

EVERYONE CAN WIN audio script edition

SKILL 11: INTRODUCTION TO MEDIATION - PART I

THE BASICS

Podcast time codes:

Mins: secs	Topic
10:06	CONFLICT RESOLUTION PROCEDURES
13:45	Conflict counselling
15:48	INFORMAL MEDIATION
17:55	Holding the space
21:54	Mediating on the quiet
24:20	BASIC MEDIATION SKILLSET
27:48	STEPS IN MEDIATION
28:28	Preparation
31:04	Open - introductions, preliminary agreements
34:12	Establish: overview and explore details
37:45	Mirroring
39:41	Move
40:42	Close
45:04	SUMMARY

Do you find that quite often people want to talk things through with you when they're in conflict with other people? They're not asking you to intervene officially, but you are their official friend and that can be a very challenging role. When I'm in this situation, I'm constantly juggling. How do I stay neutral? I want to be objective, non-judgemental and I know it doesn't help if I take sides. But more than anything, they want me to really listen while they talk things through. These are exactly the attitudes of a good mediator and official or not, it's worth having mediating skills up your sleeve. There'll be many occasions where you'll need them. This episode is the first of two on our Introduction to Mediation. It's skill number 11 from *Everyone Can Win*. That's our book about handling conflict constructively. Being a professional mediator is a specialist qualification but it

1



No fee required to reproduce this page if this notice appears:

© The Conflict Resolution Network PO Box 1016 Chatswood NSW 2057 Australia
Email: crn@crnhq.org Podcasts: <https://www.crnhq.org/podcasts> Web: www.crnhq.org

can certainly help if we have some basic mediation skills for our roles in the family, in our friendships and in the workplace. These skills can make us a very helpful person to have around. So in this episode we are looking at the basics of mediation

#

As you start to develop your conflict resolution skills, you'll start to notice how often other people seem to be making a terrible job of handling their own conflicts. If you are physically or emotionally close to them, sometimes you'll itch to interfere. Comments perch on the tip of your tongue. But stop for a moment. Before you jump in, consider carefully what you're going to say. Don't take sides, make a *mediating intervention*! A mediating intervention slipped into a normal conversation might sound like this:

'I don't think he's saying that.' or

'It seems to me you two actually want the same things.' or

'Do you think she's clear about what you need?'

Make it unbiased, yet supportive. *Mediating interventions* move their conflict a step further forward. But we need to be careful. Being a third and neutral party in a conflict can be tricky. Even if no one's paying for our services we'll want to do it well. So it's worth understanding some basic mediating techniques.

You're rarely completely neutral in these situations, so if you have some stake in the outcome, that needs to go on a back burner. Be very clear and open if something is influencing you. For instance, it's hard to be an effective mediator, even informally, if you are close to one party and not to the other. Siding with your friend against the other person is NOT mediation. You could call it coaching or counselling, but not mediation.

So let's be clear what we do mean by *mediation*. Sometimes it's used interchangeably with 'arbitration' and 'conciliation'. But as we get more precise, it's better to keep the distinctions clear. 'Mediation' means coming between parties in conflict and helping them move forward. 'Mediation' refers to situations where people in conflict come together to address their conflicts with the assistance of an unbiased person. That unbiased person's role is to improve the communication and problem-solving between them. The mediator takes an objective and neutral role and focuses on

2



helping the parties to find their own solutions. The mediator does not try to fix problems or give advice. He or she just suggests process, how they can go about it. Sometimes the mediator is formally appointed and sometimes a caring and skilled friend or colleague just informally takes on those tasks.

If you do decide to step into the mediator role, being well-intentioned is not enough. We are so used to offering advice that it can require huge self-discipline not to. By all means ask reframing questions, for example, ‘Is this plan going to get us where we need to go?’ Just don’t tell the other person what to do. Remember:

As mediator I help both parties meet their needs.

I try to stay independent. Throughout the process, I make sure that both parties are having a fair say and that they really listen to each other. And I’m really listening closely too, but without interfering.

They’ll be much more committed to solutions that they’ve crafted themselves and so I do not *impose* a settlement. Indeed, my role does not include that power. The only real power I have will be given to me by the parties themselves. It’s transferred *as* they allow me to guide their communication and settlement process.

