

# Let's Listen Let's Talk

March 2023

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### Welcome to our March newsletter!

I always find this time of year encouraging as the gloominess of winter recedes and signs of spring begin to appear.

This edition is bursting with good things just like the splashes of colours appearing in my garden.

The interview with Gerry O'Sullivan is packed with wonderfully practical advice; that can be used immediately in your future mediations. I was so impressed I have ordered Gerry's book and may well review it in a future edition .

Can I also encourage you to try the reframing exercises, some of which I found quite challenging. You will be pleased to hear that our newsletter is being read by an increasing number of people and I am not surprised given its quality . Please let us have your feedback and any suggestions for future issues, as we want to ensure we bring you the most helpful content possible.

Finally we are relaunching our community mediation training course as we need to increase our number of trained volunteers due to the increasing demands on our service, as we continue to build back our service after the challenges of the last few years . Do encourage anyone you know who might be interested to contact the office for further details.

As ever, if you would like to get in touch, meet for a coffee or if you have ideas about improving the service, my contact details are;

neiselby23@gmail.com  
07905168285.

Look forward to seeing you soon, Neil



croydon community  
mediation

# Interview with a Mediator

As part of our commitment to improve learning opportunities and to ensure the continuous professional development of our small team, we have been interviewing external mediators to learn from their experience. In our last newsletter, we interviewed Dr Mike Talbot, the CEO of UK Mediation. This time, in what is our fourth 'interview with a mediator,' we have interviewed Gerry O'Sullivan.

Gerry has worked as a trainer and facilitator for over 35 years. She is an Advanced Member of the Mediators' Institute of Ireland and delivers Certified Professional Mediation Training accredited by that body. Gerry wrote 'The Mediator's Toolkit: Formulating and Asking Questions for Successful Outcomes', published by New Society Publishing, Canada, 2018. She has an online training programme based on this book: [www.osullivansolutions.ie/mediation-questions-training](http://www.osullivansolutions.ie/mediation-questions-training)

Gerry is trained and certified in organisational and workplace mediation, community mediation, civil and commercial mediation and as a mediator for separating couples. She has delivered training nationally and internationally, both online and in-person. You can find out more about Gerry's book and accompanying training programme at [www.osullivansolutions.ie](http://www.osullivansolutions.ie).

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

I firmly adhere to the mediation principles of voluntariness and self-determination, so if I meet someone who is reluctant to participate the very first thing that I will do is let them know they do not have to attend. I then say that if they do attend that they can withdraw at any time up to the last minute before, or during, the separate private meeting or the joint session. I let them know that I will not try and persuade them to stay as they are in control of whether

## Gerry O'Sullivan

they participate or not. But I will also say that if they leave, I will ask them privately about what they see as the advantages/disadvantages in leaving so that they make an informed decision. I have consistently found that when I give the power back to the parties that this in itself gives them the courage to attend as they know they can leave.

The second thing I do is ask if they would like me to tell them how the process works, but that they do not need to agree to take part in it if they do not wish to



do so. I then explain the process and that my role is to create a safe process and their role is to reach agreement/or not. I let them know that I will have numbers of separate meetings during the joint session so I can check how each of them is doing and see whether they wish to remain in the process. I also let them know that it is an option to bring a support person with them.

And then the next thing I do, with their permission, is try to bring to the surface their reasons for being reluctant to take part in the process and then talk about how their worries or concerns can be managed. This conversation will then inform me as to whether I should explain in detail the role of a support person.

If they decide to not attend, then that is their prerogative and I have delivered a good process and have not tried to persuade them to engage in the mediation, breaching mediation principles.

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

**Do you have any tips on how to best prepare clients for the joint meeting?**

I prepare the parties and myself for the joint meeting by holding separate meetings with each party before the joint session and these can last from 1 hour to 2 ½ hours each.

I use these meetings as a means of preparing parties and myself for the joint meeting and in

particular, I use them to start the process of creating a shift in their thinking and approach to the other party and the conflict.

**if a party is feeling threatened or vulnerable then they may experience an amygdala hijack**

I ask questions that will explore their thinking about what is happening and the underlying interests and needs that may be driving their position. I hear their narrative and then I give space for the venting of any emotions. I do this based on the learning that if a party is feeling threatened or vulnerable then they may experience an amygdala hijack. This would interfere with their logical thinking as the oxygen and glucose which serve the pre-frontal cortex, the rational or logical brain, will leave that pre-frontal cortex to serve the amygdala in the limbic system. When this happens, they will be unable to think clearly and logically. Supporting the party to talk through and vent their emotions will soothe the amygdala and the oxygen and glucose will then return to the logical part of their brain. At this stage they should be able to think more logically, rather than emotionally.

After this I seek clarity about the issues and identify the priority issue(s) and needs. I then check their orientation towards solution by asking what they might need from the other party and then I ask what might be the issues and underlying interests for the other party (if appropriate) and what the other party might need from them.

After the separate meetings I will document the information using two columns, one for each party. (See page 6)

**Are there any key mediation skills that you had to work harder on and how did you go about improving?**

Yes, listening and asking questions and at first, I did it backwards! I used to prepare pages of what I thought were suitable mediation questions and then head off to do a mediation and then beat myself up afterwards because I did not refer to my pages of wonderful questions ... at all!

