Whites.

Modood et al. (1994) examined the labels with which individuals of different minority ethnic groups identify themselves. First and second generation Caribbeans were found to identify themselves predominantly by using the term Black. First generation Caribbeans also used the term West Indian and Black West Indian in describing themselves. Second generation Caribbeans were found to use a wider number of terms in describing themselves: West Indian, Black, Black-British, English-Caribbean, Caribbean, Afro-Caribbean, African-Caribbean and African.

Modood et al. (1994) found that most first generation Punjabi Sikhs described themselves as Indian, as did several of the second generation. Some second generation Punjabi Sikhs used the terms Asian, British-Asian or British-Indian. The study also indicated that most first and second generation Gujaratis described themselves as Hindu Gujarati. Other terms used by second generation Gujaratis were Asian, British-Asian, British-Indian or just Gujarati. The authors of the above study suggest that the East African origin of many Gujaratis is the reason why Indian is a less primary identity amongst them. The study found that first generation Pakistanis identified themselves mainly as Pakistani Muslims and the Bangladeshis as Bangladeshi or Muslim. Terms such as British-Bengali are also used by the second generation.

Another study (Commission for Racial Equality, 1998) also found that African-Caribbean and South Asians had a sense of mixed identity and did not want to pin themselves down to one ethnic category. In the above study however, both South Asian and African-Caribbean participants were found to be anxious to emphasise that they were British. They also considered it important to remember where they had ‘come from’. Many of the participants of this study were born in Britain and used terms such as British-Asian and Black-British to describe themselves.

Several studies (Modood et al., 1994; Commission for Racial Equality, 1998; Saeed et al., 1999) found that both Pakistani and Bangladeshi young and old Muslims felt that Islam was central to their identity. The religion provides a moral and social framework and also serves as the most important criterion to identify with other Asian groups.

Halstead (1994) suggests that there has been a change in the last two decades in the way Muslim children see themselves in Britain. The picture presented during the 1980s was that of conflict felt by adolescents stuck between two cultures and that Muslim children found home life claustrophobic and oppressive. In the 1990s Halstead (1994) suggests there is evidence of a new trend among young Muslims who are very much at home in Britain. They have a much stronger knowledge of Islam than their parents do and younger women use their knowledge to choose an Islamic route to challenge men’s rhetorical views about religion. Youngsters hold pride and have a positive orientation towards their ethnic group along with an acceptance of biculturalism. They are less elaborate in the religious practices (Modood et al., 1994; Saeed et
al., 1999) but wanted to know more about cultural heritage and religion and to be better informed.

A study on Chinese youth’s participation in families’ take-away businesses shows that they have a strong sense of Chinese identity (Song, 1997). The norm - ‘helping out the family’ - reinforces young peoples’ sense of Chinese identity. Youngsters with a lack of commitment to helping out may be seen to possess a predominantly British/Western cultural identity. These “bad” youngsters may be considered by the community as individualistic rather than valuing collective family needs.

9.8 Children and parental conflict

It is well documented that parental conflict affects the wellbeing of children and young adults (Rodgers and Pryor, 1998; O’Quigley, 2000). A recent survey on teenagers’ attitudes to parenting reveals that a good couple relationship enhances young peoples’ sense of wellbeing. A significant proportion (42%) of children (especially boys, younger children and children from minority ethnic backgrounds), felt that parents should try and stay together for their sake even if they do not get on well (MORI, 2000). Another study (Gohm et al., 1998) examined the well being of young adults in different cultures and found that there was little difference in the negative influence of parental conflict across collectivistic and individualistic cultures. The author suggests that in collectivistic cultures the impact of divorce and parental conflict may be reduced by the extended social network, which might provide for psychological and emotional support for children experiencing trauma of marital conflict and divorce. The study however, did not consider the stigma attached to divorce in some collectivistic cultures which may adversely affect the wellbeing of children.

Amongst separated couples White children are more likely to see their non-resident parents frequently compared with minority ethnic children (O’Quigley, 2000). Children’s contact with kin was more frequent than contact with non-resident parents. Black and Asian children were more likely than White children to see their kin more frequently.

