

# Let's Listen Let's Talk

December 2023

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### Welcome to our December 2023 newsletter!

So, we come to the end of another year. It is a time when many reflect on the past months, and the newspapers/social media feeds are peppered with 'best of' and 'top ten' lists. One of the highlights for me was the book 'Lessons in Chemistry' as it combined my interest in chemistry with my passion for cooking & baking! It's a great read and what's more it has a lot to say on the difficulty and importance of challenging unjust cultural norms (it was set in 1950/60 America) The heroine is a lightning rod for conflict and she deals with this in many ways, but no spoilers from me.

As we often say in our discussions about mediation, conflict is normal but how we deal with it is the key to our and others' wellbeing. As I reflect on this past year, I am pleased that we have been able to begin to build up our service. We have reaccredited our training and trained 8 new mediators. We have continued to publish our newsletter which is being read by an ever-increasing number of people. We have also begun to build up relationships with a number of community groups in Croydon. Another piece of good news is that we have improved our links with local councillors and as a result of this had a very good meeting recently with the elected Mayor of Croydon. We hope this will bring more opportunities to serve our community.

So, some good things from the last year, and we look forward to developing and establishing our conflict coaching service in 2024.

All that remains is for me to thank all our mediators and trustees for the great work they have done this past year, and you all for reading these newsletters. I wish you and yours a peaceful and restful time over this festive period.

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 seeing you soon.

Neil



# Interview with a Mediator

Mediator Academy, established in 2014, is a global leader in providing world-class educational programmes in commercial mediation and dispute resolution. Our programmes offer unparalleled educational value and direct pathways to postgraduate qualifications from top flight universities.

Our mission is to equip learners with the essential skills, knowledge, and mindset required to confront the challenges of the 21st Century.

Mediator Academy has revolutionised the landscape of mediation skills education. Evolving from a platform curating ideas and knowledge from global thought leaders to delivering best-in-class mediation education for graduates and professionals.

Our programmes are practitioner-led, independently accredited, and span multiple jurisdictions. They are thoughtfully delivered in online and blended formats, making complex skills and new knowledge easily accessible to professionals.

We publish a newsletter on the last Saturday of every month called 'The Cube' in which we cover a number of things such as the latest case law for mediation, international perspectives and practice tips. We always include an expert video and the most popular section - mediation memes! You can sign up for it on our homepage [www.mediatoracademy.com](http://www.mediatoracademy.com).

## Aled Davies

### Co-founder and CEO of Mediator Academy

**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 understand their underlying concerns and reservations and, if possible, provide reassurance that I and the process can support them in talking about the things that matter most to them in a productive way. In game theory there's a famous finding that if you let people playing the prisoners dilemma talk with each other before they play they are more likely to collaborate. So face to face negotiation can fundamentally change the game.



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

Even though I would always encourage parties to sit around the table and talk I think a ‘blended approach’, meaning a combination of plenary and shuttle sessions, can be advantageous. I view confidentiality in two ways; it’s a core tenet of mediation, as is party self-determination. Confidentiality is also an active tool a mediator can use to encourage parties to speak candidly with them in shuttle sessions and share information that they might otherwise not be willing to in a joint session. The challenge of course with running shuttle sessions is that the mediator is the repository of confidential information so I double down on summarising and checking precisely what information parties want me to disclose or ask the other side.

**Journalling is my spiritual windscreen wiper.**

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

Reframing is, in my view, the most important skill. As the mediator you are always reframing in my experience. Whether you are reframing positions into options, positions into interests and everything in between. It’s something I work hard on in ordinary conversations, communications and business

interactions. I actually see reframing as being thoughtful so I rigorously reflect on what I say or write to see if can I be more thoughtful.

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

Journalling is my spiritual windscreen wiper. I write sometimes to simply reflect on my day or perhaps an interaction that got a sub-optimal outcome – not necessarily to see what I would do next time but just to be thoughtful. Writing is just like mediation - the process is very much part of the outcome, so the process of writing my thoughts and reflections down is good enough.

**I’ve learned to reframe my role from impartial to omni partial**

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

If you can help tease out the interests of the parties and ask ‘regardless of what the solutions look like there must be ones that satisfies those interests.’ That makes the process easier, I think.

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

I always find it hard to regulate my thoughts with respect to

impartiality. So I’ve learned to reframe my role from impartial to omni partial (I credit Ken Cloke for this). I’m rooting for both parties in equal measure so rather than leaning away from both parties I lean into them, so to speak.

