

Introduction to Mediation

Objectives:	To develop an understanding of the process of mediation. To know when to refer conflicts to professional mediation. To learn the key skills and principles of mediation so that we can assist others to resolve their conflicts in an informal and constructive manner.
Session Times:	4 hours: Sections A–F 3 hours: Sections A–abbreviated E 2 hours: Sections A–D 1 hour: Sections A–C
Essential Background:	The Win/Win Approach Empathy Appropriate Assertiveness

Sections:	A. Exploring the Meaning and Uses of Mediation	11.3
	B. The Purposes of this Session	11.5
	C. The Qualities of Mediators	11.5
	D. Identifying the Stages and Skills in a Mediation	11.8
	E. Applying Key Principles and Skills of Mediation to Everyday Conflicts	11.12
	F. A Broader Perspective on Mediation	11.12
Activities:	Mirroring	A.11.1
	Establishing a Mediation	A.11.3
	The Stages and Skills of Mediation	A.11.5



Handouts:	Section E:	Mirroring	H.11.1
		The Third Party Mediator	H.11.2
		Mediation Skills	H.11.3
		Observations During a Mediation	H.11.4



Introduction to Mediation

Providing a Safe Learning Environment

A. Exploring the Meaning and Uses of Mediation

(20 minutes)

Question: What do we understand by the term "mediation"?

Discussion: *Encourage a few minutes' discussion to arrive at a common understanding of the term.*

Mediation comes from the Latin "mediare" which means to be in the middle.

"Mediation is a process in which a third party intervenes in a conflict, usually with the consent of the parties, to facilitate a mutually acceptable resolution which requires the agreement of the participants for implementation. In a sense, it is facilitated collaborative problem-solving." *Dr Gregory Tillett, **Resolving Conflict** (Sydney: Sydney University Press, 1991) p33–34.*

Question: How is "mediation" different to the process of "conciliation"?

Discussion: *Encourage a few moments' discussion.*

Conciliation is concerned with reducing hostility and finding some kind of working accord. It may or may not include "mediation" as part of the process.

Question: What is "arbitration" about?

Discussion: *Encourage a few moments' discussion.*

Arbitration involves a third party adjudicating and handing down a judgement.

Question: How are "mediation" and "facilitation" different?

Discussion: *Encourage a few moments' discussion.*

"Facilitator" is the word most often used when the role needed is a chairperson with some mediation skills, or the situation is being presented not as dispute resolution, but as future planning. Numbers participating are usually large. Facilitation may involve considerable crowd control skills.

Question: Is there anyone here who is a mediator, either full-time or as part of their work?

Acknowledge those who are. If appropriate, ask them to say briefly the types of situations in which they mediate.



Question: In what settings would it be valuable to call in a professional mediator?

Discussion: Draw out participants' responses. In addition, you might offer the following examples:

- industrial and business disputes
- marital disputes and divorce settlements
- neighbour's disagreements
- workplace arguments
- environmental and community disputes.

Questions: What would make "mediation" an appropriate choice for solving the dispute? Are there any occasions when it would be less appropriate?

Discussion: Draw out participants' responses. In addition, you might explore:

Appropriate when

- other collaborative problem-solving approaches have been ineffective; or when there's a perception that the parties can't solve it themselves
- there are many parties and many issues to be considered
- parties are prepared to negotiate
- there are several options available for resolving the conflict
- there is not a great imbalance of power
- poor communication has been the basis for the dispute
- relationships are important.

Less appropriate when:

- parties are not prepared to negotiate
- parties remain unwilling to be involved in the process of mediation
- there are no, or very few, choices available to resolve the conflict
- when there is a legal principle to be decided
- the primary issue is non-negotiable, such as physical abuse.



B. The Purposes of this Session

(10 minutes)

This session will not train us to be "mediators" in any formal or professional sense.

To become a professional "mediator" requires many hours of training and professional supervision.

(Refer participants interested in becoming mediators to appropriate training courses.)

This session has two aims:

- to help us understand the process of mediation so that we recognise when it is an appropriate option for resolving conflicts; and when we may refer some conflicts to mediation
- to learn how to apply key principles and skills of mediation so that we can assist others to resolve their conflicts.

When there is a conflict at work, in a family, or between neighbours or friends, often a third person is drawn into that conflict.

