

# FACT SHEET: Mediation

Experiencing difficulties in a relationship, whether with your partner, work colleague, neighbour or family member can be challenging.

## **WHY SHOULD I GIVE MEDIATION A TRY? IVE ALREADY TRIED TO TALK ABOUT MY CONCERNS WITH MY FAMILY MEMBER/ COLLEAGUE NEIGHBOUR ETC SO MANY TIMES AND I HONESTLY DON'T THINK S/HE'LL EVER GET IT.**

Mediators are trained to understand patterns of conflict and how conflict impacts individuals. Conflict patterns create feelings of pain and powerlessness and is usually very difficult to find a positive path forward without the assistance of a neutral third party to mediate the conflict. The mediator's role is to help each party to gradually shift their focus from their concerns to the issues they need to discuss. Mediators are specifically trained to assist parties to focus more on the issues that need resolution and less on each other.

## **HOW CAN I BE SURE THAT THE MEDIATOR WILL NOT TAKE SIDES?**

Mediators are trained to be impartial. Mediators don't take sides. Instead Mediators open up safe environments for individuals to discuss their disputes and reach appropriate agreements to move forward. Research shows alternative dispute resolution methods are more successful than adversarial processes as the people involved in the dispute are able to make decisions rather than formal processes where decisions are made on behalf of the individual.

## **I AM NOT ALWAYS ABLE TO EXPRESS MYSELF AS WELL AS MY PARTNER/COLLEAGUE ETC. I AM WORRIED THAT THIS WILL PUT ME AT A DISADVANTAGE.**

It is very common for one party in a dispute to be more confident in expressing themselves than the other. Mediation is particularly helpful in these cases because the mediator can either slow discussion down or open it up to allow the less confident party chances to express themselves. With a skilled mediator facilitating, the fact that one party can express themselves more confidently does not give them an advantage over the other.

## **I AM DOUBTFUL THAT MY PARTNER/COLLEAGUE WILL BE WILLING TO TALK ABOUT THE THINGS WE REALLY NEED TO TALK ABOUT. ALL S/HE HAS EVER BEEN ABLE TO DO IS BLAME ME FOR EVERYTHING.**

When two or more people are caught in a pattern of conflict, it is not at all uncommon that there will be a period when they will see all the fault to be in the other person. This is the very reason that mediators can play such a helpful role, in keeping both parties focused on the issues that requires resolution. Many parties are amazed that with the help of facilitation, they are finally able to talk about the issues that need resolution, without falling back into old blaming commentaries and stories that focus on how wrong the other party is.

## WHAT CAN I DO IF THE MEDIATOR DOESN'T UNDERSTAND OR REPRESENT MY VIEWPOINT PROPERLY IN THE MEDIATION? I DON'T WANT THINGS TO GET WORSE THAN THEY ARE NOW.

It is important to understand that the mediator is not there to agree with your viewpoint or to act as a "middleman". If a mediator were to show agreement with either party's viewpoint, they would lose their impartiality and be unable to mediate the conflict.

An experienced mediator will be listening carefully to understand your viewpoint, so they can help you express yourself to the other person. While the mediator is likely to paraphrase both party's perspectives it is important that each of you communicate your feelings and needs directly to each other.

Whether you are successful in obtaining the outcome you want or not will depend on how effectively you are able to work with the process provided and not whether the mediator agrees with your perspective.

## HOW AM I LIKELY TO FEEL DURING THE MEDIATION PROCESS?

- i) **The Individual Intake Interviews:**  
Most people feel a mixture of apprehension and hope before their individual intake sessions. Having completed this comprehensive interview, many experience a strong feeling of being heard and a lot less dread or burden as they anticipate. Individual communication coaching is sometimes offered before the mediation if a party is still feeling unprepared to engage with the other party.
- ii) Throughout the process parties may feel the mediator is taking sides. This feeling can happen in shuttle mediations or in preparing parties for mediation. This

occurs because you are only hearing one side of a conversation. However, it is the mediator's role to repeat the same information to each party.

- iii) As parties arrive for **mediation** their feelings may range from positive and optimistic to fearful and anxious. At CRS, our first step is to check in with each party individually, to allow a little time and space to settle in with the mediator before both parties are in the room.
- iv) **During the mediation**, parties often feel relieved and encouraged that the mediator is responsible for running the process. When parties work with the mediator and the structure provided, they are more likely to feel at ease and able to participate freely and effectively.
- v) **After the mediation** parties are often surprised and pleased that they have been able to co-create agreements with the other party. In some cases, a party may have wanted to have accomplished more, and a discussion will be held about the possibility of a further session.

## WHAT HAPPENS IF MY COLLEAGUE/FAMILY MEMBER ETC. TRIES TO INFLUENCE OR MANIPULATE THE MEDIATOR?

In the process that CRS provides, you will have the opportunity to provide your perspective on every issue. Each party is asked the same questions and given the same opportunity to respond with their perspective after the other has spoken. It is not the mediator's job to decide what is true or false or who's perspective is better. In the process CRS provides there will be times when mediator

will skilfully paraphrase what each person has said in an impartial way to both parties. All decision making however, is left to the parties themselves.

#### **HOW CAN I BE SURE MY PRIVACY WILL BE RESPECTED AT CRS?**

Our mediators are all committed to keeping your discussions in mediation confidential within the organisation. No information from a mediation can be raised in court, and we will not share your information with any individual or organisation without your joint agreement. The only exception to this confidentiality is in matters that we are mandated to inform statutory bodies like the police or CYPS. We would only do this in relation to matters that relate to harm to children or threats to harm another person or property.