

Rhizome guide to

Mediation Competencies

These were set up by mediation organisations working in commercial, family and community settings back in the 1990s, but were never made into a qualification. You can use them as a checklist to assess how you and your skills are progressing.

Establish contact with parties

1.1 Prepare for first contact

- a. Gathers all information needed in preparation for the mediation.
- b. Meets with co-mediator (as appropriate) to agree how the first contact is to be conducted and agree roles.
- c. Plans for and takes action regarding personal safety.

1.2 Establish communication with clients

- a. Is welcoming and accepting.
- b. Gives time and attention - enables clients to express concerns and ask questions.
- c. Adjusts style to suit the needs of clients.
- d. Listens for feelings, circumstances and priorities.

1.3 Create an appropriate environment

- a. Shows empathy.
- b. Helps put clients at ease.
- c. Respectfully reduces distracting effects of the surroundings.
- d. Takes account of safety issues.
- e. Draws attention to confidentiality and its limitations.

1.4 Enable clients to determine the use they will make of the service

- a. Encourages people to talk, ask questions and express expectations - using a variety of questioning methods sensitively.
- b. Gives accurate information about the service in a helpful, accessible way that helps the client make informed decisions.
- c. Responds constructively to clients concerns, objections and questions.
- d. Where the service cannot meet the clients needs, presents other options - including referral elsewhere as appropriate.
- e. Draws attention to policy matters which become relevant as a result of client disclosures.

1.5 Agree with clients the next steps

- a. Explain clearly what are the options open to the client.
- b. Respectfully challenges limiting perspectives - without any attempt to coerce the client.
- c. Leaves space for the client to ask questions.
- d. Checks back with clients that any decisions for next steps are indeed agreed and understood.

Prepare and set up mediation

2.1 Establish the appropriateness of the mediation process with each party

- a. Welcomes the parties.
- b. Explains the purpose and principles of the mediation process, at a pace, and using language, appropriate to all parties.
- c. Explains the potential and limitations of mediation.
- d. Checks each party's understanding of mediation and clarifies information.
- e. Invites parties to express their feelings and concerns about the mediation process.
- f. Considers alternative options where mediation (or the mediator) is inappropriate.
- g. Establishes each party's commitment to the mediation process.

2.2 Develop interaction and build rapport with the parties

- a. Encourages parties to express their needs and concerns in their own way.
- b. Allows thinking time.
- c. Checks back understanding of parties' needs and concerns.
- d. Pays attention to language, tone of voice and body language.
- e. Treats the parties in an impartial and non-directive manner.
- f. Gives the parties appropriate time and attention.

2.3 Agree ways of working with the parties

- a. Describes the role of the mediator.
- b. Agrees the role of a co-mediator and others who may be present.
- c. Agrees a structure for the mediation sessions (the model).
- d. Explains how feedback on the service can be given and how the complaints procedures work.
- e. Confirms policy on confidentiality.
- f. Explains the nature and need for note taking and records.

2.4 Agree conditions and boundaries

- a. Promotes co-operation and positive use of mediation.
- b. Gain agreement with parties in the ground rules for conducting the mediation sessions.
- c. Explains how mediation relates to legal position of each party.
- d. Explains the policy regarding record keeping and how confidentiality will be maintained.

Stage mediation meetings

3.1 Develop interaction and build rapport with parties

- a. Encourages parties to express their feelings and concerns in their own manner of communication.
- b. Checks and creates a shared understanding of needs and concerns.
- c. Ensures discussions are exploratory - does not limit the parties expressions of needs and concerns.
- d. Recognises and minimises anything that constrains communication in order to maintain interaction.
- e. Recognises risk situations and takes action promptly.
- f. Regularly reviews the interaction with parties to ensure it continues to be helpful to them.
- g. Avoids being drawn into colluding with parties, particularly in the interests of rapport and empathy.

3.2 Establish issues with the parties

- a. Allow each party sufficient uninterrupted time to express concerns and feelings.
- b. Checks and confirms with each party that understanding of information is accurate.
- c. Identifies issues and agrees with parties which ones will form the agenda for discussion.
- d. Encourages full discussion of the issues that gives the maximum chance for progress to be made.

- e. Considers alternative options when mediation cannot help.
- f. Recognises where their position as the mediator becomes untenable and then takes appropriate action.
- g. Where shuttle mediation¹ is being used - all information relayed between parties is accurate and agreed by the parties.

3.3 Explore issues with the parties

- a. Helps the gathering and exchanging of information between parties.
- b. Respects and manages differences of position.
- c. Deals with demonstrations of emotion and feeling appropriately - to allow the mediation process to move forward.
- d. Encourages the parties to acknowledge each others perspectives.
- e. Recognises and establishes common ground where agreement seems possible.
- f. Clarifies and respects issues of confidentiality.

