

Let's Listen Let's Talk

June 2022

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WELCOME TO OUR SPRING SUMMER NEWSLETTER



The last couple of years have seen many challenges for us all as individuals and for the mediation service; however, we are now on the up and rebuilding the service, so we can sustain and extend our service to Croydon and beyond.

We have made it a priority to support you all and this newsletter is part of doing that. We will also be holding more in person socials and training in the coming year.

Please let me know if you have ideas about improving the service. I look forward to seeing you soon

Neil

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croydon community
mediation

The Spring Meet Up



Our upbeat speaker **Anne Jones** took us on an illustrated journey through her 20 years working in the voluntary sector working across different organisations including Southwark Mediation and Merton & Sutton Mediation and Mediation Surrey, she has a wealth of knowledge and experience and is also a trained coach and mediator.

The Spring Meet Up on 5th March 2022 presented a wonderful opportunity to meet and catch up with trustees, volunteers and guests in real life.



The event was held at The Black and Minority Ethnic Wellness Centre, Croydon Whitgift Centre.



It kicked off with a welcome and introductions which included little-known-facts about the trustees...well, how else would we have found out about past TV appearances, a trip back in time to the 1930's, rippling body parts and very special middle names!



Among the changes over recent months at CCM we have welcomed Neil Selby who took over from Avril Ashley as Chair. We have a new trustee Dave Simmons and Mary Wood has come on-board to manage the caseload and strategic development. We said goodbye and a huge thank you to Rose Okomi and Ann-Marie Spence who stood down as trustees at the end of 2021 but continue as mediators. Finally we said goodbye to Pam Flouch who retired last year after many years of dedication to CCM.



DELIGHTED

£9,500

We are over the moon and very grateful to The National Lottery for their donation.

A HUGE THANK YOU to those who worked so hard on the application.

We've got
fundding!



**THE NATIONAL
LOTTERY™**

Mediator Spotlight

DAVE SIMMONS

Dave is our newest Trustee whom some of you will know and may have worked with.

Dave has been a mediator for CCM for over three years and has been a Trustee since November 2021.

As well as volunteering for CCM he also does private mediation work mostly involving workplace and housing disputes.

Dave's background is in social housing and he has considerable experience in writing and presenting workshops and webinars on effective dispute resolution to the housing sector.

Outside of work he loves nothing more than spending time with his two kids, listening to heavy rock and travelling to see some of the natural and historic wonders that the world has to offer.



Interview with a Mediator

One thing we are aiming to improve as an organization are the learning opportunities for our small team of mediators (which includes the Trustees). As well as capturing learning from within our group we will be aiming to ensure our continuous professional development by learning from experienced external mediators. To this end, we will be interviewing with external mediators on a quarterly basis which we will then share with the group and also use to build up a knowledge hub on the mediator's area of our website. We have got our 'Interview with a Mediator' off to a fantastic start by interviewing Gary Webber who is a hugely experienced mediator (and author) from the Property Mediators. We're really grateful to Gary for giving up his time to share his experience with the team.



Gary Webber

Please provide a brief background to your mediation experience.

I qualified as a civil and commercial mediator in 2002. I was still working as a barrister at that time. I began to do a few mediations a year and it slowly built up. A point came when I decided that I wanted to be a mediator full time and that it would only work if I committed to it. So about 13 or 14 years ago I gave up The Bar and went full time. It took some time to build up but I have now done nearly 550 mediations. Most of the cases concern a property in some form or another. This was the area of law I practised so this where my connections are. However, I do a wide range of cases.

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

I try to take the fear out of joint meetings. Many people think that an initial joint meeting will be people grandstanding so I tell them specifically that I do not want them to argue any points in a joint meeting. My current practice is to tell them that I would like three things to happen:

- (i) everyone to introduce themselves and say what their role is at the mediation,
- (ii) for me to say a few words about the process so that they all hear the same thing at the same time – mainly to emphasise my role and the confidentiality of private meetings, and
- (iii) to encourage the parties simply to tell each other what they want to get out of the day, and to discover what the other side wants to get out of the day.

When people speak directly they speak more truthfully and fully.

The re-assurance that I am discouraging everyone from getting into any detailed arguments at that stage usually helps.

I acknowledge that it can be difficult to sit together in a room with someone you are in dispute with but I tell them that my experience is that people find that the fear of the conflict that might arise in the meeting is much greater than the reality, and that most people are actually pleased that they summoned up the courage to go into the room and be heard. I am very gentle with everything. I don't try to push people into meeting.

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

Don't take lots of notes. Listen intently to what people are saying. Even where it is not possible for people to be heard in a joint meeting the fact that the mediator is hearing them in the private sessions is often enough and helps them to move to a point where they are able to negotiate.