9.9 Children having a say

Irrespective of ethnic origin, family according to children means love, care, mutual respect and support (Morrow, 1998). Asian children however, were more likely to perceive siblings and parents as helpful compared to other ethnic groups (O’Quigley, 2000). The amount of autonomy children are granted by their parents is variable. More boys than girls have autonomy outside the home. Asian children, especially girls are least likely to have external freedom. Dosanjh and Ghuman (1998) found that there is far more freedom given to third generation children in choice of clothes and toys as compared to their counterparts of the previous generation. Second generation Punjabi parents are more likely to provide pocket money to their children.

FMS operates within the ethos of The Children (Scotland) Act 1995, which has highlighted the need to listen to ‘the child’s voice’ when decisions are being made about their future care and welfare. It is not yet clear if the application of concepts such as rights and self-expression for children from minority ethnic communities will be significantly different to those of the dominant culture. Morrow (1998) notes that there may be implications for issues
relating to children’s rights and participation in decision making in contexts where respect for parents or elders is paramount.
CHAPTER 10

Recommendations

10.1 Introduction

The study shows that services are relevant and required for minority ethnic communities in Scotland. A large number of issues need to be addressed before these communities could start using them with confidence. Many issues are inter-related. This broad spectrum of issues can perhaps be addressed through six specific recommendations that are discussed in the following sections.

10.2 Recommendation 1 - Adaptations of Family Mediation services

The study indicated that the FMS statement of intent that its support is available only to “separating and divorced families” might act as a deterrent for many minority ethnic users. Often one partner would like to believe that there is still some chance of reconciliation. Moreover in some minority ethnic communities partners like to be seen to be attempting to resolve their differences. Family Mediation services therefore should extend their services to families where there is serious marital discord and where partners “may be considering” separation but have not yet necessarily decided to do so.

After intake users could be directed to counselling services if they appeared to be more inclined towards reconciliation. A full and patient hearing at intake interview should be provided even where separation may be only a small possibility. Once trust has been built during intake, users are likely to return.

In situations of strong gender imbalance where the male partner might feel uncomfortable with a female mediator and vice versa, it may be essential to have two mediators (co-mediation) - one male and one female. It is clear that in many minority ethnic communities, extended families influence decisions related to marriage and divorce. Thus family group mediation i.e. including members of the wider family should be seriously considered. Similarly in situations where there is strong acrimony between partners shuttle mediation may provide a good option. Decisions about the kind of services and the form of mediation that will best suit a particular case will need to be taken at the intake interview stage. Thus intake workers will have the additional responsibility of ensuring that parents select the most appropriate service, making intake interview an even more important phase in the mediation process. Additional training may be necessary before intake workers can assume this additional responsibility.

Potential users would like to see minority ethnic workers at service centres. This may not always be practicable. The services may be approached by minority ethnic individuals with limited English speaking abilities. In such cases services need to consider how to enable discussions with someone who speaks their language, at least on the telephone.

Unless trust about the culturally sensitive and professional nature of these services is built Family Mediation services will continue to remain under-utilised by minority ethnic communities.
10.3 Recommendation 2 - Networking

A strong relationship needs to be built up with minority ethnic organisations and with counselling services. Networking with the former is essential to obtain referrals. Workers from these organisations may also help their users in establishing the all-important "first contact". The possibility of providing Family Mediation services at the premises of minority ethnic organisations should be considered, which will avoid the hesitation that some users might have in approaching a new organisation.

The research indicated that the option of reconciliation might need to be left open to users who approach Family Mediation services. This implies that in future mediation services would need to work in close association with couple counselling services. Although such an association exists it needs to be strengthened. The possibility of a relationship counsellor providing services at Family Mediation service centres and vice versa should be explored to prevent users having to make fresh contacts with several organisations. Workshops could be organised for workers of minority ethnic organisations and couple counselling services to provide a forum to disseminate information about Family Mediation services for minority ethnic communities and for the exchange of ideas and experience.

