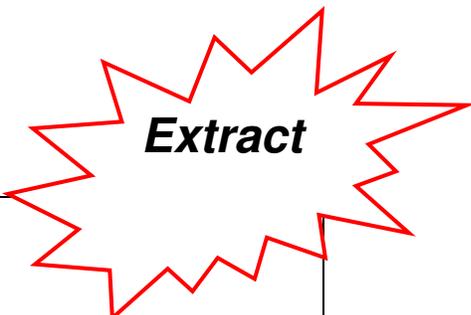


## 2. SKILLS OF A MEDIATOR



**Extract**

### OVERVIEW

In this module, we will cover the following:

- Introduction to mediation skills
- How to build relationships
- Establishing rapport
- Understanding body language
- Positive spoken language
- How to negotiate

### INTRODUCTION TO MEDIATION SKILLS

As a mediator, you will need to practise and develop a range of skills to help you effectively assist the people you bring together to resolve disputes and conflicts.

Emotions can run high between parties seeking mediation. It's your job to help maintain a calm and constructive atmosphere and gain co-operation from both sides. To do this, you will develop sophisticated communication skills, many of which you already use in everyday life.

In this module, you'll explore how to build relationships and establish rapport with the people you support in finding resolutions to problems.

You will see how effective this can be in reaching positive outcomes.

You will consider the significance of being able to read others' body language and use positive spoken language and negotiation skills to help people reach agreement.

## HOW TO BUILD RELATIONSHIPS

As a mediator, it's vital that you establish yourself as a person who can be trusted, who will remain neutral, and is there to play a facilitative role in helping people find their own solutions.

**It's not your role to offer solutions to them.** Although this may be very clear in your mind, don't assume that it's obvious to the individuals you are providing mediation for. State clearly what your role is from the start so that all parties are very clear.

## CREATING A PRODUCTIVE ATMOSPHERE

As a mediator your role involves building relationships with and between the people you are supporting. Investing time in creating an atmosphere in which effective relationships can develop is a crucial factor in achieving successful outcomes.

Here is an outline of some simple but important things that you can do to help move things in the right direction:

- Make eye contact with participants, especially when they are speaking.
- Take time to make sure you are clear on names and pronunciations – this makes people feel valued and that you are genuinely interested.
- Make sure you fully understand the nature of the dispute, conflict or problem.
- Ask appropriate and relevant questions to demonstrate your interest in the matter in hand, for example checking a fact or figure which is not in dispute.
- Bear in mind that although mediation is a process, people are not machines – ensure you retain a down-to-earth and human approach that focuses on seeking fair resolutions.

## ACTIVE LISTENING

A particularly essential skill for you in developing effective relationships is active listening. You should encourage this between participants by modelling it in your own behaviour and having clear expectations that when someone else is speaking, due attention and respect is given.

Active listening involves paying close attention to the speaker as follows:

- Focus on the speaker and maintain eye contact with them. Observe the reactions of others, but stay focused on whoever is speaking.
- To demonstrate that you are listening, nod and verbally acknowledge statements with a short 'yes' or 'uh-huh' where appropriate.
- Don't fidget or fiddle with objects in front of you such as pens and folders.
- Maintain a relaxed, open posture, inclined towards the person who is speaking.
- Interact with the speaker by subtly mirroring them. For example if they speak slowly, so should you.
- Encourage the speaker to expand on their points, for example by saying 'Can you say a little more about that?'
- Look out for what isn't being said. Think about the circumstances and what you might expect to hear that hasn't yet come up.
- Pay close attention to how things are explained. The feelings and values behind the words used may be more significant than the words themselves.
- Don't interject too often, in fact say as little as possible. If you're talking, you're not listening.
- Be careful not to interrupt the flow of the speaker, but do demonstrate your interest by asking questions, summarising and re-stating what has been said to show that you are digesting the information.

## **EXERCISE 2.1**

Have you or someone you know been in a situation where you have not felt listened to?

Have you ever felt that you are dealing with a person who is not making any effort to build a relationship with you? What did that feel like? Were you inclined to cooperate with them?

Write a brief description of your example in the space below.

## **WHY YOU MUST ASK QUESTIONS**

You have considered briefly the importance of asking questions when building relationships and practicing active listening. Questions serve the following fundamental purposes in mediation:

- To demonstrate that you are really listening – this is particularly important in the early stages to build trust.
- To obtain and be able to think through information, particularly as you reach the problem-solving stages.
- To check shared understanding, particularly in the final stages of reaching agreement.

It's important that you use open questions, rather than closed ones.

- An **open question** will invite elaboration and explanation.
- **Closed questions** invite short yes or no answers which generally make it difficult to move conversations forward.

For example, a closed question might be ‘Were you happy about that?’ In contrast, asking about the same subject using an open question, would simply involve re-framing this question by asking instead, ‘How did that make you feel?’

Use closed questions sparingly only to confirm important facts or to manage the flow of the conversation.

## **ESTABLISHING RAPPORT**

Rapport is the state of not only having established a trusting relationship but also of feeling genuinely connected and relaxed. You may have experienced strong rapport in many of your own relationships. In these relationships you feel you know each other well enough to complete each others’ sentences and communication between you and another person is easy because you ‘speak the same language’.