But slowly I began to realise that these questions were based on the thoughts in my head and not on the thoughts that were in the heads of the participants. So now I listen empathically, but intensely, I reflect back what I hear succinctly and then I ask questions about what I am hearing. This turned out to be so simple, yet profound in its results. When this is done effectively, I am supporting the participants to go on a journey of their own thinking, not my thinking. And I can still ask my 'wonderful' questions, but I now ask them based on what I hear during the process.

**Can you provide a specific example of when you have used one of the key mediator skills to good effect? Forward focus?**

Coming back to the need to not inadvertently trigger an amygdala hijack in a party, I use one of a range of future focus questions and I will give you an example of one of them:

### **Future Focus Hypothetical Questions**

Ask a party to imagine a future that is working well or if I note they have been demonstrating a lot of hopelessness and are unable to imagine a positive future, then I paint a positive, but appropriate, picture for them of what the future might look like if all was working well. This latter picture is based on whatever needs they have already stated they have. Then I ask them to describe how that would feel and then ask them what would have been agreed to bring them to that place.

‘I want you to imagine that it is 6 months’ time and everything is working well between you – you have a good professional relationship and the communication dynamic between you is very good ...’

‘What would that be like for you?’  
(This painting of this future positive relationship changes their ‘feeling’ state to one that is more hopeful and positive)

‘What would have been agreed that would have delivered that future?’

Should I mention working backwards again?! But in this

**I paint a positive, but appropriate, picture for them of what the future might look like if all was working well**

case, this is exactly what I am doing. I am taking them to the future and asking them to say what would have been agreed previously to allow this to happen.

You ask me to describe a time when this worked well for me? There have been too many times but the first thing I always notice is the sigh of relief and relaxation of their body/bodies after I ask them these questions. And on some occasions, they actually start to talk as if they are actually in that future place. One woman at a separate meeting said: ‘It’s good to be in this place...what I mean is...I know I am not there yet ... but it would be good.’

Caution: only ask these questions after participants have vented, otherwise they may be seen as manipulative.

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

Loads and loads, but here are a few:

Mediation is about creating a future without the problems of the past, rather than finding out who is right or wrong. I use ‘Signposting’ to settle parties so that they know what is happening next e.g: ‘I would like to ask a question of both of you and I will start with you Mary and, Tom, I would like you to really listen. You might feel like interrupting, but do not worry as I will give you all the time you need afterwards. Then, Mary, I will ask the same question of Tom and you might feel like interrupting but I will give you all the time you need afterwards as well.’

Note that I signpost that I will ask a question of both parties, especially if I want to ask a question such as: ‘If you could go back and do things differently, what would you have done?’ Signposting that I am asking the question of both parties does not imply that I think only one person needs to have done something differently.

Instead of asking how someone is feeling, I ask: ‘What was that like for you?’ Or ‘How did that impact you?’

‘I would like to have a chat with each of you separately now so I can find out how the mediation process is going for you?’

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

I use breakout rooms a lot but the example I want to give you was

with a bullying accusation from a manager about a CEO. I noted that the CEO seemed to not show any understanding or empathy and was looking at his watch a lot. In turn the manager was trying very hard to describe the impact on him of the behaviour of the CEO. I was worried that the manager may put himself into a vulnerable position, if he continued. So, I worked in the breakout room with each of them asking them how they thought the process was going.

**Mediation is about creating a future without the problems of the past**

My real goal for this separate meeting with the manager was to check in with him if he felt safe to continue displaying his vulnerability in front of his CEO, who was maybe not understanding him. 'I note you are describing the impact of the bullying on you in great detail, how likely is it that the CEO will understand you, on a scale of 1 – 10, with 10 being that the CEO really understands what you are saying?' His response was '0 out of 10'.

And my next question was: 'What advantage/disadvantage to you will it be if you continue?' He stated there would be 'no advantage but a lot of disadvantages.'

He then added that he would stop trying to persuade the CEO.

My real goal for this separate meeting with the CEO was to mention: 'I can see you are looking at your watch a lot and I wonder what might happen if the other party sees this and decides not to continue with the mediation process?' He replied that the mediation could not break down and that he really needed a solution.

I then brought them both back to the joint process where I moved to the discussion of solutions and agreements. One of the agreements reached was that that line management for the manager would not be with the CEO, but with the deputy, for a period of

six months and that a review mediation would take place at the end of the six months, if either party thought that the six-month period should be extended.

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

*The Mediator's Handbook* by Breer and Packard  
Anything written by Kenneth Cloke!

And it would not be good if I did not mention my own book, *The Mediator's Toolkit: Formulating and Asking Questions for Successful Outcomes* - as it might seem that I thought it was no good!

