



International Certificate in Workplace Mediation

Become a TCM Accredited Workplace Mediator.

Trainer Name

Consultant Partner
and TCM Accredited
Mediator

The TCM Group

TCM GROUP

Putting
People First™

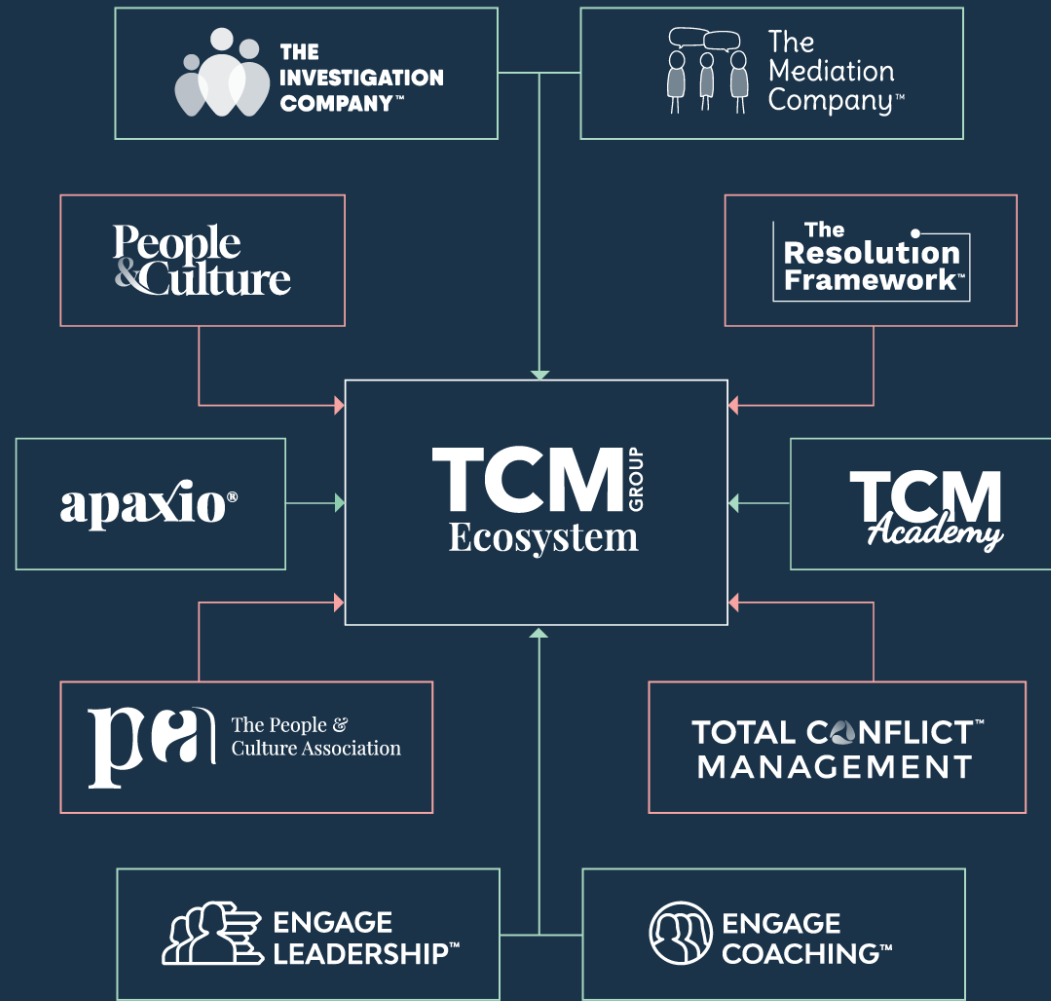


The
Mediation
Company





1. Your **name** and **role**
2. What **experience** do you have of mediating and what does resolution mean for you?
3. What do you **need** from this course?



Putting People First™

Introducing **TCM** *Academy*

Train. Consult. Mediate.

Managing Conflict by David Liddle, CEO of The TCM Group



DAVID LIDDLE

MANAGING CONFLICT

A PRACTICAL GUIDE TO
RESOLUTION IN THE WORKPLACE

CIPD

“ ...highlighted some innovative and highly effective approaches...”