We can probably recall times when we've seen such a third person inflame the conflict further. Perhaps such a person offers irrelevant or inappropriate advice or repeats hurtful comments made by one party against the other.

Also, we can probably think of a person who has played a positive role in helping others resolve their conflicts. Such a person may frequently be turned to as a "peacemaker". In a family, friendship or work group, this person has probably taken on the role informally (and usually unlabelled) of "mediator".

It's also possible for a person with some power, such as a manager, a supervisor, a school principal, or a parent, to mediate in some disputes. Rather than always arbitrating, there are times when, in these positions, we're able to facilitate others to resolve their own difficulties.

Knowing about the formal process of mediation, and how to apply the key principles and skills of mediation to conflicts that are not our own, is valuable knowledge to add to our conflict resolution toolkit.

C. The Qualities of Mediators

(30 minutes)

Question: For us to feel confident in a mediator, what qualities, attitudes, beliefs and skills would we want that person to have?

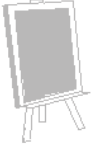
Ask participants to write down their responses.



Group Activity: **About Mediators:** *working in small groups of three participants, discuss the qualities, attitudes, beliefs and skills of mediators.*
(15 minutes)

Divide the large group into small groups of three.

Write on the board:



Mediators:
personal qualities
attitudes and beliefs
skills

Ask participants to discuss each of these. Tell them not to concern themselves too much with the distinctions between qualities, attitudes, beliefs and skills. Rather, these categories have been identified to help stimulate their thinking.

Allow 10–15 minutes.

Ask them to return to the large group for discussion on these questions.

Question: **What personal qualities would we consider valuable in mediators?**

Discussion: *Draw out participants' responses. In addition, you might consider:*

- warm
- caring
- non-judgemental
- accepting
- genuine
- trustworthy
- sincere
- respectful
- consistent
- objective – capable of putting own opinions on hold.

Question: **What attitudes and beliefs would mediators need to hold?**

Discussion: *Draw out participants' responses. In addition, you might explore:*

- that others can solve their own problems
- that participants are in control of the issues discussed and of introducing relevant material



- that the mediator is in charge of the process
- that neutrality is essential
- that the process of mediation does work.

Question: What do we understand by "neutrality"?

Discussion: *Encourage a few minutes' discussion to arrive at a common understanding of the term.*

Neutrality doesn't mean being without values or opinions. Instead, it means being aware of our values and opinions and knowing how to maintain them separate to the mediation process, so that they don't interfere with the process or the relationship with or between participants.

Question: What skills do mediators require?

Discussion: *Draw out participants' responses. In addition, you might consider:*

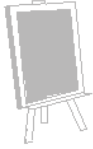
- able to show empathy
- able to communicate acceptance and respect for the parties in the conflict
- having skills in active listening
- being competent in analysing the process to help participants understand what is happening in the discussion
- able to reframe conflict-creating language into conflict-resolving questions or statements
- able to identify areas of common ground or agreement
- able to make explicit the implicit options that arise during discussion
- able to self-disclose appropriately "when it helps the participants consider options, promotes a more direct relationship with them or assists them in understanding their situation and themselves." (*Dr Gregory Tillett. op. cit. p55*)
- able to confront appropriately on issues which may be crucial to resolving the conflict: issues which the participants may otherwise avoid. "Confronting may be appropriate when it is helpful to the client, promotes the process and is not an accusation or a challenge." (*Dr Gregory Tillett, op. cit. p55*)



D. Identifying the Stages and Skills in a Mediation

(45 minutes)

Group Activity: *Role Play:* participants observe a role play between the trainer or other person, competent in mediation skills, and two disputants.
(15 minutes)



Write on the board:

What stages do you observe in the mediation?

What happens in each of these stages?

What specific skills are used?

Discussion: *Encourage participants to comment on the role play, and then consider each of the questions in turn.*

Question: **What stages did you observe in the mediation?**

Discussion: *Elicit and write on the board, spacing them evenly so you can include details later:*



Open

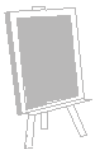
Establish

Move

Close

Question: **What happens in the first stage, "open"?**

Discussion: *Elicit and write on the board*



Open

Introductions

Agreements

Setting Up

Question: **What would each of these include?**

Discussion: *Draw out participants' responses and give additional detail as required.*



Introductions:

- Define the role of the mediator as concerned with process not content.

