

Remote family dispute resolution during and after COVID-19: Client and practitioner perspectives

Research summary

When COVID-19 broke out in Victoria in early 2020, governments implemented severe restrictions on personal interactions, making face-to-face, 'business as usual' family dispute resolution (FDR) service delivery impossible.

In order to continue to help separating couples to resolve their parenting and property matters, we made a rapid and wholesale shift to remote delivery via telephone and video-conferencing. We consequently evaluated the remote delivery of COVID-19 and post-COVID-19 FDR services at Relationships Australia Victoria (RAV).

What we did

In a qualitative evaluation, we interviewed clients and FDR practitioners (FDRPs) to explore their responses to the service delivery model change. This included 42 one-hour interviews with clients about their needs during the pandemic and their feelings about remote delivery; and 11 interviews with our FDRPs.

Why we did it

It is compulsory in Australia for separating parties to attempt FDR before a parenting matter can go to court. It is essential, therefore, that all FDR delivery methods in use are supported by robust evaluation.

COVID-19 necessitated abrupt changes to ways of working, which have the potential to revolutionise FDR practices beyond the pandemic. Although in-person sessions are again possible now restrictions have eased, it is likely that some clients and FDRPs will prefer to continue with remote FDR.

To ensure responsive practice, it is crucial that we seek and understand clients' and practitioners' views, rather than assuming we know what works best.

What we found

A major achievement for RAV during the pandemic was service continuity for our clients, despite challenges and the difficulties resulting from the pandemic and extensive lockdowns in 2020 and 2021. This was greatly appreciated by many clients.

Method



- Qualitative evaluation
- 42 client interviews
- 11 practitioner interviews

Advantages of remote FDR



- Convenience
- Increased safety
- Less anxiety & potential for conflict

Challenges of remote FDR



- Ensuring privacy & confidentiality
- Lack of visual cues
- Engagement & commitment
- Communication & mutual understanding

Learnings



- There are benefits to telephone and video FDR alongside face-to-face FDR.



- Additional time may be required for alternate service delivery modalities.



- Additional training and protocols are needed to support FDRPs to assess safety and respond to client needs.

Published work

Heard G, Bickerdike A and Opoku S (2022) 'Remote family dispute resolution services for COVID and post-COVID times: client and practitioner perspectives', *Family Court Review*, 60(2):220–240, <https://doi.org/10.1111/fcre.12639>

A mix of phone and video-conferencing was used, with the great majority of sessions conducted by phone. This was not necessarily a reflection of client choice; in fact, for clients who were surveyed, preferences were evenly split between face-to-face and remote delivery. Rather, telephone FDR was easier to implement quickly.

Advantages of remote FDR

1. Convenience

Many clients liked not having to attend centres, as it reduced travel time and costs, parking stress and childcare needs, and enabled greater flexibility in booking appointments. FDRPs noted and service data evidenced fewer cancellations and no-shows.

2. Increased safety

FDRPs assessed more cases as suitable for FDR, as they felt that the clients' risk of intimidation was lower when at home compared to attending centres.

3. Reduced anxiety and potential for conflict

Remote delivery resulted in less anxiety and stress for clients, particularly those separating from abusive or high conflict relationships. The remote forum did not require clients to attend external settings or see their former partner in person. They felt this was less confrontational and held less potential for flare-ups.

'It's just so much more adversarial when we're in the same space.' – FDR client

4. Increased agency and effect on outcomes

Several clients explicitly linked remote FDR with reaching an agreement. Themes of reduced conflict, emotion and anxiety, and improved agency emerged as important in facilitating this. These clients felt that agreement was more likely as parties were more comfortable and less anxious at home, enabling them to more strongly assert their views and wishes.

'I was able to sit down, relax and get my messages across and to be heard in the most relaxed state that I could without feeling anxious.' – FRC client

Challenges of remote FDR

1. Ensuring privacy and confidentiality

Finding private places for open discussions was a challenge for some clients, especially parents. FDRPs had to be flexible, for example, by offering breaks to enable clients to meet children's needs.

Maintaining confidentiality during intake or breakout sessions was also difficult for some, particularly clients co-habiting with former partners. This concern was mainly identified by FDRPs, who felt less confident that clients were alone and able to speak freely.

2. Lack of visual cues

Both FDRPs and clients noted the loss of visual cues, particularly in telephone delivery. FDRPs reported that challenges in reading emotions made it harder to monitor client wellbeing and they adapted by being very direct — for example, when asking clients to tell them if they needed a break.

3. Engagement and commitment

The flip side of greater convenience and accessibility is that the process may be treated with less formality or taken less seriously. FDRPs experienced clients trying to participate in intake and joint sessions whilst doing other things including driving, shopping, eating, parenting or even operating machinery.

4. Clear communicating / mutual understanding

Traditionally, proposals and agreements are displayed in real time on whiteboards. Some FDRPs expressed concern about clients' ability to keep track and be clear about what they were agreeing to in telephone FDR without this visual. To mitigate this, FDRPs needed to read out proposals and points of negotiation regularly. While effective, this was time consuming. Conversely, sharing screens during video FDR was considered advantageous, especially for property or co-parenting arrangements.

5. Anxiety around technological issues

Minor glitches did occur on occasion, for example, when videos froze, however, participants did not feel that there were significant issues with technology or internet access. The risk of technical concerns did create anticipatory anxiety for some, however.

'If anything failed technologically, it's quite an emotional thing already and then that just adds to the stress.' – Client

Overall, clients felt the benefits of remote delivery outweighed these concerns. Where clients or FDRPs were anxious about video not working, or if technical issues occurred, telephone was a reliable alternative.

What can we learn?

Practitioners expressed the following.

- Despite some initial misgivings, and difficulties in transitioning quickly, they were positive about the results and identified clear benefits for clients.
- They feel more comfortable and confident in their ability to support clients remotely in future.
- Telephone and video-conferencing options should continue to exist alongside face-to-face delivery, to cater to clients' diverse needs and preferences. FDRPs should be ultimately responsible for choosing the most appropriate mode of delivery for each case, in consultation with clients.
- Additional protocols and training are needed to support practitioners in assessing for safety and responding to emerging client needs.
- Additional time may be required for telephone FDR sessions, to allow for the greater need for explicit verbalisation of information, and for additional private breakout conversations.