Even if we’re mediating completely informally, we still need this tacit approval. Our mediating interventions are permitted in the context of what we can say to each other in normal conversation. If we get it wrong and start siding with one party, advising, being too pushy or formal we’ll lose our unspoken permission. Instead we become part of the problem: one or both parties will close up, change the subject or become angry. That’s not to say we can’t put a foot wrong, but if we do, our very next statement had better be back on track. We stay alert, read all the signals, be a very good listener. People in conflict won’t have a high tolerance for our errors as mediator.

So, in particular: Resist advising.

You might find yourself stepping in to help informally in arguments between children, friends, teenagers and parents, relationship difficulties or work colleagues. You’ll use your skilful mediation interventions in your everyday life. Your understanding of these techniques helps you turn other people’s fights into fair play. It’s a great leadership tool.



However, sometimes it is better to use a professional. It's best not to interfere in relationship break-ups, custody or property disputes, workplace harassment or bullying. Keep out - unless you have some formal training or there's just no appropriate professional to call on. Generally, it's better for the non-professional to take no part in relationship disputes where the parties are highly emotional, the stakes are high, the parties are seriously stuck in their positions or the issue has been going for a long time. Check the Conflict Clues, and step back from Tension, which could blow up, and especially, Crisis. Listen...perhaps. Care...of course you will. But think...is this likely to end up in the hands of either the police or the court? Stay out! If you feel you must do something, steer them towards a professional.

#

JANET

Janet is my colleague, a professional mediator who faced this problem when two friends were going through a very emotional divorce. She found she could not even serve as their counsellor. She started to and soon realised they were using her as their go-between. If one knew she'd seen the other they'd pump her for information about what the other had said on an issue. Keeping professional levels of privacy was excruciating. She said she had to watch every word. The social relationships were interfering with her professional abilities and obligations.

She also realised that she felt strongly about how they should handle their divorce settlement, and it did not look as though it was

4



No fee required to reproduce this page if this notice appears:

© The Conflict Resolution Network PO Box 1016 Chatswood NSW 2057 Australia
Email: crn@crnhq.org Podcasts: <https://www.crnhq.org/podcasts> Web: www.crnhq.org

shaping up to her expectations. When they asked her to mediate it, she knew they needed to ask someone else. She was much too close and too involved.

She was in danger of losing one or both of them as friends. To save her friendships with both, she explained to each one how the pull of her divided loyalties was making her feel very tense and they agreed to ban talk of the divorce from their conversations together.

Over the following months she was often bursting to know how their settlement was shaping up, but she knew she must not satisfy that curiosity. She knew she had to be strict with herself. It was 'none of her business.'

When they finally reached a settlement some twelve months and two expensive lawyers later, each told her it was over and she breathed a sigh of relief. They had finished with the no-go zone in their friendships.

#

There's a wide variety of conflict resolving procedures available. Mediation is the method we will emphasise here, but it's important to know some alternatives and how much control is left in the participants' hands. There's quite a range - from an third person ruling by a court judge to complete self-direction. And sometimes the distinctions blurr as one role can merge a bit into others.



Let's briefly look at common

CONFLICT RESOLUTION PROCEDURES

in Australian Usage, paying attention to how much control a third party has in the situation.

- *First there's the Court system and arbitration: the third party here is the judge, who hears the case and makes a ruling. It's a legally binding decision.*
- *Next comes Conciliation: The conciliator gathers the facts and arguments and then makes a recommendation. That recommendation carries substantial weight. However it is not legally binding. The conciliator is inviting compromise.*
- *Then there's Shuttle diplomacy: The Third party goes between each party separately. The go-between carries options and offers backwards and forwards, sometimes making suggestions. They might selectively inform the other side of what is being said privately, which can strongly influence the situation. That's considerable power and may be needed when emotions run high and the parties can no longer talk civilly to each other.*
- *Now we come to Mediation: the third-party mediator. They have tight control over the process, but not the content. Mediators don't have the power to decide or recommend. Their role is to assist parties to isolate the issues and options, and to reach a settlement that jointly satisfies each party's needs, by consensus – both sides agreeing, possibly with considerable compromise.*
- *Facilitation is a variation on the mediation role. The method can be very helpful for groups, communities and meetings where there is underlying or potential conflict. Facilitators design and provide processes for the meeting to support everyone's involvement in the decision-making process.*
- *Here's another variation on a conflict resolution procedure: An Expert appraisal: One or both participants consult an expert in the particular field,*



for example, a property adviser or a stockbroker or a lawyer. The expert provides information on effective practices or perhaps the legal position.