Michael Gibbons
CBE, Independent Reviewer of DRR
for Secretary of State, DTI

CIPD KoganPage

Available to purchase via **Amazon** or **Kogan Page**

Use code **LIDDLE20** for 20% off

Please note that the above discount code can only be used on the Kogan Page website.



Setting the scene

The nuts and bolts

- Timings, breaks and lunch
- Post course support, CPD and evaluation
- Learning logs and reflection
- Experiential learning- learning through doing
- Opportunity for questions and debate throughout

Ground rules

- ❖ Confidentiality
- ❖ Respect
- ❖ Open Mind
- ❖ Participate



Your TCM Delegate Zone

Welcome to your dedicated course dashboard.

Here you can find details of your upcoming course, supporting resources and useful documents.

Your dedicated TCM contact is Cameron Duncan:
✉ Cameron.Duncan@thetcmgroup.com
☎ [020 7092 3188](tel:02070923188)

TCM GROUP + **TCM Academy**

Course Downloads

- 📄 OCN Registration Form
- 📄 Delegate Slide Deck (Available on the day)
- 📄 Course Agenda
- 📄 Course Detailed Syllabus

Course Downloads and useful resources

Papers and articles

Information about the course in these 4 tabbed areas

Your day to day point of contact at TCM

Overview | **Course Preparation** | **Meet the Trainer** | **Feedback Form**

National Certificate in Workplace Mediation (5 Days)

How to become a TCM Accredited Mediator.

You talked, we listened...



Reflections from your pre-course questionnaires and any pre course work

Overview of course modules

Module 1: Introductions and objectives

Module 2: The nature of conflict

Module 3: Overview of mediation

Module 4: The anatomy of a FAIR mediation

Module 5: Securing a commitment to mediate

Module 6: The first meeting

Module 7: First meeting practice

Module 8: The second meeting

Module 9: Non-violent communication

Module 10: Reframing

Module 11: Second meeting practice

Module 12: The joint meeting

Module 13: Overcoming impasse

Module 14: Dealing with strong emotions

Module 15: Managing the exchange

Module 16: Problem-solving

Module 17: The final agreement

Module 18: Joint meeting practice

Important information about the course

- Introduction to the **The Workplace Mediators Handbook™**
- **Modes of assessment and related paperwork:**
 - **Days 4 to 6 – practical assessments**
 - **Post-course written work**
 - **Learning logs**
 - **Self-assessment and mediation agreement (pages 237-238)**
 - **Portfolio (activity section of manual) (pages 215-229)**
- Support for delegates and **follow-up arrangements**
 - **RRR** – Refresh, Review, Reassure session – to be arranged in 6 months
 - The TCM Delegate Zone
 - Freephone delegate helpline **0800 294 97 87 – option #3**

Course Structure

Day 1 Understanding conflict and mediation...

A conversation about conflict

Setting the scene for mediation within your organisation

Managing the mediation process

The first meeting with the parties

Day 2 The skilled mediator...

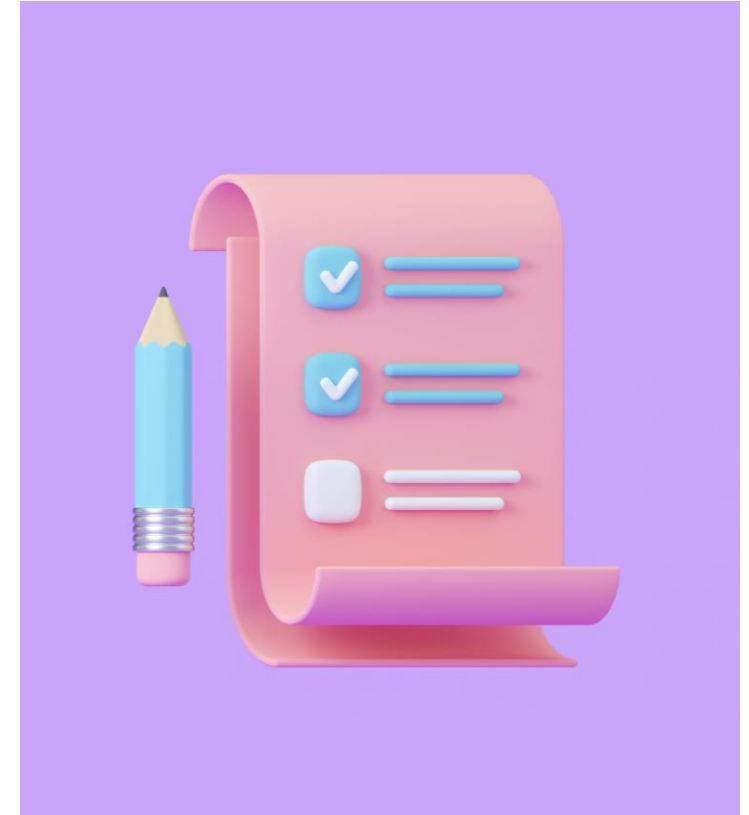
The five key mediation skills that you need

