

Mediation: Part Three - How to prepare participants effectively



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The prospect of attending a mediation session in order to try and settle a workplace dispute can be very daunting for everyone concerned.

So what can HR professionals do to support people and help prepare them for the big day?

1. Clarify the **mediation process**

Most providers supply all parties with a written document that gives a detailed outline of the mediation process, including the fact that the average duration of a session, if two people are involved, is a full day.

This full day typically starts with each of the individuals concerned getting together with the mediator for a confidential meeting that usually lasts about an hour. Once these sessions have taken place, a joint meeting can then begin and each person is given an initial opportunity to speak without interruption.

These monologues are followed by an open exchange of views about what has taken place and how the situation has affected all parties concerned. The mediator supports the participants through this process, giving them the freedom to choose what they want to discuss and how.

Once they have had sufficient time to explore these issues, it is usual for people to start evaluating the kind of relationship that they wish to establish going forwards. This discussion may involve negotiating a specific set of actions that each party agrees to undertake or it may lead to a verbal commitment or expression of intent.

Participants next decide if and how to record the outcome and whether they want to show it to third parties. Most mediators are also happy to offer each individual follow-up calls at agreed intervals in order to provide them with a sense of ongoing support.

2. Explain the **principles of mediation**

The aim of the written document, which is sent to both participants and the HR department before mediation day, is to explain the principles under which mediators conduct meetings. Most professionals will make telephone contact with the individuals concerned prior to the session in order to introduce themselves, answer any questions and talk through any concerns.

The four key principles on which mediation is based are: confidentiality, impartiality, voluntarism and self-determination.

Confidentiality is often formally captured in an agreement that is signed by everyone before the meeting begins. The mediator commits not to pass on anything said during the session to anyone else, including HR, without the explicit approval of all parties.

Moreover, anything that any individual said to the mediator during their initial one-to-one meeting will not be raised during the joint session. Likewise, all parties commit to keep the contents of mediation discussions to themselves, with the

exception of anything that they jointly agree should be communicated to third parties.

The principle of impartiality assures everyone concerned that the mediator will not take sides or decisions about who is right or wrong in the dispute. Instead they will provide each participant with an equal opportunity to speak and to be heard, and will reflect back what was said without bias or judgement.

According to the principle of voluntarism, mediation only proceeds if all parties engage willingly in the process. Self-determination, meanwhile, ensures that the content and outcomes of all discussions are mutually agreed upon.

These last two principles encourage each individual to take responsibility for their situation and to own the resolution, making it more likely that any agreement will be adhered to.

3. Establish goals and expectations

Before mediation day, providers typically send participants a short questionnaire to help them evaluate how they wish to use the session and what they hope to gain. The questionnaire may also prompt them to think about their expectations and what the best, worst and most likely outcomes of mediation would be.

This preparatory exercise is intended to help people understand what is required, what they stand to gain and what options they have if the process is not successful. It also reinforces the principle of self-determination by helping them gain a sense of ownership over the situation and its outcome.

But HR will also have its own goals and expectations around such activity. While mediators will make it clear that participants are in complete control of the outcome, HR professionals may wish to clarify their position, for instance, their hopes that working relations will be restored or their commitment to providing further support to help both parties move on, if required.

4. Get the basics right

Because everyone concerned is likely to feel vulnerable in the run-up to a mediation session, it is all the more important that HR ensures nothing goes wrong in terms of planning and logistics. Such activity includes booking appropriate rooms, making arrangements for lunch and refreshments and clarifying arrival and finishing times.

The choice of rooms is very important, for example, as it sets the tone. But ideally, three rooms should be set aside for the whole day - one for the private meetings; one for the joint session and one as a break-out room, if required, later in the day.

These rooms should be away from participants' usual work spaces – and ideally be located in a different building – in order to guard against people having to pass colleagues in the corridor.

But it is also worth thinking about what to tell other team members and colleagues about the situation. Sensitivity will be required here to avoid creating any additional anxiety for participants.

Finally, everyone concerned will need to prepare themselves mentally for what is to come. Mediation is a demanding process as it often involves confronting painful memories and discussing highly emotional issues.

This means that people will need to psych themselves up in order to summon enough energy and concentration to make the most of it. They should also be prepared to dedicate an entire day to the process without feeling that they need to return to their desks or become distracted by other matters.

As a result, one of the best bits of advice that HR can give to participants is simply to get a good night's sleep the night before so that they are more likely to come to the session with a clear head and an open mind.

In the last article of the series, however, we will explore what the likely outcomes of mediation are and how HR professionals can go about supporting participants going forward.

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