- *A Conflict Counselling is often very useful: One participant consults a counsellor with expertise in conflict resolution and mediation for assistance in developing options, in dealing with some issues privately and in how to present their own case well.*
- *Lastly in this list comes Negotiation where all the power is with the participants: Parties work directly with each other toward exchanging promises and commitments in order to resolve their difficulties.*

Let's delve further into

Conflict counselling

It's a very useful tool. It's a little easier than mediating: you're working directly with only one person. You're not trying to manage the dynamics of a difficult relationship. Here, advice is more acceptable and a little bias toward the person you are with may feel like welcome support to someone in the thick of it. Just don't jump into a Rescuing role (check Skill 5, Co-operative Power); don't make the absent person the Persecutor or 'the baddie.' You might want to validate how hard the situation must be for them but don't slip from that into agreeing how right they are. And don't make their enemies your enemies. That won't help!

Even if you do think they are right, your overt agreement gives them 'permission' to stay stuck. Just because they've spoken out against someone that they care about don't presume you now have permission from them to speak against that person too. The moment you do, they're liable to switch to being fiercely protective of them and turn against you. So watch your step. What unspoken permissions have you and have you not been given? Generally, you are of more help being as neutral as possible and work with them to take some control, to understand the other side and to see how they can change the situation.



You'll use all your active listening and reframing skills. You might work with them to develop some 'I' statements. They'll need good ways of saying objectively what is upsetting them and what they would prefer. Discuss with them how they might be able to communicate that to the other person. Resist the temptation to tell them what they should do. Leave them knowing that they're free to do something quite different if they wish.

INFORMAL MEDIATION

When are you likely to intervene as an informal mediator? First, it will appear that the people in conflict are not coping well alone and need outside help. Then you need to be able to assist them at the time they need it. Check that you are only motivated by the desire to help them and their situation, rather than your personal wish for one particular solution.

Perhaps you want the conflict resolved speedily because it presents you with problems in your close working or living relationships. And that's an OK reason to step in as an informal mediator. You may sometimes be invited by both parties to participate; sometimes you make the offer; and sometimes the situation is so informal that you are mediating without the other people even noticing!

How to set it up?

You don't have to wait to be invited to mediate. Here are some useful points to introduce the possibility of an informal mediation: You could say:

'If you'd like it, I'm happy to mediate while you two work through the problem you've got...

Perhaps you can find some answers that work for both of you...

I'd make sure you're really hearing each other...

I'll support both of you and not take sides...

I promise I won't come up with answers...

I'll do my best to remain objective...



I'd just be steering the process, so you both get what you need.' You can invite them to 'keep you honest' on these commitments and say if they're not comfortable with your involvement.

It's quite common for only one party to actively seek mediation. A similar speech might persuade the other party to try it. When you have that agreement, decide upon a time and place. This adds the power of expectation, like the "waiting room effect".

As the mediator, how do we make truly helpful interventions?

Holding the space

What does this mean? Psychiatrist and somatics educator, Dr Tony Richardson is fond of saying: 'The greatest intervention you make is what you embody.' We discussed some key embodying methods in skill number one – getting centred, giving your full attention, flowing with the energy in the situation, re-directing it towards the positive, and making caring connection with everyone in the room.

This is part of *holding the space*. It's about our presence, bringing our presence and good will to the situation, concentrating on the two people and what they are saying, and by paying careful attention to the way the issues unfold.

These ways of embodying openness, holding the space, makes it more comfortable for the people, who may be disheartened, distressed or at an impasse. Your caring attention provides a protecting cocoon, a grounding witness and a calming influence on their emotions which might be extreme and contagious.

I remember one mediation I did where all I did was set up the chairs, make some preliminary agreements with the two people and then I just sat back and listened. I did listen very carefully. I was caring a lot about the people and their issues, but I *did* nothing. They moved through all the steps that were needed all by themselves. The only thing I can say that I really did as a mediator was 'hold the space.' I was their caring and compassionate witness. I'm not giving you this story because I think that all mediations



can go that way. Because usually they can't! But why I'm saying it, is because I don't want you to underestimate the power of 'holding the space.' It's fundamental and indeed it might be the most important thing that you'll do.

You'll know you're creating a helpful atmosphere where each person starts speaking less defensively. Your intention is to make it safe enough for each of them to open up, to become more willing to shift, to give and share, and to re-examine and reconsider so that jointly they can resolve the problem.

