

Let's Listen Let's Talk

December 2022



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Welcome to the festive edition of our newsletter. All the trustees and I wish you and your every happiness over this time.

I hope you find the contents of this edition gives you food for thought.

It was great to see some of you at our Christmas get together on the 8th . I also hope to set up individual chats with all of you in the New Year

Have a good Christmas and a peaceful start to 2023!

Look forward to seeing you soon, Neil

The shape of Stollen? This fold-over dough with a white top layer is symbolic of baby Jesus wrapped in swaddling cloths. It started as a fasting cake made during Advent when people couldn't use butter, milk, or fruits (due to fasting rules) so it started as a very plain bread.

According to the Guinness Book of World Records The most Brussels sprouts eaten in one minute is 31! This was achieved by Linus Urbanec of Sweden on 26 November 2008. As per the guidelines, the Brussels sprouts were eaten using a cocktail stick and only one Brussels sprout was spiked, eaten and swallowed at a time.

The Christmas pudding originated as a 14th century porridge called 'frumenty' that was made of beef and mutton with raisins, currants, prunes, wines and spices. This would often be more like soup and was eaten as a fasting meal in preparation for the Christmas festivities.

Ever wondered why mincemeat is called mincemeat? Although it no longer actually contains meat the word recalls its origins as a meat dish. Back in the olden days, meat was a fundamental ingredient within Christmas Pudding (or 'pottage') which would consist of meat broth, spices, dried fruit and breadcrumbs.



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Interview with a Mediator

To improve the learning opportunities for our small team of mediators and to ensure our continuous professional development we have started interviewing external mediators to learn from their experience. We got our 'Interview with a Mediator' off to a fantastic start by interviewing Gary Webber from the Property Mediators, who's interview was included in the June newsletter. This time we have interviewed Dr Mike Talbot

Dr Mike Talbot

How do you encourage clients to engage in the mediation process and to attend joint meetings when they are reluctant to do so?

I am very clear that I will only encourage and will not cajole people to take part in mediation; if people feel they have been coerced into it then they will generally be quite uncooperative and not commit to the process. So, as long as they have a little bit of commitment and are attending voluntarily I can normally get them to invest fully in the process.

I can well understand why people would not want to come face to face with the other person, so my reassurance is that I am truly impartial and that there will be rules to contain people's behaviour and to ensure that the process is constructive and positive.



Most of the mediations that I do and our panel mediators do at UK Mediation, concentrate on the interpersonal aspect of conflict. So, the attitude and demeanour of the mediator is a very important factor in getting

peoples' buy in. They need to trust that the mediator will be able to make the process safe and only then will the parties feel they will be open and honest with each other.

...asking the question, “What is possible here?”

Can you share any advice on how to successfully conduct a shuttle mediation meeting?

Running shuttle mediation is where we have to lean back a lot on the skill of reframing making sure that whatever one party says becomes reframed into either a request or offer, which can then be taken to the other party in a manner that keeps the dialogue moving. Parties will often be far less inhibited when they are speaking privately to the mediator, and so are likely to say things that the mediator would not necessarily want to convey to the other side word for word. With this in mind, the mediator's role is partly to filter what would otherwise be destructive or past focused, and to transmit it to the other side as something more constructive and future focused.

With all that in mind, I do much prefer to have a face-to-face meeting. Our approach at UK Mediation is about dialogue building we are not practitioners of the “Deal-Making” variety of mediation that has become the main practice of legal professionals. We are all about building the interpersonal bridge between parties and using that

as the springboard for them to discuss and negotiate whatever outcomes they need to reach. While the shuttle process might be good for civil disputes and for brokering a deal, it is far less effective for building bridges at a more personal level.

Effective mediation is about a balance between support and challenge

Can you share any advice as to how a mediator can self-evaluate their performance, learn and improve?