Establishing rapport with mediation clients involves some simple steps which you have no doubt used without even thinking about it in other situations:

- Use a similar tone and pace when speaking as the person you are speaking to.
- Use similar language to describe things rather than imposing your own way of saying things. For example, if someone refers to the ‘lounge’, don’t insist on calling it the ‘sitting room’ – mirror their language instead.
- Match gestures and postures the other person is using – if they gesticulate a lot, you can do so too because that’s a language they are comfortable with.

## OFFERING EFFECTIVE FEEDBACK

To further develop real rapport with people during mediation it's important to employ effective use of feedback which demonstrates your neutrality to both parties.

To feedback effectively, do the following:

- Use language that is not emotive. If participants are making exaggerated statements, tone them down when feeding back into more neutral terms. For example if some refers to an 'outburst', perhaps refer to it instead as a 'response'.
- Take the opportunity during pauses from speakers to show that you are listening and understand by feeding back what you have heard. Doing this allows you to check that your understanding is accurate and also makes the speaker feel validated.
- Simply re-state or paraphrase what you have heard or perceived (including the non-verbal cues you are picking up on such as furrowed brows). For example, say 'so, it made you feel...' or 'what I'm hearing is...' and then pause to invite a response to confirm your understanding.
- Don't repeat what the speaker had said word for word but do be aware of particular words or phrases the speaker uses and include them when paraphrasing. For example, if they refer to 'the kids', if it feels appropriate you might use the same term.
- Reframing is an essential part of your role as a mediator and is a very particular type of skill. It involves re-stating what has been said in a way that captures the core of what has been said but removes negativity and moves things forward.

It's a key way to establish the needs of a particular party. For example, if someone makes an accusation, you can reframe it into a statement about their interests instead. A participant might say 'He is so inconsiderate, he is never on time.' This could be re-framed as 'So, good time-keeping is important for you.'

- Summarise at key transition points in the conversation, covering all of the main points succinctly and checking that your understanding is correct.

Using good feedback builds on your efforts to build rapport by making participants feel valued and listened to. By repeating back their arguments to them in similar or fairer language, you demonstrate both your understanding and your neutrality which will be important to and valued by both sides.

### **EXERCISE 2.2**

Think of some examples of situations where you feel you have developed a good rapport with someone.

What were the key features of how a good rapport was established? How do these features relate to what you have studied so far in this module?

Make a list and some notes in the space below.

## **REMINDER**

Have you completed the following exercises?

- Exercise 2.1
- Exercise 2.2
- Exercise 2.3
- Exercise 2.4
- Exercise 2.5

Tick each box when you have completed the exercises. Then you can move on to the assignment that follows the summary below.

## **SUMMARY**

1. You have explored ways to build relationships including the significance of active listening.
2. You have considered the key features of building rapport.
3. You have examined some typical body language cues and considered which you might expect to see in an imagined scenario.
4. You have explored the significance of positive language and questioning in reaching agreement.
5. You have considered a range of ways to improve negotiation skills.

## TUTOR MARKED ASSIGNMENT 2

Read through the case study below and then answer the questions at the end. Your response should be approximately 500-750 words long.

### CASE STUDY

Nick and Louise had been married for 7 years. They have one child, Amy who is 2.

They had recently separated due to Nick having an affair and communication had completely broken down. Louise was not happy for Nick to see their daughter as she was afraid he would take her to meet his partner.

The mediator initially saw the couples independently so that each person could provide background details of how they saw the situation.

It also provided an opportunity for the mediator to begin building relationships with each party. The mediator used open ended questions such as 'Can you tell me a little more about.....?' and 'How did that make you feel....?'. This encouraged both clients to open up and also to construct their thoughts. Often clients thoughts have become so jumbled they cannot see clearly how things really are.

Using body language and positive spoken language the mediator provided an atmosphere of calm, trust and respect which encouraged both clients to relax and feel free to explore their issues.

The mediator also ensured that both clients felt they were in a safe and secure environment, where they were not judged.

As both the initial, individual meetings were successful, a joint meeting was arranged.

At the joint meeting both parties felt relaxed as they had already started to form a positive relationship with the mediator. They felt that they were listened to and valued. Both talked openly and freely and communication was good.

Although the outcome of the mediation was that they had decided to remain separated, they had learned how to communicate effectively which was essential as they had a small child to care for. Nick assured Louise that the relationship was over and that he would see their daughter at the family home until Louise felt happy for him to take her out.

Now answer the questions below:

- Write up a list of 6 open ended questions that could help clients to relax and communicate effectively.
- How could the mediator develop relationships and establish rapport with both clients?
- What do we mean by providing a safe and secure environment?
- What was the main benefit of the mediation?

When you have completed this assignment, send it to your tutor for marking. If you email your assignment, make sure you include your name and assignment number at the top of your work.

If you send the assignment by post, attach the cover sheet, which is on the following page.

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Well, that's the end of the extract. If you want to know more, you'll have to register!

We look forward to welcoming you on to the course, and helping you become a mediator.