Agreements:

- Avoid blaming.
- Listen to each other.
- Allow each to speak without interruption.
- Tell the truth.

Setting up:

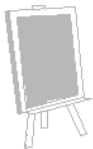
- Make sure the room is comfortable, "neutral" and participants are seated appropriately.
- Have board and pens available to maintain visual record.

Question:

What happens in the second stage "establish"?

Discussion:

Elicit and write on the board:



Establish **Overview**
Details

Question:

What would each of these include?

Discussion:

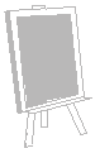
Draw out participants' responses and give additional detail as required.

Overview:

- Each person describes his/her view of the conflict, the issues and what's felt about it.

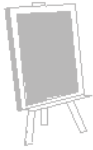
Details:

- Map the details.
- Identify each party's needs and concerns.
- Clarify misconceptions.
- Mirror to ensure participants are hearing each other accurately.
*(See p.221, Helena Cornelius and Shoshana Faire, **Everyone Can Win** 2nd edition. (Sydney: Simon & Schuster (Australia) P/L, 2006) and Mediation Activities, Mirroring, this chapter.*



Question: What happens in the third stage, "move"?

Discussion: *Elicit and write on the board:*



Move **Finding areas of agreement**
Generating options
Negotiating
Caucusing

Question: What would each of these include?

Discussion: *Draw out participants' responses and give additional detail as required.*

Finding areas of agreement:

- Identify these.

Generating options:

- Brainstorm possible solutions.
- Mediators might suggest options tentatively if participants are stuck or not generating equally good suggestions of their own. (Options need to be based on content shared by participants.)

Negotiating:

- Consider currencies. "What can I give in exchange for...?"

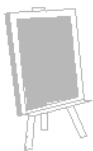
Caucusing:

You might arrange private meetings between mediator and each participant:

- to allow each person to unwind and to prepare for negotiation
- to identify and clarify misunderstandings and misconceptions that may have been taken away from a meeting.

Question: What happens in the fourth stage, "close"?

Discussion: *Elicit and write on the board:*



Close **Contracting**
Checking
Agreeing to review
Acknowledging



Question: What would each of these include?

Discussion: *Draw out participants' responses and give additional detail as required.*

Contracting

- Participants reach agreement on particular options.

Checking

- Are participants satisfied?
- Have major needs been met?

Agreeing to review:

- Set a time and process for review.

Acknowledging:

- Thank for participating.
- Congratulate on achieving these agreements.

Questions: **We listed earlier some skills that mediators require (refer to Section C.) What other skills and techniques did you notice the mediator in the role play using?**

Discussion: *Draw out participants' responses. In addition, you might consider:*

- summarising what's been identified
- asking open-ended questions
- emphasising "I" language
- clarifying
- directing the process
- identifying options.



E. Applying Key Principles and Skills of Mediation to Everyday Conflicts

(30 mins–2hrs)

Question: In what situations do you find yourself mediating, or can you imagine having that role?

Discussion: Draw out participants' responses. In addition, you might consider:

- disagreement between work colleagues
- disputes amongst work subordinates
- arguments between friends
- squabbles amongst children (at home or in the classroom).

Group Activity: Choose either one or both of the following activities.

Mirroring: in this role play, participants practise the skill of mirroring. (See Mediation Activities, page A.11.1.) (15 minutes)

Establishing a Mediation: working in small groups, participants practise establishing a mediation. (See Mediation Activities page A.11.3.) (20 minutes)

The Stages and Skills of Mediation: a role play in which participants practise mediating. (See Mediation Activities, page A.11.5.)

Short practice (30 minutes)

Long practice (50 minutes)

F. A Broader Perspective on Mediation

Throughout this session we've talked about the purpose of mediation being to resolve or manage conflict. Of course, we have other methods to deal with conflict. There is the range of informal, ad hoc, sometimes constructive, sometimes destructive methods that have become our habits throughout our lives. For many difficult disputes, we have access to the law.

Question: Why, then, choose mediation?