You need to come to a mediating situation with an attitude of discovery, leaving your biases, and judgemental thoughts outside the door. A degree of self-awareness is needed here, because sometimes you'll find yourself judging something without even realising it. It's very important to put your judgement aside as soon as you notice it and get back quickly to the job of unbiased support for both people and for a positive outcome.

If you feel so strongly about an issue that you can't remain objective, don't mediate. If for example you can't get past seeing one person as a despicable bully, or you have a fixed opinion on what conclusions the people should reach, you're not in a position to do a good job!

There will be times when nothing at all is set up first – you just slip into mediation. No one has really given you consent to do so, and if you want the conversation to continue with you mediating you have to play your cards carefully. Of course, you'll use many of the conflict resolution skills outlined so far and here are some particularly useful strategies to bear in mind when you find yourself:

Mediating on the quiet.

- 'Hold the space' for your participants: that means be aware of both parties, wish them both well, want them to reach solutions that take them forward.
- Steer their conversation away from blame.
- Try to 'traffic cop' their interactions so that each person gets to speak without being interrupted.



- If you suspect a person has not taken in what was said, you might ask them what they think they heard. The first person can then correct any misunderstanding. We call that mirroring. There are notes on this in the extra study material for this episode on the Conflict Resolution Network website. And I'll go into a bit more detail about that shortly.
- If one person switches off or seems too irritated to continue, you might want to gently ask that person what's going on for them.
- Make sure that the conversation is around each person's needs, not their position.
- At times you might need to say your own truth: 'I'm uncomfortable. It seems to me you're not considering...Is that important?' 'I don't know about you, but I'm finding this pretty intense. Shall we take a tea break?'
- Use good listening skills and questions that turn conversations around.
- Ask option developing questions: 'What might it look like if you had an arrangement that was really working?' You might want to pop the miracle question: 'Imagine a miracle has happened. You wake up tomorrow morning and the whole problem is solved. What would be the first thing you'd notice?'

BASIC MEDIATION SKILLSET

While we are mediating, we're using a basic set of skills that we turn to constantly:

Mainly we'll intervene with questions, and we're quite astute with those: we avoid "Why did you..." questions. It encourages justifications, and justifications won't help. Instead we largely stick to "How ..." questions. "How do you see what happened?", "How did that affect you?" We're trying to move towards the people to describe things objectively, as far as they are able, how it seemed to them.

We don't advise: When we feel they're low on options, we encourage participants to suggest lots of options to solve a problem without immediately deciding



what will and won't work. Prompt them, but don't insert ideas. If you're absolutely desperate to throw in an idea they are overlooking, make very sure that it is seen as just one suggestion among many. Perhaps: "One couple I know of, tried xyz. Could that be helpful at all here?" Keep it very neutral.

Keep the focus on a collaborative approach: steer them towards benefits and wins for both sides. If one person gets a win, try to balance it by helping them build in a win for the other person too. You're trying to change the whole climate – turning opponents into problem-solving partners.

#

JACK

Jack was a 15-year-old. He'd recently been trained as a school-yard mediator at his high school. He had this great story to tell about his successful mediation.

He has two younger brothers, Jeremy, 7 and Billy, 5 years old. He'd been doing his homework at the kitchen bench when his brothers broke into a big fight, right there in the kitchen! No way he could continue his homework with that racket going on! It was over Jeremy's new toy tractor. Jack wondered if he should just order Billy to give it back or was this the time to practise what he'd been learning in mediation class? The boys were getting really violent; and Jack had to step in. "Hey! Stop that! Now tell me what's going on! No, really, what is this about?" After lots of "I want it" and "It's mine", Jeremy, the 7-year-old, said, "OK, he can play with it today, but it's my turn tomorrow. And no arguing about it!"



Jack was privately amazed that Jeremy was willing to share his precious tractor with his brother. Jack did check that Billy actually understood that if he got the tractor today, he had to promise not to argue when it was Jeremy's turn tomorrow. Billy said he did understand and so Jeremy handed the tractor over to him. The next day he did get to play with it peacefully and Billy didn't try to take it off him.

Not only had the two little boys reached their own solution, they'd actually stuck to it! Jack felt pretty good about himself, when he told his teacher all about it the next morning.

#

STEPS IN MEDIATION

Now let's presume you have been asked to mediate. The situation is very unresolved or obviously you wouldn't have been asked to get involved, but emotions are not so high that only a professional should dare touch the case. You need to know about the stages a mediator steers the process through, and how to conduct yourself in each of those. You can keep a cheat sheet with you in case you get lost.