I don't really distinguish between shuttle mediations and joint session mediations. Every mediation is hybrid, sometimes there are more caucus sessions, sometimes there are more joint. Every mediation is different and depends on all the dynamics that are present. You can only really decide what is right in the moment. However, I do try to encourage people to meet and speak together and not just be a messenger between the rooms. It is amazing how differently they often speak when they are in a room together. This is particularly true when lawyers are present. The party and their

lawyer in the room work out what they want to give me to take to the other room, and it gets filtered down. When people speak directly they speak more truthfully and fully.

Don't take lots of notes. Listen intently to what people are saying.

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

This is really about personal development. Although I am very patient my patience can be tested in the afternoon when the parties spend long periods without wanting me in the room, whilst they discuss offers. This was certainly quite a big issue for me in the past. I felt "left out"! I also have a tendency to get irritated by people "who go on and on". I have recognised these as personal patterns with a deep family and personal history. So I have worked on myself in relation to them. Mainly being conscious of our own individual patterns, being aware of when they are operating and then adapting is the way to improve. I also used to be more tied to structure and I see this quite a bit in other mediators. I am now much more willing to be flexible and intuitive. The key is to be fully present to what you are dealing with in the moment

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

The best way is for colleagues to peer review each with specific categories being assessed and then to have a discussion afterwards.

So much goes on in a mediation that you don't actually notice at the time because you are just getting on with it. However, a detailed look at it afterwards is really helpful.

“Tell me more”
This is a completely open question, which shows interest and respect.

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

Focus first on what they want and need, and get them to be careful to listen / find out what the other side wants / needs.

Once you have gone through that stage sufficiently, simply ask the parties what solutions they can envisage that might work; aiming all the time for a deal that they can live with and the other party

“Sorry. I can't do that. I'm a mediator”

can live with. Earlier in the day warn them that their target for the day is not to go away happy but with the dispute resolved and with something that will work.

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

No, not really. Of course, I am human and usually like one side more than the other but I am conscious of it and I am careful to ensure it does not influence how I behave. In terms of the actual merits of the dispute I don't find it difficult to be non-judgmental. I guess that is just the way I am but also I now have masses of experience of seeing how different people can see the same thing with a completely different lens.

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 use these all the time in every mediation. In particular empathy must always be there and rapport building should start from the beginning of every mediation.

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

Again, pretty much in every case. There are always times I find in mediations where parties want to break out into a separate room and have a private confidential conversation, either amongst themselves or with me.

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 am very much in favour of them. Quite apart from minimising the risk of spreading Covid which is still here, it is better for the environment, takes away the stress, time and cost involved in travel, and adds to the feeling of safety when people are in their own homes. It is true you can't see all the body language but the direct connection with people over Zoom works well. I have found that the mediations I do online take about the same amount of time and no more, nor less likely to settle that in person mediations.

I use Zoom. I create at least four breakout rooms in a two-party dispute; one for each party and their lawyers; one for me as mediator; a separate room for the lawyers should they want to discuss something together and a spare room. I have all joint meetings in my breakout room and not in the general room that people come into when they enter the meeting. This means that I do all the moving around once they are in their rooms. They have to do nothing technical. This makes it much smoother for them all and gives confidence.

The core quality the mediator can offer is to be a rock in the midst of the storm.

**“EAR
technique”
offer Empathy,
Attention and
Respect.**

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

“Tell me more”. This is a completely open question, which shows interest and respect.

Never “why”. This can feel hostile and put people on the defensive.

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

I had one particular case where one of the parties was a magistrate. He should not have been! He tried to use bullying tactics quite a bit. At one point he wanted me to go to the other room and tell them that what they were doing was criminal (it wasn't) and he could make sure they were prosecuted. I gently but firmly refused, saying “Sorry. I can't do that. I'm a mediator”.

I have had many mediations where someone has been “high conflict”. The advice with such people is to use what is known as the “EAR technique”, ie you should offer them empathy, attention and respect. Of course,

you should do this with everyone in every mediation. Where you have a high conflict personality you have to make extra sure that you are doing that. The main thing is to keep calm. The core quality the mediator can offer is to be a rock in the midst of the storm. As the saying goes, you can't change other people but you can change how you react to them.

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

Read books and articles, attend workshops, peer reviews. I am part of a small group of mediators. We have regular meetings, about every six weeks where we share experiences and discuss concerns.

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

How to Beat Bedlam in the Boardroom and Boredom in the Bedroom by Jane Gunn

Hostage at the Table by George Kohlrieser

Mediation Behaviour: Why We Act Like We Do by Stephen Walker

Diary

Meetings

Saturday 9 July 2022

1.30pm

Mediators Meet Up

Venue tbc

Saturday 1 October 2022

1.00pm

Mediators Meet Up

Venue tbc

Saturday 8 December 2022

Christmas Meal Meet Up

Little Bay, Croydon



croydon community
mediation

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