The second meeting with the parties

Day 3 The competent mediator...

Managing the mediation process

Managing the joint meeting





Module 1: Objectives

Objectives of the course

1. To understand the theories underpinning conflict and mediation.
2. To develop awareness of the role of the mediator within the modern workplace.
3. To develop the skills required to mediate in complex workplace disputes.
4. To provide opportunities for mediation practice, feedback, reflection and professional development.
5. To assess mediators' competencies using a mix of written and practical assessments.



Module 2: The Nature of Conflict



struggle feud battle

combat dash rift quarrel

war
discord disagreement fall-out
grievance

The 3 C's of Conflict

1. What are the **causes** of conflict at work?
2. What are the **costs** and the **consequences** of conflict?



Five facts about conflict

1. Workplace conflict costs UK Employers £32 billion a year in lost working days alone (CIPD).
2. Over a third of managers would rather parachute jump for the first time than address a problem with their team at work (CEDR).
3. The average annual costs to employers of dealing with ET claims is almost £20k. (Gibbons Review).
4. Grievance procedures bring situations to a resolution in less than 25% of cases. (TCM)
5. TCM mediators achieve a signed agreement in over 93% of cases.



CONSTRUCTIVE

Let's have an open and honest conversation about our feelings.

OK, no judgement from me. I'll listen to you.



When you said that to me, it made me feel really inferior.

I had no idea my words had that impact on you. I understand where you're coming from.



That sounds like a resolution that works for both of us.

Shall we make sure to communicate better in future?



DESTRUCTIVE

I'm raising a grievance for the way you've treated me.

What?! Why? I don't understand.



Months later...

We've not upheld the grievance and your suspension is lifted, you can go back to work now.



Stress and worry

Poor Mental health

Broken relationships with work colleagues

No space to understand perspectives



What behaviours might you see in conflict?

Behaviours

Feelings

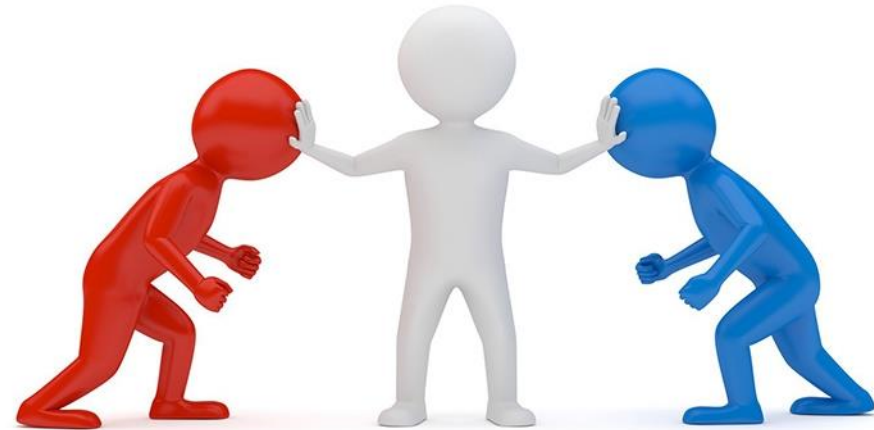
Needs

Loss



When conflict goes wrong..