Preparation

Prepare the people

before the mediation formally begins. There may be groundwork to be done to prepare the people to participate effectively. You might spend some time with each participant beforehand. This is wise if you don't know each other already. It's hard for people to focus on sensitive issues when they are in the presence of a complete stranger. They don't know yet whether they trust you or not. If you spend time with one person you should spend a similar time with the other.

13



This is the time to address their concerns about the process, and help them frame how they will present their issues in a non-attacking and constructive way. Help them consider their purpose for the session and develop an agenda – how they will name the issues they want to raise and what they want to achieve. Don't enter into debate with them about their views or opinions. Stay non-biased and demonstrate that you are.

If there are complexities in the situation, it's wise for the mediator to get a handle on them ahead of time and these one-on-one chats may help you clarify all that's involved. Perhaps there are broken agreements or misplaced assumptions in the background. I always prefer to get up to speed with the issues before the mediation itself starts. I don't want them to take time out to explain things to me once the mediation is in full swing. I want them to move forward from where they are now.

You may need to strengthen their commitment to participate in the mediation process and see it through. You might discuss with them beforehand the costs of not resolving, the negative consequences of the problem as it presently stands.

Next,

Prepare the space

It's often best to find neutral territory to conduct the mediation. Ideally the area doesn't 'belong' to any one of the participants. Attend to the seating. It's better not to have opponents sitting opposite each other. A round table with you between the participants and the three of you positioned so you can see a big whiteboard or a large sheet of paper is ideal. Have pens at hand for listing issues and recording agreements. Don't electronically record the session or take private notes, as this could look like a confidentiality breach.

Open: introductions and preliminary agreements

- *Decide together on timing. How long will the meeting last? Seek a commitment for everyone to stay to the end of this time. Unless the issue is*



very straightforward, one hour will rarely be sufficient. But few people can handle much more than, say three hours, even with a number of breaks.

- *Ask them to take responsibility for themselves, to speak up if they're not happy about something: if they need a break, or if they feel unheard.*
- *Clarify your role as the mediator. Emphasise that you will not be judging the situation or the people. Your task is to steer the process. It's the participants' conflict and they are in charge of content.*
- *You can explain that you will help them focus on building agreements that are fair for both, or all parties involved, rather than a victory for any one party alone.*
- *To facilitate openness, you commit to respecting confidentiality about the session. Professional mediators would normally do so. You might invite the participants to make a similar agreement. It can make the space feel safer for all.*
- *Tell all parties that you will help them speak only for themselves, from their own perspective, and that you're going to encourage them to use 'I' statements, so that all statements are seen in a personal context or perspective, and are not presented as indisputable facts or generalisations. Tell them you might help them with this.*
- *Seek agreement that they will each allow the other to finish what they are saying.*
- *Ask them to avoid blaming or putting interpretations onto the behaviour of the other person. You're explaining the nature of the interventions they can expect you to make.*
- *This may be a good time to establish some other 'ground rules' or the operating principles for the session. On the Conflict Resolution Network website you can find a poster called "Fighting Fair." It can help to distribute a copy of this to everyone and run through it together. It includes some do's,*

15



No fee required to reproduce this page if this notice appears:

© The Conflict Resolution Network PO Box 1016 Chatswood NSW 2057 Australia
Email: crn@crnhq.org Podcasts: <https://www.crnhq.org/podcasts> Web: www.crnhq.org

such as: Be willing to fix the problem; say what the problem is for you; listen to what the problem is for them; attack the problem, not the person. It also includes some communication no-no's such as: name-calling and put-downs, bringing up the past, making excuses and not listening. The Fighting Fair poster is a good summary of the 'rules for the road' in the mediation, and you might keep it visible once the mediation begins in earnest.

- *Make sure the procedures and the ground rules you choose are clear from the outset and that everyone agrees to them. Check if anyone wants to add something more. Agreements can be added to or renegotiated at any time, particularly if one party is not happy.*

Now, you're open for business and ready for the next stage:

Establish: overview and explore details

What are the issues? I find it very helpful to have a single purpose for the mediation that is clearly stated – for example, 'Restore working relations,' 'Handle social situations,' 'Access to resources,' 'Going forward. You may have worked this out before you start the mediation. But perhaps, defining the purpose might be the starting place for this meeting. Watch that the purpose you come up with isn't actually just one solution. There's more advice on this in the episode on Mapping. Then encourage each person to express their view of the conflict, the issues and their feelings.

