

The Continuum of Power Series

Part 4: Charting the continuum of mediator influence and power

by John Crawley

This activity will help mediators think about how they utilise power and influence in a structured and appropriate manner.

- 1) Think about what you do as a mediator, and identify and name the core skills that you utilise (the competencies from any training course could help here).
- 2) Reflect on moments in your mediation practice when you may need to exert your influence and power e.g. one party talking over the other; parties taking back what has already been offered; one party threatens to leave.
- 3) Endeavour to break down these core skills into behaviours that you could and / or do use e.g. one party talking over the other – skills: conflict management – allow space for venting, watch and wait a little longer, request a pause and remind of ground rules; empathy: acknowledge feelings; maintain warm, calm voice tone; impartiality: balance parties behaviour and needs, remind of impartiality; process control – remind parties of process, request a pause in behaviour to enable progress.

I know this is not easy, so by way of a starter I have outlined below some of the core activities CMP trained mediators use by way of assistance:

Core mediator skills

Managing the Content – core activities

P1 and P2 separate sessions – capture the content, get full and detailed account from each party, get content clear, identify issues, identify interests and needs, identify positions, and collect initial ideas for resolution.

P1&2 joint mediation session – as above plus – exchange ideas about issues, agree what to discuss, identify what is not in dispute, identify common ground, resolve issues, ensure options meet interests, plan future action, identify what to do with unresolved issues.

Behaviours – to do this mediators will use a range of listening and facilitation techniques including, reflective listening, focusing, expanding, clarifying, reframing, chunking, omitting, including, issue and problem definition, collecting options, filtering what can and cannot be mediated, directing, shepherding.

Managing the Interaction – core activities

P1 and P2 separate sessions – rapport building, establishing boundaries, listening, creating a safe environment, empathising, impartiality, empowering, encouragement, acknowledgement, handling upset and anger, impartiality, joint session, conflict management, facilitation, balance, control, enable, empower, challenge, encourage behavioural change and self reflection, encourage recognition, reconciliation, coaching, communication reshaping, exchange of feelings

P1 and 2 joint mediation session – as above plus – facilitating exchange of feelings and perceptions, encouraging explanation, openness and honesty, managing conflict, building bridges, spotting common ground in feelings and behaviour, sustaining rapport under pressure, reinforcing positive behaviour, rebuilding communication, restoring trust, managing equality and diversity and power issues.

Behaviours – to do this mediators will model positive behaviours, spot what is going on in the room, recognise positives, normalise, mutualise, give affirmation, manage difficult or disruptive behaviour assertively, use sensitivity, empathy, maintain balance and impartiality, use influencing and persuasion skills, recycle positives, redirect away from negatives, use non-blaming language, remain positive and patient. There will also be a need to sustain positive open body language and warm voice tone, challenge inappropriate behaviour, and shepherd, direct and signpost towards the future and away from the past.

Managing the Process – core activities

P1 and P2 separate sessions – introducing and explaining the process, responding to questions, challenges, managing transition through the process, responding to the needs of the parties, completing all the process stages, preparing for the next stage of the process, closing the process appropriately.

P1 and 2 joint mediation session – as above plus ensuring all parties understand the process, building commitment to and comfort with the process, signposting and explaining the process, ensuring balanced participation, delivering appropriate modifications to the process as necessary, keeping people on task, managing each stage of the process to a conclusion, knowing what to do when the process stalls or is not completed.

Behaviours – to do this mediators will need to communicate effectively about the process with a wide range of people, encourage, empower and give examples of success. They will structure interactions, sequence conversations, set and maintain process boundaries, facilitation transition through the process by directing, coaxing, shepherding. Mediators will use pacing, timing, sequencing and modelling to gain compliance without using undue power. They will also need to be tolerant of different abilities and levels of willingness to cope with mediation. Mediators using the Interactive Model© also need to be aware of the temptation to do too much of the work, and need to be adept at getting the parties to use the process while they are in the mediation arena so that they can continue to use core ingredients of it when they are back in the workplace.

For more on this subject contact john.crawley@cmpresolutions.co.uk. This article is 4 out of 5 in this series.



John Crawley is the Founder and Chair of CMP Resolutions.

CMP Resolutions work to Close, Manage and Prevent disputes at work through skills development, mediation and investigation services.

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