

Let's Listen Let's Talk

May 2024

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Welcome to our May 2024 newsletter!

Although we seem to have had a bit of a stuttering and very wet start to spring, I am sitting at home writing this introduction with warm morning sunshine streaming through the window; very welcome.

As a service we are continuing our journey of recovery as we have continued to help more people through mediation. We have also welcomed three more mediators to our service and held a very successful mediators get together.

Now turning to this edition, apart from drawing your attention to our excellent 'interview with a mediator' section and our profile of Rosy one of our own wonderful mediators, I wanted to share with you how

we are addressing the increasingly difficult financial challenges we, as well as many other small and large charities, are facing.

As a charity dedicated to serving our diverse local communities we have decided to embrace this diversity in our approach to sustain us financially. With this in mind we have decided to offer our accredited and well received mediator training course to other organisations. Please see page 7 for further details if you are interested in discussing this with us. We have also set up an easyfundraising page, where you can give painlessly via any online shopping you do – Just follow this link to get started;

www.easyfundraising.org.uk/causes/croydon-mediation/

We have other ideas in the pipeline and more of those in our next edition.

It just remains for me to thank you for supporting our newsletter and to thank all our mediators and trustees for the great work they continue to do.

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 or 07905 168285

I look forward to hearing from you soon

Neil



Interview with a Mediator

Andrew has been a practising barrister since 1978. He took the second ever CEDR civil mediation course in the UK in 1991, and became accredited in 1993 after completing observerships. In 1992 he undertook training and work as a community mediator for the London Borough of Waltham Forest. He practises as an independent commercial and workplace mediator in the UK, and deals with international matters in the UAE and wider Arabian Gulf, Nigeria, Turkey, India, Singapore, Hong Kong and across the EU. Andrew has written widely on the subject and has a particular interest in mediation advocacy. He is the lead trainer for ADR Group. Andrew is a Fellow of the Civil Mediation Council, a Distinguished Fellow of the International Academy of Mediators, a Fellow of the World Mediation Organisation, a Director of the College of Mediators and a member of the Bar ADR Panel. Andrew is a trustee of the Centre for Peaceful Solutions.

Andrew Goodman

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

I extol the benefits of mediation wherever possible, in terms of saving costs, time, reputation and relationships. More than that, I am keen to promote the creativity and flexibility of outcomes. I point out that institutional processes are generally concerned with deciding who is right. Mediation is not interested in that: it wants to make people better off.

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

Have a clear idea of what you are trying to achieve in each meeting, and when you have obtained that ... whether information you need, or



some reality testing that you have made a party think about.. conclude the meeting and go next door. By keeping things fairly short there is less waiting and more engagement, and you develop a sense of momentum and progress among the parties.

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

Reframing as you summarise is a key skill that you really only pick up and develop with practice. Understand what you are doing, and why you are doing it.

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

You will know when you have performed well, whether you get to an agreement or not. Don't beat yourself up about the failure to get to settlement – it's not your dispute! We empower the parties to make the decision. If they make the wrong decision its not your fault.

Talk to other mediators. Learn from them. Exchange war stories and ethical dilemmas. Co-mediate so you can watch others at work. Go to industry events and keep abreast of developments.

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

Get them to appreciate they are buying in to a solution to the problem they are designing for themselves, and not having it imposed upon them. The great strength of the process is in its voluntary nature, and that they have to work collaboratively in order to get a deal.

Have you ever found it challenging to maintain your impartiality during a mediation? How did you manage this?

It is difficult to maintain impartiality. You have to suspend disbelief in evaluating one side or the other. I think neutrality is overrated. It is far easier to be bi-partial, that is partial to both sides at the same time.

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

Empathy
Forward focus
Drawing on common ground
Reframing
Rapport building

I engage with all of these and generally mix them up. I start with the parties by putting them at ease, generally by talking about something other than the dispute. I can usually find a subject in common, whether it is a place, an interest, sport or as a last resort, the weather.

I explain that mediation is forward looking because one of the aims is to draw a line under a difficult period in people's lives and move on, and they should trust the process to deliver that.

Exchange war stories and ethical dilemmas

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

I generally will have side meetings when experts are there. This is particularly the case when there is going to be a dispute about valuation or a technical proposal is needed. I tell the experts that up to now they have been paid to advance different views, but today they are here to see just how much they can agree as the platform for founding an agreement. Then I pop them in a room on their own. Sometimes I do it with lawyers, sometimes with accountants.

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

I conduct virtual mediation using zoom. I have done so on MS Teams. I wouldn't use any other platform. The great benefit is saving cost, flexibility and freeing people from the need to travel. It is important to understand that digital mediation is different. Much depends on where the camera is placed in order to see body language or other non-verbal communication. Is the venue secure from other people being present that you cannot see? Are you going to embarrass people with the state of their room?

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

Can you help me understand why you think that.

What is important to you?

What do you need from this mediation, and therefore what do you need to say, either yourself or through me, that will help achieve that?

What will you do when this problem is over?

You should not allow empathy to develop into sympathy

Can you share an experience you have had in dealing with a particularly challenging client and explain how you handled the situation?

I had to call a halt to a mediation when I felt that one side was trying to intimidate the other.