Make sure that the parties participate equally. It's not important who goes first, as long as it's clear that each participant will have a chance to express their point of view.

Summarising key points is useful for everyone. I try to restate core messages using a format that opens options. For example, 'You're both unhappy with things as they are and you would like to find some ways to improve the situation.'

To stop a monologue, I summarise the point, confirm I understand it correctly and ask a question that may direct the conversation forward. Sometimes respectfully writing the key point up on the whiteboard will help the person stop repeating.



An '*Agenda of Issues*' to be discussed can be very helpful. I use their opening remarks to develop these. Choose agenda items that are relevant and support the stated purpose. For example:

'What would we need to discuss in to achieve our purpose, restoring working relations?'

I either ask them for input to the agenda, or create it from my summary of their key points. Then I check that they agree with what I selected.

As a way of structuring their input, I've often used the *conflict mapping process*. I invite participants to talk about their own needs and concerns and I write those up. Participants can then see each other's needs and concerns about the issue, develop new understandings, identify common ground, and find things that change the picture or open up possibilities.

One of the reasons I quite like to use the mapping process is that people have the 'same old' ways of describing what their problems are and this still gives them the opportunity to describe their problem, but in very different ways in order to fit this structure of 'tell me about your needs', 'tell me about your concerns'. It encourages them to come up with new language for the problem, hopefully in ways that are more confident resolving.

If you need to get a better handle on this there's a whole episode on Mapping in this series. I'm hoping that you're getting a picture of how I as mediator might quite carefully structured process, but I'm not adding content myself.

I have another process strategy up my sleeve that I've mentioned before here: *Mirroring*. I use it encourage listening. When one person has spoken, at times I'll invite the other to say back what they have just heard, before they respond. When emotions run high, it can calm things down if each person first 'mirrors' what the other has just said, before they explain how they feel themselves. This technique is particularly helpful when one person is reacting to an inaccurate reading of what the other person has said or when



one person significantly changes their attitude or makes a concession. Quite often the other person just doesn't hear and it's important to ensure that the other has recognised this. People frequently do not absorb information which would require them to change their perception. I wouldn't keep this going for a long time, but sometimes when there are important shifts in the trend of the mediation it can be very helpful to point them up by asking for them to be a mirror first, before they start saying their perspective on the new information.

Define the common ground. I point out where both parties agree or have similar needs. But I have to be careful how I put it. I focus on the common ground that will move them forward. I prefer: 'You both want what's best for the children,' or 'You are both concerned about the way communication occurs between you', NOT 'You each feel the other has been uncaring/rude/not communicated well.' I'm always trying in defining common ground to move them forward.

Move

When it's time, after having established the situation well, moves will begin to happen and we'll want to support the people to negotiate where there are still difficulties.

The key tasks here are to:

- *Move the conversation forward*
- *Look for and point up areas of agreement that they've already reached.*
Highlight these movements
- *Reinforce common ground*
- *Seek out flexibility and movements from both parties*
- *Support them in developing new options.*
- *Ask questions that direct the conversation towards agreements*
- *Help design agreements, and*



- *Try to have them include some yardsticks that will indicate there's been a change*
- *Clarify each person's commitments. These need to be balanced: each person committing to something meaningful to the other person.*

Close

We're close to done, so let's not ignore the rules for the road.

Complete the agreements: We won't always get a full conclusion in the time allotted. As mediators we won't always see the happy ending. We have to just trust that the mediation has aired the issues, helped everyone better understand where the other person is coming from, and brought some more clarity. Whether highly successful or just a bit further along the path, we need to bring the session to an end with at least some agreements made by the parties. However the far along they are, we summarise and write that down as agreements. People find these documents very important. It gives them something concrete to take away and serves as future reference.

Now let's consider **structuring in a review:** We might ask them to make a specific time to review how they are progressing, what is working and what needs some adjustment. Or ask them to describe how they will correct a problem if things don't work as expected, a fall-back plan for these and future issues. We may decide to meet again together. We could set them tasks that they are prepared to go away and try.

Then acknowledgment: After the mediation is over, we must acknowledge the participation and contribution of each party. It's probably been tough.

At last to conclude: Will participants exchange a handshake, relax, share a meal or a hug? Perhaps it's time to celebrate!

Let me tell you about one of my favourite mediations.