# THE Mediator's Toolkit

FORMULATING *and*  
ASKING QUESTIONS  
*for Successful Outcomes*



GERRY O'SULLIVAN

# Gerry O’Sullivan’s Summary Sheet

Recording information in preparation for the joint meeting	
<b>Mediator’s Reflections on the Management of the Process:</b> <ul style="list-style-type: none"> <li>- Mediator’s internal checking – challenging and amending of hypothesis?</li> <li>- What do I not know? Or what do I not know I do not know?</li> <li>- What are the power dynamics and parties’ behaviour?</li> <li>- What may be the substantive, procedural or psychological needs?</li> <li>- Conflict analysis map for more than two parties?</li> <li>- What type of conflict is it?</li> <li>- Any support needs?</li> <li>- Break conflict into segments</li> </ul>	
<b>Mediator’s Reflections on the Management of the Content:</b> <ul style="list-style-type: none"> <li>- What are you being asked to mediate?</li> <li>- What topics need to be discussed – the agenda?</li> <li>- What might each party need to know about, or hear from, the other?</li> <li>- What conversations might the parties need to have with each other during the process?</li> </ul>	
<b>The issues?</b> What are the Issues? How deep seated are they?	
Party A	Party B
<b>Positions?</b> What are the Positions that parties may be adopt and demonstrate? How may the conflict be acted out? How might the parties behave in mediation?	
Party A	Party B
<b>Any Journeys of Inference?</b> Any clarifications needed?	
Party A	Party B
<b>Any Cognitive Dissonance?</b>	
Party A	Party B
<b>Any mutualizations?</b>	
Party A	Party B
<b>Any gems</b>	
Party A	Party B
<b>Conscious underlying interests?</b> Needs, Concerns and Worries, Impact, Emotions?	
Party A	Party B
<b>Unconscious Underlying Interests?</b> What was the conflict trigger? What was the general Impact or SCARF® element impacts? What may be the values and beliefs from which parties made decisions or took actions? What might each party need to hear about what the other said or did?	
Party A	Party B
<b>Needs for the future?</b>	
Party A	Party B
<b>Any toxic terminology to reframe?</b>	
Party A	Party B
<b>What is parties’ orientation towards agreement?</b> Any possible solutions identified?	
Party A	Party B

# Reframing

Our previous two newsletters focused on the key mediator skill of ‘empathy.’ We’re now turning our attention to another key mediator skill ‘reframing.’

Reframing is an important tool in the mediation process which can be used to shift the focus from negative to positive. Positively reframing a statement or point of view in neutral or positive language (without changing the meaning) helps parties appreciate a mediator has listened and understood them. It can also encourage one party to appreciate how the other may view things and switch the focus from the person to the behaviour concerned. Reframing can also be used to change the focus from past to future, emphasise common ground and identify the issues that need to be resolved.

You can practice this skill by thinking of some negative statements about anything including about a member of your family, work colleagues, friends or someone on TV who may have irritated you! Once you have a statement, try restating it as positively as you can. Below are a series of statements through which you can practice your reframing skills. Have a go.

In the next newsletter we will share how our Trustees would reframe these statements during a mediation.

*‘She ignores everything I say.’*

*‘Buying that useless player was a total waste of money.’*

*‘My manager is patronising and disrespectful of my experience.’*

*‘She is defensive and takes any kind of feedback on her work as an insult.’*

*‘I always do all the hard work in this place and he never pulls his weight.’*

*‘All I want is peace and quiet – which I had before our awful neighbours moved in.’*

*‘Those hooligans across the street have no regard for others when they drive around at 100 miles per hour.’*

*‘My brother wastes his life watching awful soaps on TV instead of looking for a job.’*

*‘He spends more time watering his stupid plants than he does with his own kids!’*

*‘I have repeatedly provided instructions on how to do this but he’s just too stupid to understand.’*

# Mediator Spotlight

## Trustee Shubhaa Srinivasan

Shubhaa became a CCM trustee in 2020. Shubhaa is a lawyer who comes with more than 17 years experience in dispute resolution.

Over this period Shubhaa participated in numerous mediations and negotiations. This spurred her interest in mediation as an effective dispute resolution tool. She became a trained mediator in 2019.

Since then Shubhaa volunteers as a community mediator with Tower Hamlet Meditation Project. Shubhaa's background is in civil litigation, human rights and police law. She currently works in the police disciplinary field.

Shubhaa enjoys building strong community links. She volunteers with Manju Shahul-Hameed Mental Health Foundation based in Croydon. She organises and runs a lot of free events for the charity, bringing together Croydon's diverse communities.

Shubhaa loves travelling, reading a good book, cooking, singing and dancing.







croydon community  
mediation

Our interviews with mediators are attracting a lot of attention and we're not surprised considering the level of experience and knowledge that is being shared.

We are delighted that it is not just our small team that is benefitting from these and that our newsletter has become a source of learning for the wider mediation community.

We have further interviews lined up with some highly experienced mediators this year and are on the lookout for more. If you can think of anyone who would make a good interview, please let us know.

If you want to read some past interviews you can find the links here:

Gary Webber  
The Property Mediators  
June 2022

Laura Kirkpatrick  
Solution Talk  
September 2022

Dr Mike Talbot  
CEO UK Mediation  
December 2022

# 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](mailto:office@croydonmediation.org.uk)