Discussion: Draw out participants' responses. In addition, you might consider:

- cost effectiveness
- the difference between solving, managing and resolving
- the long term benefits of people feeling empowered and learning non-adversarial strategies for resolving conflict.



Andrew Floyer Acland in ***A Sudden Outbreak of Common Sense*** (London: Hutchinson Business Books, 1990) makes some interesting comments about the ultimate purposes of mediation:

"...you must accept that the primary purpose of mediation is not to reach agreement: it is to provide a process within which the disputants can educate themselves about the conflict and explore the options open to them to resolve it." (p117)

"So the basis of mediation is negotiation – and the mediator's job is to introduce some special features to turn adversarial, win-lose negotiation into problem-solving. The mediator helps people to talk to each other in ways that prevent misunderstandings, establish at least working relationships, clarify the issues and look for mutually acceptable solutions. Ideally, people should emerge from the process feeling satisfied that all their needs and interests have been taken into account, that they have achieved the best possible outcome, and that they are ready to re-enter the process the next time a problem comes up." (p13)

"Mediation is the adjustable spanner in the dispute resolution tool-box. It can be used in a formal setting to sort out multi-million pound disputes; or in a suburban sitting-room to resolve a problem with the neighbours. It can be designed to reconcile the competing interests of businesspeople, local government and environmentalists in a complex land-use dispute; and it can help build trust and understanding between people of different racial backgrounds in an inner city community." (p2)



Mediation Activities

Mirroring

Trainers' Information Only

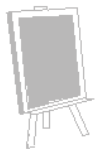
Context:	Active listening and "I" statements combine as a particularly appropriate conflict resolution tool to use during mediation (See <i>Chapter 11 Mediation Section E.</i>)
Time:	15 minutes
Aim:	To learn the skill of "Mirroring"
Handout:	<i>"Mirroring"</i>

Instructions: *Divide the group into pairs with Partners A and B. Distribute and explain **the handout: "Mirroring"**.*

Mirroring is a technique that involves two important skills: active listening and "I" Statements.

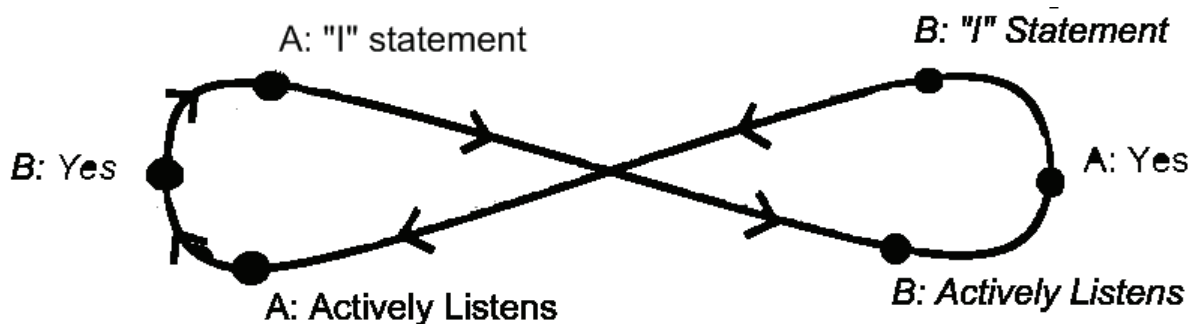
Partners take turns to speak and to listen.

We're going to do a role play to practise the skill of mirroring.



Partner A briefly describes a difficulty with someone else and gives to Partner B an interpretation of the other person's needs, issues and values as they relate to the difficulty. Partner B will role play that other person, working from the description given by Partner A and some guesses on the person's motivations.

Draw the shape below, on the board. As you explain the technique of mirroring, add the appropriate words and arrows. (Use one colour for words in upright typeface. Use another colour for words in italics typeface.)



Partner A, you make an "I" Statement expressing how you feel about the issue.

Partner B, you actively listen to Partner A. You reflect what you hear from Partner A. Use your own words, aiming to reflect back both content and feeling.

Partner A says "Yes, that's what I said" or "No, that's not what I said" and tries again. Partner B reflects again until Partner A says "Yes, that's what I said".

Now Partner B makes an "I" Statement. You express how you feel about the issue. Partner A reflects back content and feeling until Partner B says "Yes". Now it is Partner A's turn to make a new "I" Statement. This process repeats until some noticeable movement is made towards resolution or mutual understanding.