THE HOT BLOODS

A financial institution called me in to mediate. A couple of days ago two of their senior and respected women had a public and distressing scene near the lifts; it was loud and abusive. Their manager took this behaviour very seriously, it couldn't be allowed. He tried unsuccessfully to speak to them about it; other staff complained to him, the whole floor was upset and talking. He said he needed help.

Unusually, I had to bring the two together without my preferred pre-meeting chats. I found them both still hostile and highly articulate about it. They were also shamefaced. They knew it was out of character, out of line and as supervisors themselves, they were accountable. We talked a lot; we listed the issues that were between them, the things that lead to the blow-up. We rather quickly developed agreements about how to sort out their issues, but still the tension was strong, there was no relief. We weren't at the heart of the issue yet.

So I asked them to tell me about themselves and how long they'd known each other. They were the same age, one from an Italian family, one of Greek origin. It turned out that they had known each other since university. They lived quite close and their children knew each other. I looked from one to the other and each of them was trembling. I asked if they had been close before, and the tears started. I risked it. Was their blow-up so hot because they were so close and really loved each other, like sisters? The dam broke. They loved each other, they said, they never



wanted to lose the friendship. They missed each other. They fell into each other's arms and hugged and wept and then they laughed and laughed. They blamed their hot blood! They agreed that, as a failsafe, if the tension came up again between them, they would head to the swimming pool together to cool down and sort it out. They had to take care of their friendship, keep it healthy. That became one of my my favourite mediation sessions ever.

#

SUMMARY

A mediator facilitates good communication and moves the focus towards problem-solving. The mediator takes an objective and neutral stance and helps the parties find their own solutions. The mediator holds the space as a caring witness, and attends to the conversation very closely, staying very present as the mediation evolves.

Steps in Mediation

Preparation: Consider speaking with each one separately at a prior time.

In the beginning: Arrange seating, making notes and timing. Clarify your role: you steer the process; the participants are in charge of the content. Discuss commitments for the mediation, that you'll encourage each person to speak just from their perspective with 'I' statements, and that you'll keep focusing on equal participation.

During the process: State the singular, simply stated purpose for the mediation. Develop an agenda of issues that works towards this purpose. Use mapping, summarising and silences. Define common ground. Develop options, not solutions, leaving room for fallback strategies, for future self-management of issues between them. Allow time for

21



No fee required to reproduce this page if this notice appears:

© The Conflict Resolution Network PO Box 1016 Chatswood NSW 2057 Australia
Email: crn@crnhq.org Podcasts: <https://www.crnhq.org/podcasts> Web: www.crnhq.org

breaks if the mediation is going on a long time or if people need some time out to calm down.

At the end: Capture agreements. Write them down. How will they measure effective change? Ask them to make a time when they will review progress, fine tuning if needed. List the failsafe options. What will they do if things go wrong? How will they pick up early on future discomforts? Acknowledge participation. It might not have been a bit easy for them and they've done well to reach this far. And either together or privately, celebrate – you've earned it!

If you'd like more details on all of this, have a look at our website, at Conflict Resolution Network. Our headquarters are crnhq.org. You can download a transcript and consolidate these Mediation skills with the study notes on the podcast page. There's a 500 page [manual for trainers](#) there too. And it's free. For ongoing reference, you might want to purchase the book, *Everyone Can Win*. It's the inspiration for this series. You can get it either as an eBook or hardcopy.

In this episode, we've discussed the basics of mediation skills and how you can help people in a really stuck and angry place with each other become problem-solving partners.

In the second part of this Introduction to Mediation we'll look at troubleshooting some of the problems that can arise as you work towards this goal. You'll want to understand how to get everyone back on track when they veer off at an unproductive tangent, and strategies for when they're hostile or stuck, how to deal with other difficulties when it's tough going.

So do press your 'Play' button for that one, sometime soon. And perhaps subscribe to this series wherever you like to listen to podcasts. And if you like what you're listening to, you could really help us spread the word if you leave us a review



there. And let your friends know about it too. If they're caught up in conflict, some understanding of the mediation process could be very helpful. And let's face it, we can all use some extra conflict resolution skills! Conflict is the stuff of life. It's how we handle it that makes the difference.

Copyright notice:

This transcript in whole or in part may be reproduced if this notice appears

© The Conflict Resolution Network

Web: www.crnhq.org

Podcasts, transcripts, extra study materials: www.crnhq.org/podcasts

