

Let's Listen Let's Talk

November 2024

Contents

Chair	1
Mediator Interview	2
Responses to Conflict	6
Training	7



Welcome to our November 2024 newsletter!

Well a lot has happened since our last newsletter! Sadly in the wider world, justice and peaceful reconciliation seem increasingly elusive. The result is further suffering of the vulnerable. This sad situation spurs me on personally to continue to keep what we do as a mediation service developing.

I am pleased to say that as a service we have had some better news recently. Croydon council have provided some funding which has enabled us to reopen our service, after we had to pause things briefly due to lack of funds. We are very grateful for this support.

We are also very hopeful that a recent bid, to develop a new service that will help individuals manage conflict better, will be successful.

These developments I strongly believe will set us on the way to building a sustainable future for the service and enable us to serve our communities for another 25 years. In this edition of our newsletter I strongly recommend the interview with Susanne Schuler who provides some great practical advice on a number of issues faced by mediators as well as signposting to a good number of other resources.

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

With over 25 years of experience as a mediator, Susanne specialises in commercial and workplace disputes, as well as business and human rights issues, and has previously engaged in community mediation. She was trained and accredited in Germany, Switzerland, and with CEDR in the UK, and she is trained in Nonviolent Communication and certified in Professor Galtung's Transcend Peacemaking approach. Susanne is dedicated to transforming conflict into trust, fostering purpose-driven relationships, and promoting peace-centered equity across diverse regions; she conducts mediations in five languages, primarily in international contexts, which enables her to navigate diverse cultural landscapes effectively.

Susanne Schuler

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

I emphasise the benefits of mediation, such as its collaborative nature and the opportunity for both parties to have their voices heard and to take control of the outcome. I also take the time to address any specific concerns they might have, reassuring them that the process is designed to be safe and constructive. Building a personal rapport with clients often helps in overcoming their hesitance.

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

Clear communication and process design are essential. I ensure that each party understands the process and feels comfortable expressing their views privately. It's important



to maintain neutrality and to be clear about confidentiality; it is key to summarise each meeting and the key points before moving between parties, to be clear what you are allowed to convey and what not and allowing them to reflect on each other's perspectives without feeling pressured. This approach fosters trust and keeps the dialogue constructive.

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

One key mediation skill I worked hard on was process design and effective information exchange, along with active listening. To improve, I engaged in role-playing exercises that simulated various mediation scenarios, allowing me to refine my approach. I sought feedback from peers to enhance my understanding of different perspectives.

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

Self-evaluation as a mediator can be done by reflecting on each session and identifying what went well and what could be improved. Keeping a journal to document experiences and seeking feedback from clients and co-mediators can provide valuable insights. Regularly reviewing recordings

of sessions (with permission) can also help identify areas for growth and having regular supervision meetings.

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

I often use open-ended, high gain and hypothetical questions that prompt creative thinking, such as, “What options have you considered?” and “What would be an ideal outcome for you?” or “What are the consequences for you/your business etc. if you don’t settle?” Creating a collaborative environment where parties feel safe to create solutions together can also facilitate this process.

**process design
and effective
information
exchange**

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

Yes, I have faced challenges in maintaining impartiality, especially when strong emotions are involved. I manage this by reminding myself of my role as a neutral facilitator and process manager. Summarising where we are is a helpful tool and taking a break to collect myself. Regular self-reflection and supervision help me remain aware of any biases that may arise. If I notice myself leaning towards one side, I consciously refocus on the process and ensure equal opportunity for all parties to express their views.

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

Empathy

During a mediation between two business partners, one partner expressed frustration and sadness over their deteriorating relationship. I acknowledged their feelings by saying, “It sounds like this situation is really affecting you on a personal level.” This recognition allowed them to feel understood, which helped create a safe space for both parties to share their perspectives more openly.

Forward Focus

In a community mediation involving a neighbourhood dispute, I emphasised the need to focus on future solutions rather than past grievances. I asked the parties, “What would an ideal outcome look like for both of you moving forward?” This question shifted the dialogue away from blame and toward constructive possibilities, facilitating a more productive discussion.

Drawing on Common Ground

While mediating a conflict between two organisations over resource allocation, I highlighted shared goals, such as improving community services. By reminding them, “Both of you ultimately want to benefit the community,” I helped refocus their conversation on their mutual interests, fostering collaboration and reducing tension.