Discussion: Did either person become defensive? Was the re-statement free from opinions and judgements?

Did you both feel heard? Did you both feel able to reply?

How does the issue look different now?

Important Points to Cover:

This may be a very useful process to establish at the opening of a conflict-resolving dialogue, with or without a neutral third party.

The process may be initiated by a mediator when anger between the parties is high. It slows everything down and makes sure both sides are heard. It is not always possible to insist on a perfect "I" Statement, but it is possible to encourage both parties to indicate they speak from their own points of view ("As I see it...", "From my point of view..."; "This is how I feel about it" etc.)

People frequently do not absorb or even hear information that requires them to change their perception of the other person or the situation.



Mediation Activities

Establishing a Mediation

Trainers' Information Only

Context:	When people are in conflict, it can be helpful to have an independent and neutral third party mediate their dispute. Although there is much to learn in the area of mediation, the caring non-professional can often assist others to resolve their conflicts. Establishing guidelines for participants to discuss their conflicts is a valuable first step in the process.
Time:	20 minutes
Aim:	to practise establishing a mediation
Handout:	<i>"The Third Party Mediator"</i>

Instructions: In this role play, we will practise the first stage of a mediation.

We will work in small groups of four. In each group, there will be a mediator, two parties in the conflict and an observer.

Divide into groups of four.

Think of some situations in which you could imagine yourself mediating. In your small groups, choose one of these to role play now.

If the small group is having difficulty in finding a conflict to mediate, offer some sample situations. (As participants are practising the opening stage of a mediation, the details of a conflict are not required.)

Sample Situations

Two neighbours disputing responsibility for repairing a boundary fence.

Two colleagues disputing procedures and timeframe for processing customer orders for office supplies.

To each of the groups say:

Consider how, if you were the mediator, you would set up your particular mediation.

What kind of language would you use?

How would you describe your role?

What ground rules would you set?



What agreements would you make?

Allow 5–10 minutes.

Choose who will play the mediator, the two parties in the conflict, and the observer.

Allow 1–2 minutes.

Instructions for the Mediator

You open the mediation by making agreements and exploring roles.

Instructions for the Parties in the Conflict

Work with the mediator to provide them an opportunity to practise the skills.

Instructions for the Observer

Note particular strengths of the mediator's approach.

Allow 5 minutes.

Small Group Discussion:

What was effective in establishing the mediation? What needs more emphasis?

Optional Extension: *Small groups choose another situation for mediation and change roles.*

Consider how you would establish the mediation in this case.

How would it be the same as the previous one?

How would it be different?

Allow 5 minutes.

Choose a different person to practise establishing this mediation.

Allow 5 minutes.

Small Group Discussion:

As before.

Discussion:

Ask for some of the small groups to give an overview of how they established their mediation. Draw together common threads from each group. (After participants have responded, you might need to add some of the following if they have not been mentioned: environment, confidentiality (when is it appropriate, when is it not?), timing, guidelines for discussion e.g. no yelling, name-calling, etc.)

*Give out the **handout: “The Third Party Mediator”**, and highlight key points.*



Mediation Activities

The Stages and Skills of Mediation

Trainers' Information Only

Context:	When people are in conflict, it can be helpful to have an independent and neutral third party mediate their dispute. Although there is much to learn in the area of mediation, the caring non-professional can often assist others to resolve their conflicts. (See <i>Chapter 11. Mediation: Section E.</i>)
Time:	Variation 1: 30 minutes Variation 2: 50 minutes
Aim:	To practise key skills of mediation
Handouts:	<i>“The Third Party Mediator”</i> <i>“Observations During a Mediation”</i> <i>“Mediation Skills”</i>

Instructions: In this role play, we will work in small groups to practise a mediation.

Before we break into small groups, I'd like each person to choose an issue or a situation in which you could imagine yourself mediating.

It may be a work situation. Two staff members are in conflict. Perhaps you are the manager who has convened a meeting to help them sort out their difficulties. Or perhaps you're a colleague who has offered to spend some time with them mediating their dispute.

It may be a conflict within a family or between friends. Perhaps the parties have turned to you because they think you may be able to help them resolve their difficulties.

