

The Primary Mediation Process (in brief)

Stage 1 - Introduction and Rules

- 1) Introduce yourselves
- 2) Ask if they agree to mediation – move to a quiet area
- 3) Get agreement to the 5 Rules of Mediation:
 - Listen to each other – you'll each get a turn
 - One person speaks at a time
 - Be respectful
 - Be honest – tell the truth
 - Agree to try and solve the problem together

Stage 2 - Defining the Problem

- 1) Who will talk first? Value the person going second.
- 2) Ask Person (A) what happened? Repeat back facts and ask how she/he/they/them feels. How are you feeling about this? Repeat feelings.
- 3) Ask Person (B) what happened? Repeat back facts and ask how she/he/they/them feels. How are you feeling about this? Repeat feelings.

Ask (A) and (B): Do you have anything else to add about what happened?

Repeat back facts & repeat this question until they have nothing more to add.

Stage 3 - Summarising (one sentence)

- 1) My understanding is that the problem is about....., is that correct?
- 2) Persons (A) and (B) need to both agree. There can be more than one problem.

Stage 4 - Generating Solutions

- 1) Ask Person (B) and then Person (A): What can you do ...
 - ... to help solve this problem? **OR**
 - ... differently next time so this problem doesn't happen again?
- 2) Ask Person (A) to comment on Person (B)'s idea:
 - What do you think of that idea?
 - Do you have any other suggestions?
- 3) Ask Person (B) to comment on Person (A)'s ideas.
- 4) Ask which suggestions will solve the problem for both of them.
- 5) Mediator summarises the agreement and checks if it is correct.

Stage 5 - Reaching Agreement and Closure

- 1) Do you think the agreement solves the problem? Are you both happy now?
- 2) Write the Agreement on the Mediation Report Form and ask disputants to sign it.
- 3) Arrange a check back date and time.
- 4) Congratulate disputants on reaching an agreement.

Useful Open Questions for Mediators

(Questions that require an explanation or a description as a response)

1. What is your problem?
2. What happened?
3. Can you tell me more?
4. Can you be a bit more specific?
5. And then?
6. How are you feeling about this?
7. What are your thoughts about this?
8. What do you need right now?
9. What can you do differently next time, so it doesn't happen again?
10. How could you act differently next time?
11. What are you willing to do to solve this problem?
12. Is there anything else you want to say?
13. What else can you tell me?
14. What can you do to help solve the problem?