3.4 Assist in identifying potential options

- a. Ensures that the timing for exploring options and proposals is appropriate to the progress being made in the mediation process.
- b. Reassures parties about confidentiality, safety and security of discussing issues - where necessary.
- c. Helps parties to create and develop potential options for themselves.

- d. Encourages parties to focus primarily on future possibilities rather than past events.
- e. Encourages parties to consider a full a range of options as possible.
- f. Helps parties to consider the implications, consequences and practicalities of the options.
- g. Helps to explore and develop further options where progress is not being made.

3.5 Assist in building and securing agreements (outcomes) between parties

- a. Establishes the criteria for an agreement with both parties.
- b. Reviews the options discussed with the parties - seeks alternative suggestions where necessary.
- c. Suggests ways in which gaps between the position of each party can be narrowed.
- d. Identifies and builds on moments when decisions on options can be made.
- e. Identifies and builds in potential for compromise between parties where appropriate.
- f. Checks the basis of an agreement with the parties to ensure ownership.
- g. Establishes the conditions and method of implementing the agreement with the parties.
- h. Ensures that any agreement is the result of a joint decision between parties.

3.6 Bring interactions (meeting) to an end

- a. Gives parties opportunities to signal their need for ending.
- b. Manages the tension between time available and the parties requirements.
- c. Ensures that parties' autonomy is affirmed by the ending process.
- d. Acknowledges parties' reactions and feelings about ending the meeting.
- e. Ensures the ending process includes a summary of what has happened and agreed, and what will happen next.
- f. Ensures that all records are completed and stored in line with confidentiality policy.

Manage the mediation process

4.1 Facilitate exchanges between parties (face to face and shuttle)

- a. Allows each party sufficient uninterrupted time to put forward information.
- b. Checks each party's understanding of the issues and ensures that information exchanged is accurate and comprehensive.
- c. Maintains a flow of information between parties and encourages direct communication between them.
- d. Considers different ways of mediating as a means of facilitating the process.

- e. Ensures equal involvement of the parties throughout the process.
- f. Respects the competence of parties to participate fully throughout the process.
- g. Applies the ground rules fairly and consistently throughout the process.
- h. Reframes (adjusts) the content and style of communication between parties to facilitate constructive exchanges.
- i. Ensures the voluntary nature of participation is maintained throughout the process.
- j. Ensures that in shuttle mediation all information is relayed accurately and as agreed by each party.

4.2 Manage conflict and address power imbalances

- a. Recognises and draws attention to any power imbalances within the mediation process, identifying alternative options where the power imbalances hinder the mediation process.
- b. Uses a range of interventions to limit the adverse effect of strongly expressed negative feelings and emotions.
- c. Manages aggression by parties in order to sustain the mediation process.
- d. Ensures each party has equal opportunity to participate.

Work within codes of practice

5.1 Work co-operatively in pairs and groups

- Negotiates roles when co-working.
- Gives honest and constructive feedback on what hindered and helped clients.
- Receives feedback constructively.
- Expresses ones own needs assertively, without putting oneself, or others, down.
- Listens to the needs of co-workers.
- Seeks to work collaboratively.

5.2 Work within the ethical codes of practice (old Mediation UK standards)

- Demonstrates a commitment to best practice.
- Maintains the contractual boundaries of relationships with clients.
- Recognises, and seeks help with, limits in own competence, experience or values - where coping would interfere with being of service to clients.

- Monitors discriminatory behaviour and assumptions and takes appropriate action.
- Recognises and manages conflict between ones own ethics and those of the mediation service.
- Respects clients irrespective of difference between them and oneself.
- Meets all requirements for accountability.

5.3 Evaluate own practice

- Assesses own practice against agreed standards and objectives, using a range of evidence.
- Evaluates own contribution to the objectives and development needs of the service.
- Recognises and addresses the effects of one's own prejudices, values, beliefs, feelings, perceptions and behaviours on clients and other mediators.
- Monitors and evaluates the time and attention given to different clients.
- Identifies areas for improvement in own practice.

5.4 Ensure continuing self / professional development

- Seeks support/supervision/consultancy in order to ensure work is always competent and ethical.
- Sets and prioritises realistic goals for won self/professional development.
- Devises, regularly reviews and adjusts own development plan as appropriate.
- Identifies and takes appropriate opportunities for training and development.
- Keeps up to date with developments in theory and practice and assimilates them into own practice.

Rhizome is a co-operative of experienced facilitators, trainers and mediators. We work with co-ops, and campaigning and community groups across the UK, and with those national organisations that support activism and participation in all its forms.

This briefing is licensed under the **Creative Commons Attribution-ShareAlike 2.0** England and Wales license - <http://creativecommons.org/licenses/by-sa/2.0/uk/>. Modify it to your needs, but credit www.rhizome.coop in your revised version, and keep it share-alike.

