

WHY IT SHOULD BE LEFT TO THE EXPERTS: **GROUP MEDIATION**

Group conflicts, involving a range of different personalities, needs and interests are almost impossible to mediate for inexperienced staff. This guide outlines why you should always refer such disputes to an expert.





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Introduction

Any organisation is under pressure to save money, time and resources, and as such, may think they can 'have a go' at mediating a complex dispute. The problem with this is that untrained, underexperienced mediators might not make things better, and could even make the situation worse.

We regularly see evidence of this when people attend our mediation training courses. Trainees are often amazed at how little they truly understand mediation and come to realise towards the end of the course why we offer a 6-day programme.

Managers may often tell us that they've 'already tried' mediation. However, this very often means something different. A manager may have sat down with the individuals and sternly instructed them to improve the way they behave. By our definition, mediation is a distinct, structured process with several key elements that should be followed, and in no case rushed.

Group conflicts are almost impossible to mediate with not only training, but a high level of experience. In the majority of group situations we encounter, the conflict is entrenched; issues are complex; feelings are strong and the manager may have lost their authority.

In this guide we aim to provide an understanding of what makes group mediation different.

Why group disputes happen- and why they are a business issue

If a conflict between two people goes unmanaged, the wider team takes a view, takes sides, or gets sucked in despite their best efforts. Colleagues will always be damaged by a bad relationship between two people, even though it may not show. No one likes to go to work in a bad atmosphere or enjoys not knowing what might happen to upset people today.

It is all too likely that the team or department will be experiencing a loss of productivity as people start to feel jaded, frustrated and demotivated; and there will be a reduction in good-quality decision-making, as information isn't shared and points are scored.

Equally, it may be that one of those involved in a two-person conflict may also be voicing the concerns of others. These could include the dissatisfaction, stresses or shortcomings of their more tolerant or conflict-averse colleagues. Ignore this potential at your peril, as people who do not complain will, in the long run, cost you far more in lost productivity, low engagement and staff turnover, than someone who has the courage to complain and give mediation a try.

All these factors affect your bottom line, your service delivery, and potentially your customers. So it's essential that the situation is fixed, and no further damage is experienced.

Why group mediation needs to be carried out by an expert

1) It's a difficult process: A joint mediation meeting is a challenging process to coordinate. A mediator will be unravelling potentially complex issues and trying to generate potential solutions with the involved parties. They need to show empathy and manage feelings of distrust, anger and distress. It is also their job to ensure that everyone has the same opportunity to speak and that the process is fair and balanced.

Multiply that by two and imagine a mediation with four people- this can generate potentially sixteen times the work! Not only does Janet have a conflict with John, she may also have a conflict with Jim, Jason and Jasbinder, all of whom may also have conflicts with each other!

With a larger group you're also more likely to encounter challenging behaviours, as people feel 'on-show' in front of their colleagues and don't want to be seen as betraying their alliances. Some people will want to speak and take up a lot of time, others may feel intimidated and dis-inclined to speak. In such, ensuring an equal time share is extremely difficult.

2) It requires more preparation: Because of the volume of issues, and the complexity of the dynamics, it's really important to scope or map what's going on carefully and in detail. Doing this while staying neutral needs well-developed impartiality skills, and above all, a mindset that is firmly outside 'problem solving' mode.

It takes a skilled mediator to determine, after meeting each party privately, what the next step should be. Is it a series of

two-party mediations? Is it a whole-group mediation? Is this a multiparty mediation or large-group mediation? It's a complicated process and takes a deep familiarity in the psychology of how people behave in conflict, to get it right.

3) You have less time: Unless you're exceptionally lucky, you'll be under significant time pressure from your organisation. If you were to devote the same amount of time to a ten-party mediation as you did a two-party mediation, it could take as much as 10 days. It's very unlikely you'll have this amount of time available, and hence a shorter process must be used.