10.4 Recommendation 3 - Training

The study indicated that some minority ethnic families do not require receiving a service from members of their own communities. However, all communities are particular about services being culturally (and in some cases religiously) sensitive. Most mediators also feel that knowledge about various ethnic cultures would boost their confidence when dealing with minority ethnic clients. Therefore training in cross-cultural issues for mediators and other awareness raising/equal opportunity training is essential for everybody involved in Family Mediation services. Such training should include reflection on the beliefs and prejudices of the service providers and should emphasise sensitivity to individual values. Training for mediators may also include special modules on co-mediation, shuttle mediation and family group mediation. It is especially important that administration staffs, who may be the user’s first point of contact with a service, are included in the training.

Recently a short study module on cultural awareness has been included for new mediators training with FMS. Special Continuing Professional Development (CPD) programmes should be organised for existing mediators and workers.

10.5 Recommendation 4 - Recruitment of minority ethnic staff

It is essential to recruit mediators and intake workers from minority ethnic communities. This is particularly necessary where language is a problem. In some cases users may feel more comfortable with workers from their own community and Family Mediation services should provide such a choice. The current practice of associating mediators with a specific local centre may be augmented by having mediators that could be called upon by all affiliated services in Scotland. Mediators coming from a different town would reassure some families about maintenance of confidentiality of discussions. Intake workers may be similarly mobile.

10.6 Recommendation 5 - Dissemination of information
Audio-visual material designed to explain Family Mediation services and specifically to welcome minority ethnic families, needs to be prepared in different languages. These should state explicitly that the services have the expertise as well as cultural/religious sensitivity to deal with various minority ethnic families. Leaflets to this effect may also be designed and could be made available to minority ethnic organisations, and in doctor’s surgeries, psychiatric departments, and other counselling agencies.

All opportunities to advertise the services at low or no cost should be utilised. These could include short articles for the newsletters of various voluntary organisations particularly those working with minority ethnic communities. During the research with various minority ethnic organisations it came to light that at least some of them publish such material and are often short of articles to fill space.

Seminars on Family Mediation services emphasising its cultural sensitivity may be delivered at the premises of minority ethnic organisations for the benefit of users. Such direct contact is perhaps the best way to build trust. It appears that a number of these organisations would be happy to organise such seminars if they were convinced of the potential benefits to users. Seminars help raise the profile of the organising agencies which is an additional incentive.

10.7 Recommendation 6 - Ethnic monitoring and evaluation

All FMS affiliated services should adopt an appropriate system of ethnic monitoring of its workers and users to help in evaluation and assessment of the inclusive nature of Family Mediation services.
REFERENCES


Family Mediation Scotland

Family mediation has been available to families in Scotland since 1984, and is now offered through 12 local services operating across mainland Scotland and in the Western Isles, Orkney and Shetland. Family Mediation Scotland (FMS) is the national co-ordinating body which was founded in 1987. It aims to ensure that high quality family mediation services are available and accessible to all families in Scotland who require them. It promotes, develops and supports family mediation in Scotland.

Definition of Family Mediation

Family mediation is provided free at the point of service delivery. It is a voluntary process in which a trained, impartial third person assists parents to reach mutually agreed decisions about arrangements for meeting their children’s needs after separation and divorce. It can also support parents in the consideration of all of the issues which need to be decided after separation and divorce. It aims to help parents improve their communication, manage their conflict and share responsibility for the future of their children.

2 The Family Mediation Process

As the first stage of the process, each parent has an individual interview with a trained intake worker at which the parent has the opportunity to express concerns and indicate the issues which are of importance to them. It provides the opportunity for parents to hear about the services available through family mediation and to consider whether mediation is appropriate. The family mediation process depends on awareness and management of the potential imbalances of power between the two parties. It operates within a framework where the safety of all parties is a paramount concern. Therefore, as part of the initial interview, screening for domestic abuse is carried out. If both parties agree after the initial intake meeting, a joint mediation session is arranged. Agreements reached through mediation may become part of a legal settlement.

2 Other Family Mediation Services

In addition to intake and family mediation, local services across Scotland offer a range of support services which include “All issues mediation” and access to contact centres. Contact centres are neutral, safe and welcoming venues which support and promote regular contact between parents and children who no longer live together. Children and young people are supported directly through the provision of opportunities to participate in group-work and/or receive individual support.