Coming from a Psychotherapy background, I have always been used to getting consultative support (Case Supervision) for my case work. I was quite surprised when I began as a mediator that only a minority of practitioners seem to use this form of support. For me it is essential. We talk about Case Supervision as serving three functions; it is Restorative, Normative, and Formative. This means it gives the mediator personal support and helps them to hold firm boundaries around their practice and addresses any learning needs. Any mediator that wants to get genuine feedback on their practice and continually learn and improve

should have an arrangement for regular Case Supervision in my opinion.

Do have any tips on how to encourage parties to generate solutions?

I do, but this is perhaps where I differ from practitioners whose emphasis is on making a deal. If we are genuinely transforming conflict, what we should be concentrating on is gaining the understanding of the people in conflict and using this to help them gain an understanding of one another. There are many books and articles about how to work with a “solution-focus” and I think these are valuable for people who work in a certain way. However, my approach and the model that we use at UK Mediation is more about taking a “people-focus” approach. Most frequently once the parties have got to the point of truly collaborating and having a degree of empathy with one another their preferred solutions will fall into place. For me the mediator's job is transforming the conflict to a degree where they work together on solutions, and the mediator will simply be setting up the ideal conditions for this to happen.

Can you share any examples of where you used a breakout room to good effect?

There are quite a few examples of where this has happened, and the breakout room is very useful tool in the mediator toolkit.

Quite often you can see that one or another party is dying to say something, especially something

that they have already said to you in private, but they don't know how. To put both parties in breakout rooms and to go and speak with them individually, can often result in one or both of them feeling better supported to say the unsayable. Effective mediation is about a balance between support and challenge and if we see that the face to face conversation is too challenging for people, we should stop this and lend additional support to both parties so that dialogue building can continue.

Some other examples of using a breakout room are for example, when parties conduct approaches or steps over a line that we have agreed about what is proper or improper. In these situations, if we have to address someone's conduct then this is better done in private within a breakout room, otherwise that party might potentially feel humiliated by having their behaviour addressed this way.

What are your views on the pros and cons of virtual mediation? Do you have any best practice tips based on your own experience?

If a dispute is a straight forward financial or contractual one in which parties just need to reach a deal then I think virtual mediation is almost as good as running a live session. However, if the aim is to transform people's conflict as is our approach to most cases that we do, the virtual platform is far from ideal. Over the last couple of years, we also notice that team disputes involving perhaps 7-8

individuals, are quite frustrating to manage over Zoom or Teams.

If we are paying attention to the quality of interaction especially how everyone is reacting as the dialogue builds, then it makes it difficult when everyone is looking straight forward into their webcams, and we can only hear from one person at a time. We need people to be able to have a "well-managed" argument and this is better done with everyone in the same room.

In terms of a best practice tip, I would say that the mediator needs to exert far more authority over the process: to ensure that everyone is fully listening, that there are not additional conversations going on in the chat box, and that we use the breakout rooms to full advantage, giving people a chance to speak one to one or as smaller groups as required

I am careful not to sound as if I am reading off a script

Do you have any phrases or questions that you commonly use in mediation to good effect?

I am careful not to sound as if I am reading off a script and it does bother me when I see mediators with prepared

the attitude and demeanour of the mediator is a very important factor in getting peoples buy in

statements or lists of questions that they intend to ask. However, I often like to start the work with each individual and again when I get them together, by asking the question "What is possible here?" This can focus their attention on ensuring that we negotiate and agree an end point, while at the same time being realistic about what we might be able to achieve in one session.

Can you provide any advice on how to best prepare for a joint meeting following the initial discussions with both parties?

I do often think about what will get in the way of these parties having a good dialogue. In Psychotherapy, we pay close attention to how the "client" interacts with the therapist, and whether there are any barriers to that interaction. We can also do this with mediators, but especially we are noticing whether there are any barriers to the two parties' interaction. So, I

will often think about this after I have met each one individually and before I bring them together. What we are looking for is to intensify their dialogue which in part is removing their barriers to impart honest and clear communication between them.

Do you have any views on the use of visual tools e.g. flip charts, stress balls, hourglass timers during mediations?