This puts a greater deal of pressure on the mediator, as for a group case they must prioritise different parts of the mediation process over others. Is it more important to work on the relationship issues and rebuild trust/ confidence? Or should you focus on working towards agreements for actionable change?

There will be much more material to work with, and more views on various options to acknowledge. An inexperienced mediator may find the pressure too much and fall into ineffective habits such as:

- Insufficient acknowledgement of feelings
- Rushing to solutions without exploring people's needs
- Offering suggestions in order to get a 'result'
- Using group processes that aren't related to the process of mediation

4) Group mediators need different skills: In addition to good practice and knowledge of the mediation process, a group mediator needs to have a wider understanding of why teams

and groups get into conflict. They'll require excellent group facilitation skills, be able to work effectively with groups in conflict and apply strategies to keep the group behaviours in line with the values of mediation.

Not only this, but they'll need exceptional self-awareness and neutrality to avoid taking too dominant a role in the process themselves.

Group mediation needs additional and greater skills than those covered from an introductory or certificate-level mediation course. We believe these must be developed through on-the-job exposure to case work, which is why all of our group mediators must have at least 5 years' practical experience.

Case Study: Group mediation in action

CMP was called in by the company CEO to resolve a situation that had resulted in the team becoming polarised. This had led to a breakdown of team communication, a number of disputes between individuals, and strong emotions for a number of the team members. The brief to CMP was to restore working relationships in the office and re-establish a fully-functioning team.

The project

Relationships had broken down between senior personnel which had impacted on the whole organisation. The resulting problems manifested themselves in poor working relationships and increased levels of sickness.

Patrick, the mediator, first talked privately with each member of staff, uncovering a number of half-truths and myths which had compounded the problem CMP were briefed to resolve. It highlighted the need to include other stakeholders in the resolution process.

From these confidential meetings Patrick identified several two-party and small group mediations which he carried out over a number of weeks. The subsequent group facilitation focused on dispelling some of the myths that had been created over time, defusing people's negative emotion and helping the team find ways of relating to each other that would help them work together effectively.

The full team meetings took two extended sessions, and paved the way for team members to talk to each other in an environment which rebuilt trust and working relationships. Subsequent one-to-one meetings involving key trustees completed the process.

The CEO believes that Patrick's skill in maintaining the trust of all involved and his tireless work in supporting him and others between mediations as the situation unfolded, were vital in achieving a successful outcome, over and above his obvious talents as a mediator:

The situation had generated strong and deep-seated emotions, and Patrick's support, reassurance and persuasiveness in getting people to come to the table facilitated a gradual and successful repair of relationships.

Outcomes

The Trustees started to adopt a different way of working with the CEO and his team, to increase their effectiveness. There is no longer an 'us and them' culture within the organisation. The psychological barriers have been broken down and people are once again taking responsibility for team harmony.

In the words of the CEO:

"The mediation that you ran with us has helped... It enabled me to tell everyone what had happened. They established some ground rules. But most importantly you killed the myths and legends and cut us free from the baggage we had all been carrying.... I am so much more confident about the future."

Some of our clients



What next?

CMP can offer support with outsourced mediation cases, both on an individual and contractual basis. We also deliver ILM-endorsed mediation training courses, to equip your own staff to mediate at an excellent standard.

We can provide support with your decision-making process, as to whether mediation is the most appropriate action to take.

Contact us today to discuss your specific needs further.

About CMP

Our ambition is to create workplaces where people can really be authentic, bringing their whole-self to work. We call these Clear Air™ workplaces; places where there are no inhibitors to speaking up, expressing opinions and challenging the status quo. Where ideas can be shared without fear of reprisal, where teams have trusting relationships, and can appreciate and respect individual differences and opinions.

We know that this leads to employees who are happier at work and more engaged with their organisation.

For nearly 30 years, CMP has offered world class Professional Services, such as coaching, investigation, mediation and team development; Consultancy Services such as policy and process review/ development, and Training in managing workplace relationships. These are available to every layer of an organisation and delivered at all levels of complexity.

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