



Case study three: Tool 2 - Mediation stages

This tool sets out the stages of a mediation process. You can use it to plan and deliver a mediation session.

Mediation

Establish the arena



Define and clarify the issues



Set the agenda, prioritise and plan



Discuss the issues and explore options



Develop solutions and secure agreement

Stage 1: Establishing the arena

The mediator manages introductions, clarifies the process, establishes ground rules and confirms their role. They will make sure that all participants have signed the Agreement to Mediate, which sets out the terms and conditions of mediation.

Stage 2: Defining and clarifying the issues

The mediator will ask each participant to explain why they have come to mediation, their concerns and what they hope to gain from mediation. The mediator will summarise this information after each participant has presented their view, to ensure that they have understood the issues correctly and to acknowledge the concerns and feelings of each participant.

Stage 3: Agenda setting, prioritising and planning

The mediator will ask each participant to help set an agenda for mediation. The issues will be drawn from each participant's presentation in stage 1. The mediator will:

- > ensure that the participants lead the development of the agenda
- > include issues that are significant to the participants
- > help the participants to link issues, which can make resolution easier in stages 4 and 5
- > ensure that all issues that can be included are included.

The mediator will help the participants to prioritise the issues and agree an order in which to discuss them. It may be necessary for participants to be given the chance to resolve some issues before others can be discussed.

Stages 4 and 5: Discussing the issues and exploring options

The mediator will encourage participants to discuss each issue in the order set out in the agenda. They will listen carefully for agreement on certain issues and find ways to bring participants closer on issues they do not agree on. The mediator will also encourage participants to focus on interests – what each party needs – rather than positions – what each party wants. By establishing interests that are the same or similar, the mediator will encourage participants to be creative and explore options that meet everyone's needs and interests.

Stages 6 and 7: Solutions and securing agreement

The mediator will encourage participants to build on the options discussed in stages 4 and 5 to develop solutions that meet everyone's needs. Two important processes happen at this stage:

- > Participants are empowered to find their own solutions that work.
- > Participants work in partnership – collaborating to find solutions that are beneficial to everyone.

The mediator plays an important role here: to help the participants test the achievability of the solutions they have developed. In appropriate cases, they will help the participants to focus on how their proposed agreement meets the needs of anyone – including those not present – affected by its outcome.

This information is based largely on:

www.scie.org.uk/publications/mediation/mediation/stages.asp