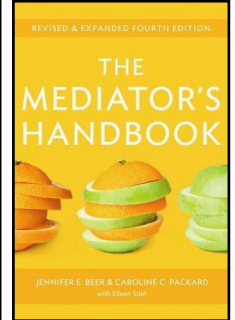
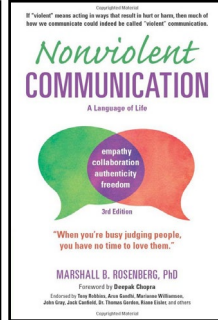


# Let's Listen Let's Talk

September 2022

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I am writing these words two days after the sudden death of Queen Elizabeth, and I have been listening to the many tributes and reflections on her long life of service to our nation. One of the comments several people have made is that the Queen was very good at putting people at ease and listening intently and with empathy to their thoughts and concerns. It is therefore very appropriate that in this issue of our newsletter we have a focus on empathy.

I am enjoying and learning from our 'interview with a mediator' series; and this edition's with Laura Kirkpatrick is filled with a rich vein of practical tips as well as some excellent book recommendations. One aspect Laura touches on is supervision, and this is an area we want to beef up in the coming year. We would love to hear your thoughts on this and if you can make our next 'get together' this is something we can explore. I hope you have been able to have some rest and relaxation this summer and thank you, as always, for the work you do supporting people to resolve their conflicts.

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 07905168285.

Look forward to seeing you soon, Neil



croydon community  
mediation

# 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 Laura Kirkpatrick, the Founder of Solution Talk. We are very grateful to Laura for giving up her time to share her considerable knowledge and experience with the Team.

## Laura Kirkpatrick



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

I feel it's important to talk about the joint session with clients once you've had an opportunity to build some rapport with them and so would avoid, where possible, mentioning them right at the outset of our initial private conversation. Towards the end of the first session with a client I will talk about the next steps in the mediation process and explain clearly how the joint session works, the meeting format, my role as the mediator and the benefits of being a part of this from their perspective – so I tailor this to the client based on what they've talked to me about.

I think it's always important to emphasise that this is their choice and that by taking part in a joint session they are in

control of the outcome and can craft their own agreements about their future. If a client expresses concerns about attending I will explore these with them and try to identify how we can address those concerns so that they feel able to attend. Worries about attending a joint session are normal and so it's important to acknowledge this for the client.

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

For me shuttle mediation meetings are all about the planning – whether they are conducted in person or over the telephone. So, it's really important to prepare your clients so they know:

- what to expect in terms of the times (ie 15 minutes with them, 15 minutes with the other party, and so on)

- how it will work practically
- what your role is as a mediator and the limitations of this type of mediation
- what they need to consider – so we ask them to consider their top 3 most important issues and what requests they want to make of the other side prior to the shuttle mediation taking place

As a mediator I also need to prepare - preparation is key to ensure the shuttle runs smoothly and the clients are able to obtain the maximum benefit from the process.

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

Being able to reflect on your practice is important as a mediator in order that we can learn, develop and enhance our skill set and thus our ability to support clients who are in dispute.

My practice is enhanced by:

- continuing to develop my self-awareness of my own personal red flags and triggers
- developing strategies that will assist me in reducing the impact of the above on my interaction with my clients
- reflecting in practice and on practice
- regular supervision and peer feedback / discussions
- attending training, network events and mediation conferences
- reading and researching information relevant to my practice as a mediator

preparation is key to ensure the shuttle runs smoothly and the clients are able to obtain the maximum benefit from the process

A reflective diary can also be a useful tool for mediators. It can be used to record incidents, note action taken/not taken, ethical issues and good practice issues that arise between supervision sessions and any personal and/or practical concerns. Case records and feedback received from clients and co-workers are also useful tools for learning and reflection.

Regular mediation practice supervision is one source of support and learning. Other opportunities for practice and personal support are provided through training, shadowing, mentoring, coaching, participation in conferences, workshops and seminars, study time, case reviews, and group discussion sessions.

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

Virtual mediation has played an important and vital role in our mediation practice over the last couple of years. The pandemic has forced us all to look at how we work and the way in which we deliver our services.

Virtual mediation can take a variety of forms – telephone sessions, Zoom meetings, conference calls, Teams meetings, WhatsApp video calls, Messenger video calls, etc.