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

Prepare some questions in advance so you are not stuck for something to say, but do not stick to them rigidly.

Understand where the likely sticking points are going to be. Have a strategy for dealing with impasse.

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

Let them prepare a short opening statement which includes reference to moving forward.

Make them understand they have to listen without interruption to things with which they don't agree, and which may be quite personal. Advise them you are there to support them and help them get out of this problem.

How do you manage your own personal and professional development as a mediator?

See above

Can you provide any examples of how you have successfully managed a power imbalance during a mediation?

I separate the parties, and indicate to the party exhibiting power that their behaviour may drive the other party out of the process, and that they are more likely to achieve what they need if the other party is comfortable.

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

I am a keen user of flip charts or white board for putting up agenda items and risks. I believe in the power of the tick – getting a party to physically tick off an agenda item which has been completed.

Have you ever found yourself slipping into other roles during a mediation (e.g. 'advisor,' 'comforter') and how have you corrected this?

You should not allow empathy to develop into sympathy. You must retain a sense of detachment.

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

There are many.

I like relevant non-mediation books, for example

anything by Malcolm Gladwell, the Freakonomics books and

Daniel Kahnemann's Thinking Fast Thing Slow (a very challenging read).

Watch TedTalks by my friend Elizabeth Stokoe on conversation analysis.

Andrew is the 8th mediator we have interviewed for our newsletter. His interview, and our back catalogue of interviews, have become a hub of knowledge and insight for mediators of all levels of experience.

We will continue to add to this knowledge bank and have some fantastic mediators already lined up for our next editions. Links to our previous interviews can be found here:

Gary Webber

June 2022

Laura Kirkpatrick

September 2022

Dr Mike Talbot

December 2022

Gerry O'Sullivan

March 2023

Emma McAndry

July 2023

Tara West

October 2023

Aled Davies

December 2023

Mediator Spotlight

Rosy

Hi, I'm Rosy Burton and I trained as a mediator with Croydon Mediation in 2016.

My background has been working in the private and public sectors firstly in IT then moving into Learning and Development as a training consultant and a teacher of adults as I enjoy helping people to learn. This enjoyment took me down the path of wanting to help people to find mutually acceptable solutions to their conflicts hence mediation.

I found working with the experienced mediators insightful and was able to observe different styles when conducting the meetings. I do miss the face to face meetings however Zoom has its advantages when times are busy.

Just after lockdown I decided to extend my experience and trained as a civil and commercial mediator.

I like to spend my free time with family and friends going to the theatre, travelling, boxing and working as a supporting artist on commercials and films.



Responses to Conflict

In our previous newsletter we discussed the concept of common ground and how this plays a crucial part in the success of any mediation. In this edition we are looking at responses to conflict. As well as being able to effectively use the the relevant core skills such as empathy and reframing, it is important that mediators are equipped with a deeper knowledge around how situations are impacted by the diverse ways in which people respond to conflict.

For example, if you are having a difficult time with a colleague at work would you ignore it? Would you confront it? Would you seek an alliance with other team members? Whichever way you respond will have an impact on the outcome of the situation you find yourself in.

The way someone responds to conflict will not always be the same and will vary depending on the situation. Understanding the complexities of human behaviour in this way can help a mediator understand how a situation may have manifested which can assist in finding a positive outcome to a mediation. Having greater knowledge around how people respond to conflict can also help us to manage conflict better in our professional and personal lives.

If you were to search on google you would find numerous articles and models around responses to conflict.

You would find it difficult to find a response which does not fall into one of the following five broad categories:

Accommodate – One party gets what they need at the expense of the other meeting their own needs.

Avoid – One party may decide to stay away from the conflict or ignore it as they may consider this easier than taking some form of action.

Compete – One party puts their needs ahead of the other party and doesn't necessarily account for the other party's feelings, views or goals.

Compromise – The two parties split the difference and find a 'middle ground' giving them both the sense that they have won something.

Collaborate – Both parties work closely with each other to try and identify each other's underlying concerns and find a solution which satisfies them both.

Consider:

Under what circumstances might someone respond in each of the above ways?

What are the potential positive and negative consequences for each of these responses?

In our next newsletter we will give some views on these points and provide further discussion around responses to conflict.

Training



We offer an accredited* community mediation course.

The course is run over six days and can be in-house at a venue of your choice. There is no requirement for days to be consecutive and we are very flexible.

Attendees will receive expert training from an experienced, accredited mediator and will gain an understanding of:

- the skills required for effectively resolving disputes, such as
 - empathy
 - reframing
 - building rapport
 - active listening
 - summarising

- conflict and how people's behaviour influences this
- the structure of the mediation process
- the role of mediation and the mediator in conflict resolution

The course is ideal for:

- front line antisocial behaviour professionals
- housing professionals
- workplace managers and team leaders
- complaint handlers

The course is an investment in personal development for teams and individuals working in a conflict environment. It will enhance leadership capability, provide a wider understanding of conflict

and help inform positive cultural change.

If you are interested, please email office@croydonmediation.org.uk

or contact our Chair, Neil Selby

neilselby23@gmail.com.

* by The College of Mediators