Allow 3–4 minutes.

Check that an adequate number of participants have thought of conflicts.

Divide into small groups of four (or six, if using variation 2.)

Ask the small groups to choose a conflict to mediate.

If the small group is having difficulty in finding a conflict to mediate, offer them one of the two situations below.



Sample Situation 1

You are the manager of a computer company. Two of your salespeople are in conflict over the system of referring new customers. There are guidelines that customers interested primarily in software are directed to Salesperson A and those primarily interested in hardware are directed to Salesperson B. These guidelines now seem to be inadequate. Salesperson B claims she/he is losing commission because Salesperson A is pirating too many customers.

Sample Situation 2

Two of your friends share a house and have repeated squabbles about household chores. Their most recent argument has resulted in them not talking to each other. Both of them want to stay in the house because of its location and its comfort. Friend A claims Friend B is untidy, disorganised and unwilling to do a fair share of the household chores. Friend B claims that Friend A is obsessive, demanding and inflexible with regard to household chores.

VARIATION 1

We will spend 10–15 minutes working through the stages of a mediation.

Ask the group to choose who will play the mediator, the two parties in the conflict, and an observer.

*Give out the **handout: "The Third Party Mediator"**. Highlight the stages of the mediation.*

Instructions for the Mediator

You start the mediation in Stage 1 by making agreements and explaining roles. Then move through the other stages, as far as time allows. It's not likely that you will complete the mediation. Just work through it as far as you can.

Instructions for the Parties in the Conflict

Work with the mediator to provide an opportunity for them to practise the skills. If the mediator says something which assists you in the process, respond positively. If the mediator doesn't take charge of the process, then behave as if in a real conflict.

Instructions for the Observer

Note particular strengths of the mediator's approach by observing the effect on the participants in the conflict and by considering how much progress is made in the mediation.

Allow 10–15 minutes.



Small Group Discussion:

What was effective in the mediation?

What needs more emphasis and practise?

Discussion:

What conflict resolution skills did you use in the mediation?

What were the strengths of your mediator's approach?

What difficulties did you notice?

VARIATION 2

There will be four rounds. Each round will focus on a different stage of the mediation.

In each round, a different person will be the mediator.

Two people will remain as the parties in the conflict throughout the role play. The other four people will be either observing or playing the role of mediator.

Ask the groups to choose the two parties in the conflict. Ask the remaining four to choose which stage each wishes to mediate.

*Give out the **handout: "The Third Party Mediator" and "Observations During a Mediation"***

*Explain to observers that they can keep notes on the **handout: "Observations During a Mediation"** as the mediation progresses.*

Give instructions to the mediators, parties in the conflict, and observers, similar to those in Variation 1.

Round 1

Remind participants of what happens in Stage 1 of a mediation.

Highlight:

- setting up the room
- explaining roles
- making agreements
- establishing what, if any, comments during the mediation will remain confidential.

Ask the groups to consider: what types of agreements and what approaches wouldn't be particularly appropriate to their situations.

Ask the first mediator in each small group to establish the mediation.

Allow 5 minutes.



Small Group Discussion:

What was effective in establishing the mediation?

What difficulties did you notice?

Round 2

Remind participants of what happens in Stage 2 of a mediation.

Highlight:

- mirroring
- mapping.

Don't attempt a complete map in this role play as there is insufficient time. Perhaps, if appropriate, you could do a map focusing on two major needs and two major concerns of each person.

Ask the second mediator to continue the mediation in Stage 2.

Allow 7 minutes.

Small Group Discussion:

What was effective?

What difficulties did you notice?

Round 3

Remind participants of what happens in Stage 3 of a mediation.

Highlight:

- The process of developing a range of options and negotiating. What would it be easy for one to give and valuable for the other to receive?

What concessions could be traded?

Ask the third mediator to continue the mediation in Stage 3.

Allow 7 minutes.



Small Group Discussion:

What was effective?

What difficulties did you notice?

Round 4

Remind participants of what happens in Stage 4 of a mediation.

Highlight:

- the importance of "contracting", making an agreement which participants will uphold
- the establishment of a review date and what process or method they will use
- the acknowledgement of participation.

Ask the fourth mediator to continue the mediation in Stage 4.

Allow 7 minutes.