My view is that virtual mediation is here to stay, it will form part of a range of options that we have as mediators to ensure we are able to provide

an accessible, user-friendly service. Reflecting on the use of virtual mediation over the last two years I am aware that it has been an effective tool for us at Solution Talk, it has enabled us to continue to provide mediation and conflict coaching at a time when disputes between neighbours rose. It has meant that:

- we have been able to deliver more flexibility in providing appointments,
- we have been able to take on a bigger workload (due to less travel time),
- we have reduced our carbon footprint
- we have reduced our overheads and thus our case costs
- we have learnt that we can do something different
- we have been able to provide a more responsive service
- we can provide our referrers with a range of options and costs to suit their needs and budgets

Moving forward as we start to progress back to a new normal, I see a continued role for virtual mediation alongside what was our more traditional delivery of the service – visiting people at home. In the middle of both these models is a hybrid option as well – so a mix of virtual and in person sessions.

I think the key to successful delivery of virtual mediation is the preparation and familiarity with any technology that we are using as mediators – so practice and test it out. In addition, preparing our parties for mediating in this way so they

know what to expect and how to utilise the mediation process to the best effect. Remembering that not all our clients will have access to technology and may not be able to access a Zoom or Teams meeting, therefore we need to think about what the alternatives are – conference calls, in person sessions?

### **Do you have any phrases or questions that you commonly use in mediation?**

- Are you willing to xxxxx? (the assumption here being that our parties usually want to appear cooperative and that it is the other side that won't be willing)
- Thank you for your time today, we appreciate you speaking with us
- Have you considered xxxxxx?
- What have you got to lose by giving it a try, other than a bit of your time? (when talking about moving forward to a joint or shuttle session)
- This is a completely voluntary process, so that fact that you and xxx have agreed to speak with me is a really positive sign that you are both looking to move forward / both ready to make a change
- When asking parties to prepare for a joint or shuttle session - Consider your main concern / concerns and what you might wish to say initially at the start of the meeting for a couple of minutes. We find that it can be helpful to consider how you will present your concerns and the words you choose, so that the other person is willing to listen to them and take them on board.
- When asking parties to

prepare for a joint or shuttle session - Be prepared to consider that the other person may also have their own their concern / concerns that they wish to let you know about and that you will need to listen to these just as the you would like them to listen to yours.

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

One of the best ways to prepare for mediation is to reflect on the initial private sessions with our clients and consider the issues outlined by them and what they need for the future to be improved.

**Arrange to  
debrief with  
your co-  
mediator  
and ask for  
feedback**

If co-mediating - arrange to debrief with your co-mediator and ask for feedback on their perspective of how those initial private sessions went. What worked well? What didn't work? What can you do together to ensure the joint session runs as smoothly as possible? Consider how the joint session will run practically and if you are co-mediating then who might

take the lead at different stages. It may be worthwhile thinking about the parties uninterrupted time and who will go first. Will you leave it up to the parties to decide who goes first or will you make that decision as mediators.

Identify any potential flashpoints / unwanted behaviour that might occur at the joint meeting and think about how you will manage this. Can you adapt any meeting guidelines to suit the particular circumstances of the case? Do your parties need any support at the joint session and are you able to provide it or can they?

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

One of the best ways to prepare for mediation is to ask our parties to consider in advance what is important to them and what may be important to the other person. This can be helpful in assisting everyone to move forward and reach resolution. Here are some thoughts on how we can best prepare parties for a joint session:

- We may ask them to consider their main concern / concerns and make a note of their top three.
- We will ask parties to think about what they might want to say initially at the start of the meeting for a couple of minutes. We explain that it can be helpful to consider how they will present their concerns and the words they use, so that the other person is willing to listen to them and take them on board.
- We may ask them to think about the impact the dispute

has had on them and also how it may have affected the other people involved

- We may ask them what they and the other person could have done differently if they had the opportunity to go back and relive the interactions between them
- We may ask them what they would like to see change for the future and what they think the other person might want to change

