

# THE SECONDARY MEDIATION PROCESS

## (In depth)

### Stage 1: Welcome

Introduce yourself and your co-mediator. Build rapport and trust. Explain the purpose of mediation and go over the rules. (Refer to “**Mediator’s Welcome Statement**”) Make sure each disputant agrees to the rules before moving on to the next stage.

### Stage 2: Defining the Problem

Ask “**Who would like to speak first?**” (This is normally whoever is more upset or whoever has requested the mediation. The mediator can nominate a first speaker.)

Say to the person who is going second: “**You will get your turn and thanks for waiting.**”

Ask First Disputant:

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

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

Ask Second Disputant:

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

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

Ask First Disputant:

“**Do you have anything you’d like to add about what happened?**”

Ask Second Disputant:

“**Do you have anything you’d like to add about what happened?**”

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

### Stage 3: Establishing Needs

To Second Disputant:

“**What do you need from this mediation?**” Mediator summarises.

To First Disputant:

“**What do you need from this mediation?**” Mediator summarises.

### Stage 4: Generating Solutions

To First Disputant:

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

To Second Disputant:

“**What do you think about that idea?**”

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

To First Disputant:

“**What do you think of that idea?**”

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

Solutions should be fair, realistic, specific and meet the needs of both disputants.

**Mediator then summarises the agreement reached by the two parties**

### Stage 5: Reaching an Agreement

Ask 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 ‘checkback’ details on the Mediation Report Form.

Ask both parties to tell their friends the conflict has been resolved in mediation to prevent rumours creating more conflict.

**Congratulate both parties on reaching an agreement.**

## **Mediator's Welcome Statement**

Thank you for choosing mediation as a way of helping you to solve your problem together.

My name is ... and this is ...

During the mediation process you will both have a chance to explain what happened and how you are feeling about it. We, the mediators, will then help you on a way forward to sort things out so that the problem does not happen again.

We, the mediators:

- will not tell you what to do
- will help you to find your own solution or solutions to your problem
- will not take sides
- will not tell anyone about what happens in this mediation unless you share with us something that is against the law or which could be harmful to you or someone else

Would you please both agree to:

- Listen to each other – you'll each get a turn to speak
- No interrupting – one person speaks at a time
- Be respectful – no put-downs or name-calling
- Be honest – tell the truth
- Keep what is said here confidential – just between us
- Try and solve the problem together