These kinds of things can be helpful but it depends on the style of learning and style of interaction of the parties. For example, some visual learners might be needed to have bullet points written onto a flip chart or, as I do in some cases, post-it's on the walls to illustrate ideas and topics. Also, a lot of people in workplace are quite addicted to note taking and in scribbling away while someone else is talking, because we don't have the clients take note in a joint mediation session, they might need a substitute like a stress ball or something to squeeze to keep their hands busy.

The principle of mediation is that parties attend on their own and speak for themselves.

They need to trust that the mediator will be able to make the process safe

Are there any books, articles, YouTube videos etc that you would recommend to help us develop as mediators?

Yes there are loads, but the most recent book that I have read and really enjoyed was the one by Dan Simon and Tara West on Self Determination in Mediation. It is a great exposition of how the mediator needs to position him/herself relative to the disputants and to me a good example of true mediation as distinct from the deal-making approach popular with the legal profession that I mentioned earlier.

Do you have any examples of where a client has been accompanied at mediation and this has proved a hindrance to the process? How did you manage this?

The principle of mediation is that parties attend on their own and speak for themselves. However, we have to do everything to ensure that all participants are given the best chance of participating fully and also that nobody is exposed to risk of

harm as a result of taking part in mediation. So for example, where somebody with mental ill health or a learning disability would not be able to participate fully, then it is entirely right that they have an advocate or supporter present. But in terms of managing this, the key thing is to speak to the supporter in advance and be really clear about their role and what they are here to do. There have been a number of examples where the support tries to speak for the person or put their own ideas into the mix and this has to be addressed head on. The building blocks of true mediation include empowerment and self-determination and we have to keep these in mind even when there is a need for additional support in the form of additional people present at the session.

Empathy

In our last newsletter we focussed on empathy. We discussed the importance of this key mediator skill in delivering a successful mediation and included a series of statements for you to practice your empathy skills. In this edition we have some examples showing how some of our Trustee mediators would empathise with those statements:

'I never get credit for the hard work I put in and can tell she has no intention of putting me forward for a promotion.'

Darren - You would like to have your hard work recognised.

Dave – You feel hugely devalued.

Barbara - It sounds like you find it difficult when there is no recognition of your work and you feel that a promotion would not be endorsed

Shubhaa - You feel your efforts and hard work goes unrecognised. Nothing you do seems to be good enough.

'He always discounts my opinions in team meetings and never includes me in social events outside work.'

Darren - You feel excluded.

Dave – So you feel isolated.

Shubhaa - You feel unheard and devalued.

Jacqui - So you'd like to be acknowledged and included, that's understandable.

'I was really upset by his suggestion that I reduce my involvement in the church so that I can spend more time on my personal development.'

Darren - You think he just wants you to leave the church.

Dave – You think that was insensitive.

Barbara - From what you have said you feel concerned that your involvement in the church is being questioned and implication made about your personal development.

Shubhaa - You feel he doesn't value what you do at the church and wants to get rid of you.

'I'm afraid to use my garden for fear of my neighbours.'

Darren – You feel you have to avoid your neighbours seeing you.

Dave – You feel unsafe in your own home.

Barbara - Your concern about your neighbours makes you feel that you cannot use your garden.

Shubhaa - You feel fearful and feel the need to avoid your neighbours seeing you.

'The music plays all day long and late into the evening. I'm at the end of my tether and am verging on a breakdown.'

Darren - The music is causing you a great deal of distress.

Dave – What should be your place of refuge has become a place of torment for you.

Barbara - You believe that your health and well-being is being affected by your neighbours love of music.

Jacqui - It's totally normal to want to have some peace & quiet in your own home.

'I was abused on my own doorstep and left shaking so badly I could hardly turn the key to let myself in.'

Darren - You were extremely upset by what happened.

Barbara - It seems that the incident on your doorstep left you feeling distressed.

Shubhaa - You feel deeply humiliated, shocked and upset by the incident.

Jacqui - This seems hard for you to talk about, thanks for sharing that with me/us.

'I've tried so hard to get on with my neighbours but all they do is complain.'

Darren - Your neighbours don't seem interested in getting on with you.

Dave – You've made all the effort and it's not been reciprocated.