**All you need is a 40-hour course to be a mediator. That’s just bonkers.**

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

A few. Managing interruptions: I might say ‘from experience there are things that I notice that tend to enhance the quality of the conversation that people have in mediation. One of those is listening, but it’s really hard to listen when you’re talking so I’d invite you to avoid interrupting each other if at all possible. I know it’s not always possible but if you could do your best I think you might find it helpful’

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

There are a few things that I think are important to set the meeting up for maximum success. Parties are anxious going into a process like this, that’s just normal. So I see my role as helping reduce anxiety, because if parties are less anxious it becomes a little easier to listen and

manage themselves. I make sure the agreement to mediate is signed before the joint session. I make sure parties know what's going to happen when they are brought together, things like where they'll be sitting, in what order people will be talking and roughly how long the session is likely to last. I provide lots of reassurance and check for concerns or questions.

**I believe learning is the single unit of progress for all humanity**

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

We're in the education business so I'm always learning new stuff. The challenge is always setting time aside and specific targets for learning. We've built online postgraduate programmes for a number of top universities and we work with very smart clients so on the occasions that I do enter the training arena I am always learning. I try and practice the beginner's mind because I believe learning is the single unit of progress for all humanity.

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

Flip charts are a great tool and I use them liberally for all sorts of things. I would encourage every practitioner to practice their pen work and learn a few of the basics.

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

Absolutely. We have a YouTube Channel [www.youtube.com/Mediatoracademy](http://www.youtube.com/Mediatoracademy) with hundreds of video resources and short courses from family mediation to multi-tiered dispute resolution and everything in between. It's hands down the best mediation resource on YouTube – if you can find a better one, I'll eat my flipchart!

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

You need awareness, some knowledge, and a framework to help you navigate.

**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?**

At most of my mediations the parties are accompanied by their advisors. I make sure that everyone is prepped, understands the process, their role and I try not to alienate anyone.

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

Talk beforehand about expectations and divide up roles and tasks. I also recommend designing an agreed strategy when things are not going well or you have concerns about the other.

**The Court of Appeal has now firmly opened the door to compulsory mediation, what's your view?**

I used to be an ideological purist, meaning I believed that parties should have the choice whether they mediate or not. My views have changed. Do I believe that dialogue and collaborative dispute resolution are better than adversarial dispute resolution/litigation? Yes, unequivocally. I also believe if more people could sit across the table from each other and talk through their differences there would be less suffering in the world.

**coercion into mediation is not the same as coercion in mediation**

I first trained as a mediator in the late 1990's in South Africa, I experienced first-hand what compassionate dialogue could accomplish. As long as mandatory mediation preserves the principle of party self-determination I'm with the late Professor Frank Sander on this, 'coercion into mediation is not the same as coercion in mediation.' Parties can always exit the process of their own free will with no consequences and try another means of reaching resolution.

Let's get people to sit around the table, to talk about the things that matter most and negotiate differences. But let's also raise the standards of mediator competence – we need to be better as a 'profession'. You need a psychology degree to be a psychologist, a law degree to be a lawyer, but all you need is a 40-hour course to be a mediator. That's just bonkers.



# Mediator Spotlight

## Shirin Latif

Shirin dedicated her early years to working for the NHS, collaboratively gaining patient experience in equality, diversity, and inclusion. Her interest in psychotherapy led her to train as a counsellor. She has volunteered her services for a reputable counselling agency, providing mother-tongue counselling to migrants, refugees, and asylum seekers. Shirin has also volunteered for Shaw Trust (Aim 4 Work) in the position of a well-being advisor.

Shirin first became interested in mediation through training with BIMA in Faithful Dispute Resolution. She undertook further training in community conflict resolution with Croydon Mediation.

Shirin is passionate about somatic healing and has an interest in reading and growing vegetables.



# Common Ground

In our last newsletter we discussed the concept of common ground and highlighted the importance of identifying and emphasising this during a mediation. We invited readers to consider whether there may be any common ground between parties holding opposing views on the emotive subjects listed below. In this edition, we have shared some thoughts on where commonality may exist between opposing parties. As you can see, in all cases both sides to the disputes can share a common goal, even though they may differ in their opinions on the most effective methods to achieve it. A mediator would bring into focus where parties share a common goal and promote discussion around how they could achieve it.

## Animal Cloning

Those in favour may believe that cloning can lead to a better understanding of genetics and advance the development of new medical treatments. They may also say it can aid the preservation of endangered species and the reproduction of high-quality animals with preferable traits e.g., high milk production or superior meat quality. Opposers argue that cloning can result in health problems and birth defects in animals which raises ethical concerns about welfare and exploitation.

