

# The seven stages of mediation

## 1. Setting the stage (introductions)

The mediator makes opening statements to familiarize the disputants with the process and reviews the terms and conditions of the mediation

- Introduce the parties and yourself as the mediator
- Clarify your role as mediator (impartial party, no power to impose a decision)
- Set out the ground rules (one person speaks at a time, civility and respect, five minute rule)
- Remind of a voluntary process
- Mention mediator can terminate the process at any time
- Emphasize the confidentiality of the process

Example passage:

“Hello, first of all I would like to thank you for participating in this process. I have spoken to both/all of you about the incident/s and it is clear that what has happened has harmed everyone involved. This is an opportunity to talk about what has happened and how each of you has been affected. To help us all work together again, we need to discuss ways of stopping any further harm so we can improve our working relationship.”

## 2. Sharing Perspectives (goals of the mediator)

- To unveil and understand each disputant’s perspective regarding how each views the facts, situations and issues (each gets an uninterrupted flow of thoughts)
- For each party to hear and obtain an appreciation of the other disputant’s perspectives (use active listening and ask open ended questions)
- To identify the obstacles to a possible settlement (but avoid trying to find a solution)
- To allow the disputants to vent in a positive and constructive way (be open and receptive to what is being said)

Example passage:

“I would like to start by asking (most affected) to talk about how she/he became involved and what happened? At the time, what were you thinking? What have you thought about since? How has this affected you? What has been the hardest thing for you.”

Then ask the same questions of all parties involved.

## 3. Determining interests

Once the mediator has heard the perspectives of the disputants, it is important to clarify and confirm the interests of the disputants.

- Summarize for each disputant their understanding of each disputant’s perspectives, needs and concerns (get verification from each as well)
- Encourage each then to speak directly to each other and to ask and answer questions, where possible.

Example passage:

“Now that we have heard how all of you have been affected in some way by what has happened, is there anything anyone would like to say at this point?”

#### **4. Setting out the issues**

Openly list the issues presented by the disputants. (this helps focus on the specific issues to be resolved)

- Phrase issues in a positive way and with neutral language
- Review the list for completeness, additional possibilities and accuracy.
- Check in frequently to make sure that disputants are still with you

Example Passage:

“What suggestions do you have that will stop any further harm? What will help all of us work together again, without further conflict?”

#### **5. Brainstorming options/alternatives**

Now that the list has been developed, the mediator will encourage the disputants to generate options for resolution.

- Indicate that the options generated are in no way commitments
- Encourage brainstorming of creative options
- Demonstrate respect for all options
- Assist if possible in expanding the list of options

Example passage:

“What would you like to see come out of today’s meeting?”

#### **6. Selecting and confirming resolution options (focus and influence)**

- Encourage the disputants to use objective criteria to choose from the options
- Focus on the positions in the future, not the past
- Identify progress and acknowledge disputants participation.
- Aim for a settlement that is realistic, with which the disputants can live with.

Example Passage:

“What will each of you now do to help improve your relationships with one another?”

#### **7. Closure and departure**

- Review the settlement agreement to ensure it deals with all of the issues and is embraced by all parties.
- Acknowledge a job well done and thanks for participating in the process. (even if no agreement can be made)
- Disputants should shake hands on their agreement
- Mention that all notes of the meeting will be destroyed and confidentiality be maintained about the process.

Example passage:

“Thank you for being involved. It has allowed us to share and understand what has happened and importantly provided the opportunity to find positive ways of building better relationships with one another. What have you found useful from today’s meeting?”