Mediation

Definition

Mediation is a form of conflict resolution that uses a trained, neutral independent third person to facilitate communication between parties in conflict and make voluntary informed choices to resolve the conflict.

Mediation can be and is used in a variety of sectors to varying levels. It is used in the Youth Sector, particularly with adolescents and their parents or caregivers who are experiencing conflict which can lead to family breakdown.

While you may not be a trained mediator there are certainly components of the mediation process you can incorporate into your practices.

Through the process of mediation conflicts can be resolved and the existing relationships of young people and their families may be strengthened. It is often used with young people and their families as it is an effective problem solving process that shifts the responsibility for decision making back to the individuals.

Sometimes this process can be a new experience for families, as they may never have discussed issues or made collective decisions prior to this intervention. Often the lack of these skills or the reluctance to use them may contribute to the presence of conflict within the family.

Purpose of Mediation

The ultimate purpose of mediation is to resolve conflict. This process promotes the involved parties to come to an agreement voluntarily.

The mediator facilitates the process of mediation. To do this the mediator should:

- create a comfortable environment for the parties
- facilitate communication between the parties to enable them to put forward their views
- assist parties in identifying issues without directing the content of the discussion
- encourage the parties to explore possible resolutions to the conflict
- test possible solutions
- put the resolution in writing (if appropriate).
Conciliation

Conciliation is a process similar to mediation but the conciliator presents solutions to the family with the aim of getting them to agree as to how the conflict should be resolved.

In your role as a Youth Worker you may find that the family may not know the full range of options available to them as a result of a number of issues, which could include:

- language barriers
- isolation issues
- lack of experience or knowledge to be able to suggest creative strategies that will benefit the whole family.

In this situation, conciliation may be preferred as opposed to mediation to assist the family reach the best possible solution.

The mediator needs to ensure that:

- participation is voluntary and the participants need to be committed to the process
- they facilitate communication between family members
- they identify and consider the valid interests of all concerned
- everyone agrees to the decision, no one is forced to agree
- they are impartial and remain neutral, they do not represent clients or take sides
- everyone gets the opportunity to express his or her own point of view and allows everyone to have an equal say
- they control the process of the discussion, not the content
- they do not give advice or suggest outcomes to the conflict unless there is agreement to do so
- mediation occurs in a neutral, confidential and non-threatening environment
- all parties have the ability to negotiate.
Duration of Mediation Sessions

The duration of mediation sessions will vary depending on the participants and the skill level of the mediator to keep the session focused. While professional mediators may run sessions for two hours, you may find running a one hour session more productive. It is important to watch for behaviours in participants that indicate to you they are tired and can no longer focus positively on the issues. These signs can be characterised by participants saying, 'I don’t care, decide whatever you want', or they may become abusive to the other participants. If this is the case, you may choose to conclude the session and resume the following week.

Conducting a mediation session takes a lot of skill and practice on the part of the mediator. If the mediator is not clear on their role in the process and lacks the ability to maintain control over the process the session is not likely to go well. It is essential that you recognise the complexities of facilitating a mediation session and prepare yourself for it. Reading relevant material, attending training courses and utilising experienced staff within your organisation can assist you to develop these skills. The Family Mediation Centre also offers mediation programs for young people and their parents as well as providing training to professionals.

The 'Fix My Adolescent' Parent

Even when you have an understanding of the mediation process and have developed some skills in this area, the individuals involved can complicate the process. For example parents may participate in the mediation session with the belief that at the conclusion of this session their problem adolescent will be 'fixed' and that you are going to do it. While a clarification of the roles and outcomes at the commencement of the session may help it is not a guarantee that all will go to plan. Also, as mentioned earlier, the process needs to be voluntary to be successful. In some instances the adolescent may have been forced by the parents to attend which will make the process even more difficult.

In this situation it is often valuable to meet with the parents and adolescent individually prior to the combined session to clarify the purpose of the session and the roles of the individuals. As the participants are required to negotiate for what they want you may find it useful to provide the adolescent with some support in this area at the preliminary meeting.

The 'Parent Deaf' Adolescent

Alternatively the adolescent may be 'parent deaf'. This occurs when the adolescent has built up a barrier to his/her parents and will not listen to what they are saying, even though if they did they may feel it is reasonable. In this situation using a mediator is particularly effective as the adolescent is more likely to respond to their parents’ message when it is delivered by another person.