### Common Ground

Both sides may share a concern for animal welfare and the potential for exploitation and place value on scientific rigor and the need for comprehensive studies to assess the safety and ethical implications of animal cloning. They may also agree on the need for scientific research and advancements.

## Private Health Care

Supporters may believe that private health care allows individuals to have more control over their healthcare decisions. They may also view competition among providers as a positive thing leading to improved quality and efficiency of services. Opposers may believe it exacerbates existing inequalities in access to healthcare and prioritises those better off at the expense of lower income families. Critics may also argue that services driven by profit prioritise financial gain over patient well-being.

### Common Ground

Both sides may share a common goal of ensuring high-quality healthcare that is affordable and accessible to all and recognise that the ultimate goal is to promote better healthcare, health outcomes and well-being for everyone.

## Euthanasia

Supporters of euthanasia may argue that individuals have the right to make decisions about their own lives, including the choice to end their suffering, have control over their own bodies and the ability to die with dignity. Opposers of euthanasia may argue that all human life is valuable and that intentionally ending a life is morally wrong. They may also have concern about potential abuse and believe that the focus should be on improving palliative care.

### Common ground

Both sides share a concern for the suffering of individuals facing terminal illnesses or unbearable pain. They recognise the importance of providing compassionate care, support and relief to those in need and at the end of their lives.

## **Badger Culling**

Those in favour of badger culling argue that badgers are a significant reservoir of Bovine Tuberculosis (bTB), which is a chronic disease of cattle and a major challenge for the UK farming industry. They believe that culling badgers minimises the spread of bTB and reduces the associated economic losses for farmers. Opponents argue there is insufficient evidence to show that culling is effective and that it may even lead to bTB spreading further as it disrupts badgers' social structures, leading to increased movement. Underlying many opponents position is an ethical issue over animal rights.

### **The Common Ground**

Both parties have concerns over the spread of bTB and its impact on the farming industry. They agree that bTB is a serious issue that needs to be addressed to protect cattle and ensure food safety. They both share the goal of eradicating it and protecting the farming industry.

## **HS2**

Those in favour of HS2 believe it will improve connectivity between major cities, boost regional growth and help rebalance the economy. Opposers of HS2 believe the cost is not proportionate to the benefits and that the money could be invested in more pressing needs or more localised infrastructure projects. They also have concerns over habitat destruction and disruption to local communities.

### **The Common Ground**

Both parties recognise the importance of investing in infrastructure to support economic growth, improve connectivity and reduce regional disparities. They may also share a common concern over minimising the environmental impact and any disruption to local communities whilst valuing the need for responsible and sustainable development.

## **Immigration**

Supporters of immigration may argue that it brings economic benefits by filling labour market gaps, contributing to innovation and boosting economic growth. They may also believe that it enriches a country's cultural fabric through diverse perspectives, traditions, and experiences. From a humanitarian perspective it also provides safety for those fleeing persecution, violence, or poverty. Opponents may say that immigration takes jobs away from native-born people and puts a strain on public resources, such as healthcare, education, and social welfare systems, due to increased population growth.

### **Common Ground**

Both sides may agree on the importance of ensuring that immigration policies are designed to maximize economic benefits and minimize negative impacts on native workers and public resources. They may also acknowledge the importance of addressing humanitarian concerns and providing assistance to those in need.

## **The Death Penalty**

Those in favour may argue that the death penalty serves as a strong deterrent to potential criminals and that it provides a sense of justice and closure for victims and their families. They may also say that it is a proportional response to most serious crimes and is more cost effective than long-term incarceration. Opponents may say that the death penalty is not proven to be an effective deterrent, that it violates human rights and also comes with a risk of executing innocent individuals.

### **Common Ground**

Both sides may share a common goal of ensuring a just and safe society whilst also recognising the importance of reforming and reintegrating individuals into society. Both sides may also acknowledge the importance of ensuring that individuals are treated fairly and that their rights are protected throughout the legal process.





**croydon  
mediation**

Aled is the seventh mediator we have interviewed for our newsletter which is attracting an ever increasing number of readers. As with all our previous interviewees, we find Aled's knowledge and passion for the mediation profession inspiring and we are very grateful to him for giving us his time. Our back catalogue of newsletters is

becoming a valuable knowledge hub for mediators of all levels of experience and we will continue to add to this in 2024. All our previous interviews can be accessed via 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

# Join Us

CM 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 £50 to register to train as a Community Mediator.

Register your interest now by emailing;

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