Small Group Discussion:

What was effective?

What difficulties did you notice?

Discussion:

Encourage participants to share significant observations. Ask participants to identify the particular skills which were used during the mediation, and what additional skills would be valuable.

*Give out the **handout: "The Skills of Mediation"**.*

Important Points to Cover:

Although there is much to learn in the area of mediation, a caring person who has acquired the key principles and skills of mediation and conflict resolution can often assist others to resolve their own conflicts.

Mediation draws together all the skills of conflict resolution. Of particular importance is a commitment to a win/win approach and a practised ability to listen actively.

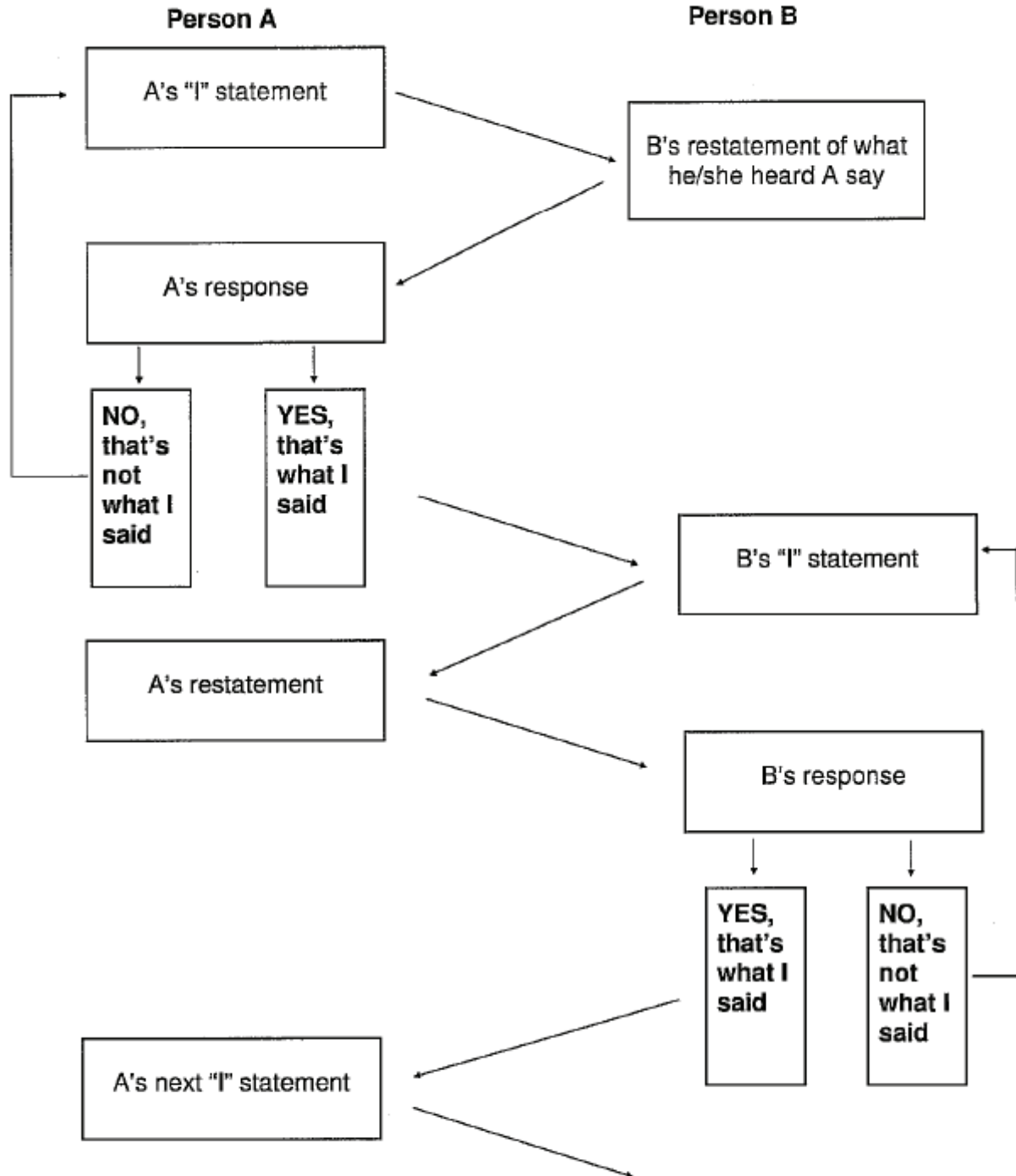
If the conflict is long-standing, involves many people, and a complex range of issues, it is valuable to call on a professional mediator.

