

MEDIATION SKILLS

Deborah McCann Planning Consultant

BSc MRICS MRTPI Dip Arch Con

Dip LD

CEDR accredited mediator

Member of RICS Planning Mediation Group

What is Mediation?

Mediation is a dynamic, structured, interactive process where a neutral third party assists disputing parties in resolving conflict through the use of specialized communication and negotiation techniques. All participants in mediation are encouraged to actively participate in the process. Mediation is a "party-centered" process in that it is focused primarily upon the needs, rights, and interests of the parties. The mediator uses a wide variety of techniques to guide the process in a constructive direction and to help the parties find their optimal solution. A mediator is facilitative in that she/he manages the interaction between parties and facilitates open communication. Mediation is also evaluative in that the mediator analyses issues and relevant norms ("reality-testing"), while refraining from providing prescriptive advice to the parties (e.g., "You should do...").

Formal Mediation- How Does The Mediation Process Work?

There are 6 steps to a formal mediation

- 1) introductory remarks
- 2) statement of the problem by the parties
- 3) information gathering time
- 4) identification of the problems
- 5) bargaining and generating options
- 6) reaching an agreement.

The Role of the Mediator

- A mediator's role is to manage the process not the outcome
- A mediator is a facilitator not a arbitrator or decision maker
- A mediator must be impartial

The Role of the Mediator

- A mediator can empathise but not sympathise
- A mediator must listen
- A mediator must maintain confidentiality

The Role of the Mediator

- The mediator should encourage constructive, creative and co-operative problem solving
- The mediator should create an environment which generates options that meet the needs and interests of all parties in an effort to resolve the dispute

Mediation Skills

- Separate the people from the problem, whatever you may think of the individuals
- Be robust on the issues but always respectful of individuals
- Search for and try to understand the underlying objectives, needs and concerns of others

Mediation Skills

- Remember the power of acknowledgement of others' grievances and recognition of what they feel or have felt
- Look for mutual gains and common interests
- Avoid bottom line thinking - don't get stuck on one position or attitude

Mediation Skills

- Set aside difficult issues and work on others in parallel, trying to develop options
- Be prepared to make concessions and to help others to save face
- Avoid making assumptions - accept that generally everyone is trying their best

Mediation Skills

- Keep asking questions - what am I missing?
- Keep an open mind - flexibility is vital
- Remember the Big Picture
- Always listen to what others are saying

Potential Benefits

- Explanation of new developments and reassurance about change
- Creating opportunities to modify plans and make concessions while saving face
- Better quality of decision-making and outcomes

Potential Benefits

- More constructive and creative outcomes
- Breaking deadlock or a logjam and reducing barriers to dialogue
- Identification of interests rather than positions

Potential Benefits

- Meaningful engagement by interested and concerned parties
- Better identification of the real issues and a narrowing of differences
- Reduced time and cost in reaching effective decisions

Potential Benefits

- More effective management of risks for all parties
- Opportunities to be heard and to listen
- Acknowledgement and recognition of concerns and fears

Potential Benefits

- Greater overall understanding
- Separating the issues from the people
- Redressing of any perceived power imbalances

Potential Benefits

- Preserving, building or rebuilding of personal and professional relationships
- More effective communication and building of trust between various parties
- A structure which supports cooperation rather than confrontation

Bringing Mediation Skills into Planning Negotiations

- Formal Mediation
- Planning Negotiations
- In the workplace