I am always on the lookout for any suitable training, reading, or conferences

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

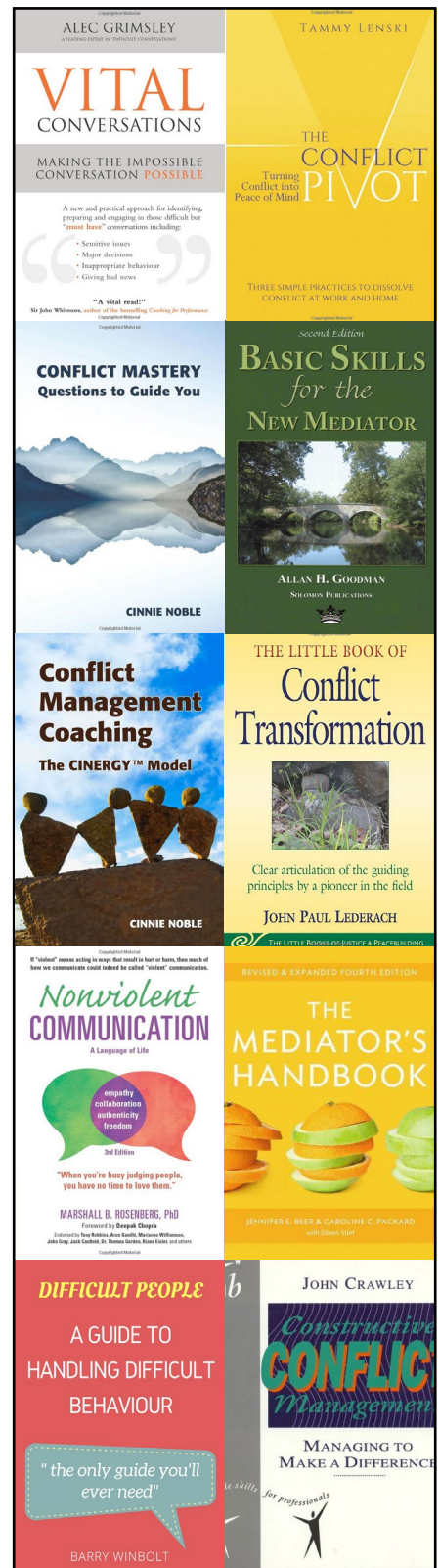
Our personal and professional development as mediators is important if we are to continue to support people in conflict to resolve their disputes.

As a mediator, I am always on the lookout for any suitable training, reading, or conferences that I can access to enhance and develop my skills. In addition, I'm always keen to network with other mediators and share learning and skills and knowledge – networking provides a great opportunity for us a mediators to learn from each other and not just mediators

who practice in the same area of mediation as us, but those who practice in other areas – eg family, workplace, SEND, intergenerational, etc. The other vital part of my personal and professional development is regular supervision – 1:1 with my PPC, peer supervision with my co-mediator and group supervision sessions. Supervision allows me to reflect on cases, discuss concerns, identify areas for improvement, consider what worked well and ask for support and feedback.

**Are there any books that you would recommend to help us develop as mediators?**

- The Mediators Handbook - Jennifer Beer & Caroline Packard with Eileen Steif
- The Making of a Mediator - Michael D Lang & Alison Taylor
- Basic Skills for the New Mediator – Allan H Goodman
- Conflict Mastery: Questions to Guide You – Cinnie Noble
- The Conflict Pivot – Tammy Lenski
- Vital Conversations – Alec Grimsley
- The Little Book of Conflict Transformation – John Paul Lederach
- Constructive Conflict Management: Managing to Make a Difference – John Crawley
- Difficult People: A Guide to Handling Difficult Behaviour – Barry Winbolt
- Non-violent Communication: A Language of Life - Marshal B Rosenberg
- Conflict Management Coaching: The Cinergy Model - Cinnie Nobel



# Empathy

As part of our focus on learning we will be taking the opportunity in these newsletters to focus on some of the key mediator skills.

Empathy is one of these and should be present in every mediation. Empathy is a part of active listening and allows us to demonstrate that someone has been heard and understood. It shows interest and concern in the person's situation, helps build trust and rapport and reduces stress.

When used effectively, empathy improves the chances of a mediation being a success. Empathy is not to be confused with sympathy which involves identifying with the other person and taking their side because of it. This is exactly the opposite of what we want as impartiality plays such a huge part in mediation and a mediator is not there to take sides.

Here are a series of statements through which you can practice your empathy skills. Have a go.

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

1. *'He always discounts my opinions in team meetings and never includes me in social events outside work.'*
2. *'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.'*
3. *'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.'*
4. *'I was abused on my own doorstep and left shaking so badly I could hardly turn the key to let myself in.'*
5. *'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.'*
6. *'I'm afraid to use my garden for fear of my neighbours.'*
7. *'I've tried so hard to get on with my neighbours but all they do is complain.'*
8. *'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.'*
9. *'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.'*
10. *'My kids would love to see their dad but my ex-husband is useless and makes no effort whatsoever.'*
11. *'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!'*
12. *'My landlord is happy to charge huge service charge fees but is not as eager to provide a decent service.'*

# Mediator Spotlight

## **Avril Ashley Treasurer**

Avril joined CCM in 2010 and trained as a mediator with the London School of Mediation and Croydon. She joined the Board of Trustees in 2018 and became Chair in 2019. Then the world went bonkers for a few years. This was a difficult time for everyone including CCM. But with everyone pulling together we came through it. Avril is now Treasurer and keeping a close eye on the purse strings.

Avril's background is in law and when she is not working she enjoys swimming and cycling but her triathlon career is now over.



# Diary

## Meetings

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