Only professionals should mediate in situations where there is physical violence.



Mirroring

“Yes, that’s what I said”.



...the sequence repeats until each person feels completely heard and understood.



The Third Party Mediator

Attitudes for Mediators

These attitudes are relevant whenever you want to assist, or are asked to assist, in a conflict which is not your own. It may be a friend telling you about a problem on the telephone. It may be an informal chat with both people in the conflict. It may be a formally organised mediation session.

Be objective – validate both sides, even if privately you prefer one point of view, or even when only one party is present.

Be supportive – use caring language. Provide a non-threatening learning environment, where people will feel safe to open up.

Be non-judging – actively discourage judgements about who was right and who was wrong. Don't ask "Why did you?" Ask "What happened?" and "How do you feel?"

Use astute questioning – encourage suggestions from participants. Resist advising. If necessary, offer options not directives.

Use a win/win approach – work towards wins for both sides. Turn opponents into problem-solving partners.

Mediation Methods

Set some simple rules: listen carefully, state own viewpoint clearly, attack the problem not the person, look for answers to meet everyone's needs.

Define your mediator role as there to support both people "winning".

Get agreement from both people about a basic willingness to fix the problem.

Let each person say what the problem is for them. Check back that the other person has actually understood them.

Guide the conversation towards a joint problem solving approach and away from personal attack.

Encourage them to look for answers where everybody gets what they need.

Redirect "Fouls" (Name Calling, Put Downs, Sneering, Blaming, Threats, Bringing up the Past, Making Excuses, Not Listening, Getting Even.) Where possible the mediator reframes the negative statement into a neutral description of a legitimate present time concern.

Stages in Mediation

Open

Introductions and agreements: Warm up, explanations, arrangements, discuss the win/win approach.

Establish

Overview: What is the matter? Each person expresses their view of the conflict, the issues and their feelings.

Details: What is involved? More details. Map needs and concerns. Clarify misperceptions. Identify other relevant Issues. Use Mirroring.

Move

Review: Where are they now? Identify areas of agreement. Encourage willingness to move forward. Possibly meet separately.

Negotiation: Focus on future action. How would they like it to be? What would that take? Develop options. Use 'trading' to build wins for everyone.

Close

Completion: Make contracts. Plan for the future, including setting a time to review agreements. Closing statements.



Mediation Skills

Open: Introductions and Agreements

Take charge of the process: Set up the meeting space. Explain that each party will have equal time to describe his/her view without interruption. Describe the win/win approach and its emphasis on needs. Clarify roles and expectations of mediator and participants.



Establish: Overview and Details

Focus on needs: Ask each person to describe what he/she needs for the situation to improve.

Use mirroring: if emotions are high. This controls abuse and checks that each person has heard the other accurately. (Have each person rephrase the other's statement and have it confirmed before making a reply.)

Encourage "I" statements to clarify how each person sees the situation. Discourage personal attacks.

Move to specific examples of people's needs, concerns and causes of irritation.

Acknowledge feelings and thank people for openly expressing them.

Reinforce willingness to resolve when people show it.



Move: Identify Areas of Agreement and Negotiate

Ask what would it take for the situation to be better?

Acknowledge common ground and affirm this is the case.

Seek some flexibility and movement from each party.

Check out agreement even if it is only in principle, so far.

Develop many options. What can each person do to help solve the problem?

Help define measurable criteria for change. What signs will show that the problem is being addressed?



Close: Completion

Suggest meeting to evaluate how agreement is working.

Check that people have really agreed and can live with the chosen options.



Observations During a Mediation

What's been identified so far:

Needs of the participants:
Concerns of the participants:
Areas of common ground shared by the participants:
Central Issues:
Currencies – what one person could give in exchange for something she or he values:
Possible Options:
Agreements:

Observations of the Process and the Skills used by the Mediator	Strengths	Difficulties
Stage 1		
Stage 2		
Stage 3		
Stage 4		

