

THE SECONDARY MEDIATION PROCESS

(In brief)

Stage 1: Introduction and Rules

Introduce yourselves. Build rapport. Explain the purpose and rules of mediation. Get agreement to the rules.

- Listen to each other – you'll each get a turn
- One person speaks at a time – no interrupting
- Be respectful – no put-downs or name-calling
- Be honest – tell the truth
- Agree to try and solve the problem together

Stage 2: Defining the Problem

“Who would like to speak first?”

Disputant going 2nd: ***“You will get your turn and thanks for waiting.”***

Ask 1st disputant ... ***“Please tell us what happened? Listen to their response then ask: How you are feeling about this?”***

Mediator summarises ... Example: *“So you are feeling ... because ...”*

Ask 2nd disputant ... ***“Please tell us what happened. How you are feeling about this?”***

Mediator summarises.

Ask 1st disputant ... then ask the 2nd disputant:

“Do you have anything you would like to add about what happened?”

Unpack – keep repeating the above question to both disputants until they have nothing else to add.

Stage 3: Establishing Needs

Ask 2nd disputant: ***“What do you need from this mediation?”*** Mediator summarises.

Ask 1st disputant: ***“What do you need from this mediation?”*** Mediator summarises.

Stage 4: Generating Solutions

Ask 1st disputant:

“What can you do to help solve this problem?”

Ask 2nd disputant:

“What do you think about that idea?”

“Is there anything else you could you do to help solve this problem?”

Ask 1st disputant:

“What do you think of that idea?”

Mediator elicits responses from each disputant until an agreement is reached.

Mediator summarises the agreement reached by disputants.

Stage 5: Reaching an Agreement

Ask both disputants:

“Do you think the agreement solves the problem?”

“Are you both happier now?”

Write up the Agreement on the Mediation Report Form and ask disputants to sign it.

Arrange a checkback date, time and place. Write this information on the Report Form.

Congratulate disputants on reaching an agreement.