Barbara - You seem frustrated that your efforts to get on with your neighbours has not reduced their negative comments.

Shubhaa - You feel you can't communicate with your neighbours who don't seem interested in getting on with you.

'Since I split up with my wife I hardly see the kids. I think the whole situation is being manipulated by her mother who I never got on with.'

Darren - You'd like to see your kids more often and think your ex mother-in-law is stopping this happening.

Dave – You feel as though you have lost control of the situation.

Barbara - It seems that you miss seeing your kids but feel that your wife may not be totally making her own decisions.

Shubhaa - You would like to see your children more often but feel your ex mother-in-law is stopping this from happening.

'All I am asking for is to be able to see my daughter once a week but she's no longer responding to my text messages as my ex-wife has control of her phone.'

Darren - You've lost contact with your daughter and think your ex-wife is to blame.

Dave – You feel the situation is being manipulated by your ex-wife.

Barbara - You seem concerned that you cannot reach your daughter and feel that your request is reasonable.

Shubhaa - You feel you don't have any control over your communication/contact with your daughter.

'My kids would love to see their dad but my ex-husband is useless and makes no effort whatsoever.'

Darren - You'd like your children to have a relationship with their father and are disappointed that he doesn't seem interested.

Dave – You feel sad for your children and frustrated by your husband.

Barbara - It seems that you recognise that your kids would love to see their dad but are concerned that it may not be a positive way forward.

Shubhaa - You'd like your children to have a relationship with their father and are disappointed that he doesn't seem interested.

'I went to such lengths to try and raise the issue of damp and mould with my landlord but it never responds and I've simply given up!'

Dave – You feel like you've been ignored and have no means to hold them to account.

Barbara - It seems that you are concerned about the condition of your property but feel that you have been unable to engage the Landlord.

Shubhaa - You're tired of trying to sort out the damp and mould problem, you feel unheard by your landlord and feel frustrated.

Jacqui - It sounds like you've done the best you could to raise the issues affecting you.

'My landlord is happy to charge huge service charge fees but is not as eager to provide a decent service.'

Darren - You feel that the service you get is very poor considering how much you're paying.

Dave – You feel ripped off and taken advantage of.

Barbara - You feel that you are not getting a decent service despite the service charge fees that you pay.

Shubhaa - You feel that the service you get is very poor considering how much you're paying. You feel you are not getting value for money.

Communication is the main driving force for mediation and never underestimate the importance of empathy. As mediators we deal with people's personal beliefs, opinions, and emotions and there are few skills that are quite as crucial.

Mediator Spotlight

Dr Jacqui Daukes **Trustee and Mediator**

Jacqui began volunteering with CCM in 2017. She trained as a civil mediator with the Centre for Effective Dispute Resolution (CEDR) in 2015 but wanted practical experience and to give something back to the area where she lives, so she did community mediation training with Darren in 2016. Jacqui became a trustee for CCM in 2020.

Jacqui works with a charity where part of her role involves offering training on dialogue for social cohesion and getting comfortable with conflict, as a means to building trust across the world's divides.

Jacqui has worked in retail, catering, cross-cultural community development, the arts, publishing, and academia – she has a PhD – and is someone who loves reading, gardening and connecting with people.





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WORKING TOGETHER TO RESOLVE DISPUTES

Join Us

CCM is still growing but we need to increase the number of mediators so our service is seamless. Would you, or someone you know, make a good mediator? It's just £25 to register and train as a Community Mediator. Register your interest now by emailing; office@croydonmediation.org.uk

Turkeys first came to England during the Tudor period and were seen as an exotic delicacy.

It is believed that the reason we eat turkey at Christmas can be traced back to Henry VIII, who decided to make the bird a staple for the festive day. Other traditional choices were beef, venison and wild boar, but the Tudors also ate a range of wild animals and birds that we wouldn't eat today, including blackbird and badger!

Kentucky Fried Chicken has become a festive phenomenon in Japan. Every Christmas season an estimated 3.6 million Japanese families treat themselves to the Colonel's deep-fried chicken in what has become a nationwide tradition!