Reframing

In a mediation session where one party felt that their concerns were being dismissed, I reframed their statement by saying, “What I hear you saying is that you need more clarity on this issue.” This reframing helped the other party understand the importance of the concern, leading to a more respectful dialogue and a willingness to address the issue.

Rapport Building

At the start of a mediation between two conflicting parties, I took time to build rapport by engaging in light conversation about shared interests, such as local events or hobbies. This approach helped to ease initial tensions, allowing both parties to feel more comfortable and open during the mediation process, ultimately contributing to a more collaborative

I often use open-ended, high gain and hypothetical questions that prompt creative thinking

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

In a mediation involving two parties with escalating tensions, I used a breakout room to allow one party to express their frustrations privately. This helped them articulate their concerns without fear of confrontation, and when we reconvened, they were more ready to engage constructively with the other party.

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

80% of my mediations are now virtual. My particular experience is in Business and Human Rights Mediation, where both parties are located in different countries or even continents and an in-person mediation is not always possible. Virtual mediation has both pros and cons. On the positive side, it offers greater accessibility and convenience. However, it can sometimes lack the personal connection that in-person meetings provide. To mitigate this, I recommend using video conferencing, encouraging participants to be on camera, and incorporating engaging visuals. Conducting a technology check beforehand is also crucial to prevent disruptions. Often I use a hybrid approach, whereby I conduct the preparation meetings virtually and the main sessions in person.

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

I frequently use phrases like, “What would you like to see happen moving forward?” and “How might you find common ground on this issue?” These questions encourage parties to think proactively and focus on solutions rather than dwelling on conflicts.

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

I once worked with a client who was very defensive and resistant to feedback. I approached this by actively listening and validating their concerns. By building trust through empathy, I gradually encouraged them to engage more openly in the mediation process, which ultimately led to a productive discussion.

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

To prepare for a joint meeting, I recommend summarising key points from the initial discussions and outlining clear objectives for the session. Establishing a structured agenda helps keep the meeting

Establishing a structured agenda helps keep the meeting focused and ensures that all relevant issues are addressed.

focused and ensures that all relevant issues are addressed. I stick to the 4 Ps: Purpose (of the meeting), Permission (from both parties), Preparation (of both parties) and Process (agenda, time, logistics etc).

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

I advise clients to reflect on their goals for the joint meeting and consider potential points of agreement with the other party. Role-playing/Rehearsing potential scenarios and statements can also help them feel more prepared and confident going into the meeting.

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

I actively seek opportunities for professional development through workshops, training sessions, and networking with other mediators. I also read widely on mediation practices and related fields to stay updated on new techniques and theories - across different cultures and types of mediation.

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

In a mediation involving a large corporation and an individual, I made sure to give equal speaking time to both parties. I encouraged the individual to share their perspective fully and used caucus sessions to empower them further, ensuring they felt supported and heard throughout the process. I also encouraged the individual to get a legal adviser.

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

I find visual tools to be very effective in enhancing understanding and engagement. Flip charts can summarise key points and keep the discussion focused, while stress balls and timers can help manage anxiety and keep the pace of the session on track. I also use post-its for process plans and creative thinking.

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

Yes, there have been instances where I unintentionally slipped into a comforter role. I corrected this by reminding myself of my neutral position and refocusing on facilitating the process. Regularly checking in with myself and setting boundaries helps maintain clarity in my role.

I stick to the 4 Ps: Purpose, Permission, Preparation and Process

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

I recommend “*The Mediation Process*” by Christopher Moore for a comprehensive understanding of mediation techniques. “*Getting to Yes*” by Roger Fisher and William Ury offers great insights into negotiation. “*The Third Side*” by William Ury on “why we fight and how we can stop”.

All publications by Friedemann Schulz von Thun and by Christian Besemer.

And here some more references: CIALDINI, Robert, *Influencing Science and Practice*, Pearson, 2009

COVEY, Stephen: *7 Habits of Highly Effective People*, Free Press, 1989

FISHER, Roger & SHAPIRO, David *Beyond Reason: Using emotions as you negotiate*, Penguin 2006

DILTS, R. & BONISSONE G. *Skills for the Future*, Meta Publications 1993

HEFFERNAN, Margaret: all books and TED talks: Margaret Heffernan (mheffernan.com)

HILL, Matthew, *Learn how to LEAD; Believe, Behave & Become*, Meridian 2012

SCHULER, Susanne, *Conflict Management and Cultural Diversity*, Bookboon, 2016

What do you think the key ethical considerations are as a mediator and how do you make sure you account for these?

Key ethical considerations include maintaining neutrality, confidentiality, and ensuring informed consent. I make sure to account for these by clearly communicating the mediation process and its principles at the outset, and by continually reflecting on my practices to ensure compliance.

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

I once mediated a case where a client brought a highly vocal advocate who dominated the conversation. I managed this by setting ground rules for participation, ensuring that each party had an equal opportunity to speak, and gently redirecting the focus back to the client’s own voice.

Do you have any advice on how to effectively co-mediate?

Effective co-mediation requires clear communication and defined roles. It’s important to establish a shared understanding of the process and to regularly check in with each other to ensure alignment. Planning

how to address potential conflicts in styles or approaches during sessions is also crucial for success. And rehearse and practice beforehand and debrief after each mediation.

During my first mediation training we were filmed whilst co-mediating and later we debriefed verbal and non-verbal communication.

Susanne is the ninth mediator we have interviewed for our newsletter. We are delighted to add her to the list of exceptional mediators that have agreed to take part and invest their time in helping to develop the knowledge of our small team. Through our back catalogue of interviews, we have developed a valuable knowledge hub which is not just confined to our own team but is also accessible to anyone who reads our newsletters. We will continue to grow this and are always on the lookout for volunteers to add their knowledge and experience to this ever-growing resource.

You can access the previous interviews through the following links:

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

Andrew Goodman

May 2024

Responses to Conflict

In our previous newsletter we discussed how responses to conflict vary and will depend on the situation as well as the characters involved in a dispute. The same person may not respond the same way each time and it will often depend on the situation. Recognising how and why people respond differently in certain circumstances can help a mediator understand how a situation may have manifested and assist in finding a positive outcome to a mediation.

Our last newsletter explained how responses to conflict can be grouped into one of the five categories set out below. All these responses vary in their degrees of assertiveness and cooperativeness with some being a mixture of the two. We asked readers to consider under what circumstances might someone respond in each of these five ways as well as the potential positive and negative consequences for each of these responses.

Accommodate – Accommodating involves putting the other parties' wishes before your own. Someone may respond this way if a matter is of little importance to them, or to build up credit for later. Although this may result in a quick resolution to a dispute, in some instances it could be perceived as being weak and lead to an expectation that the person will respond this way again. It might also only serve to stave off a dispute and not lead to a conflict being resolved long-term.

Avoid – One party may decide to stay away from the conflict or

ignore it as they consider this easier than taking some form of action. Someone may respond this way if they don't know how to react, are afraid of making a situation worse or just want to keep the peace. This could be appropriate where an issue is trivial or to buy time and give the parties the chance to calm down. It is generally, not a long-term solution however, as it doesn't address the problem and could end up making a situation worse over time.

Compete – Competing involves one party putting their needs ahead of the other party and not accounting for the other's feelings, views or goals. This may be the course of action someone will take if the long-term relationship with the other party is not important to them. On a positive side this will lead to a speedy resolution with an outright winner. A potential negative however, is that it could cause resentment and negativity, resulting in further conflict further down the line.

Compromise – This is where the two parties split the difference and find a 'middle ground' giving them both the sense that they have won something. As neither party suffers a complete loss it can result in a quick fix. This may serve to be temporary however, as it doesn't get the heart of the matter and may only postpone further conflict.

Collaborate – When collaborating, both parties work closely with each other to try and identify each other's underlying concerns and find a solution which satisfies them both. This results in two winners to

a conflict. Parties may respond this way when ongoing relationships are important. This could lead to a permanent solution but as with any of the response, there are no guarantees!

Being more aware of how we respond to conflict and the potential consequences can also help us in our personal lives. We'll leave you with a scenario for you to consider. You are having difficulty getting along with a colleague at work and keep clashing. How would you respond if:

- Your colleague is on a short-term contract and leaving in two months
- Your career is important to you and wish to remain with the company long-term and progress
- Your colleague is hindering your progress, and your long-term relationships is not important to you
- You respect your colleague's ability and would like to find a way to work together to reach a common goal
- You wish to get the project you are both working on completed by the agreed deadline and to a good standard before you move to a different department in three months' time

The responses cited above are based on a conflict response model developed by Dr Thomas and Dr Kilman during the 1970's, if you are interested in learning more about this subject.

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