- ❑ Uncertainty – **loss of control**
- ❑ Fear – **loss of safety**
- ❑ Suspicion – **loss of trust**
- ❑ Stress – **loss of control**
- ❑ Cliques – **loss of power**
- ❑ Disengagement – **loss of a future**
- ❑ Rumours/gossip – **loss of voice**

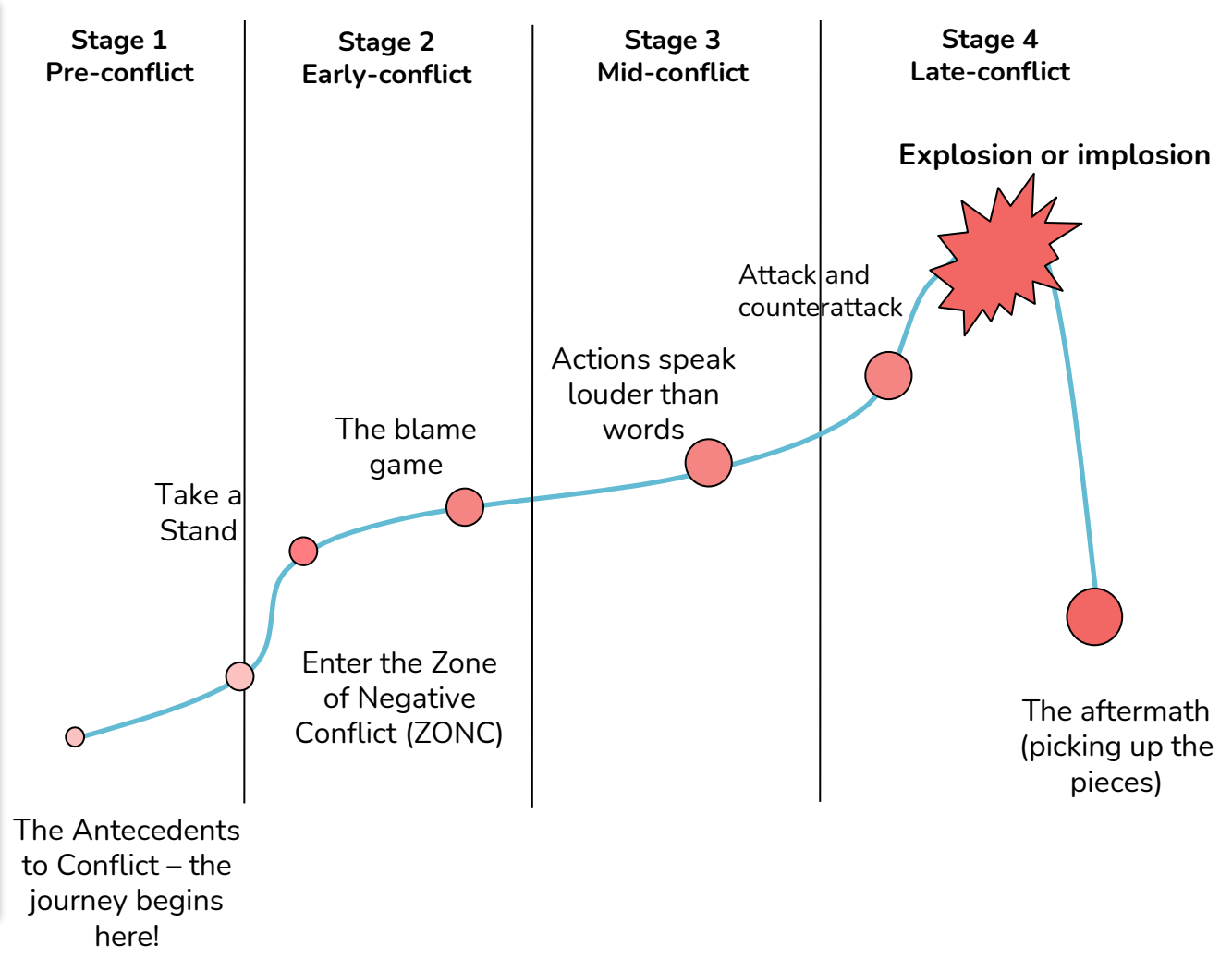


Conflict: vicious cycle or virtuous circle?

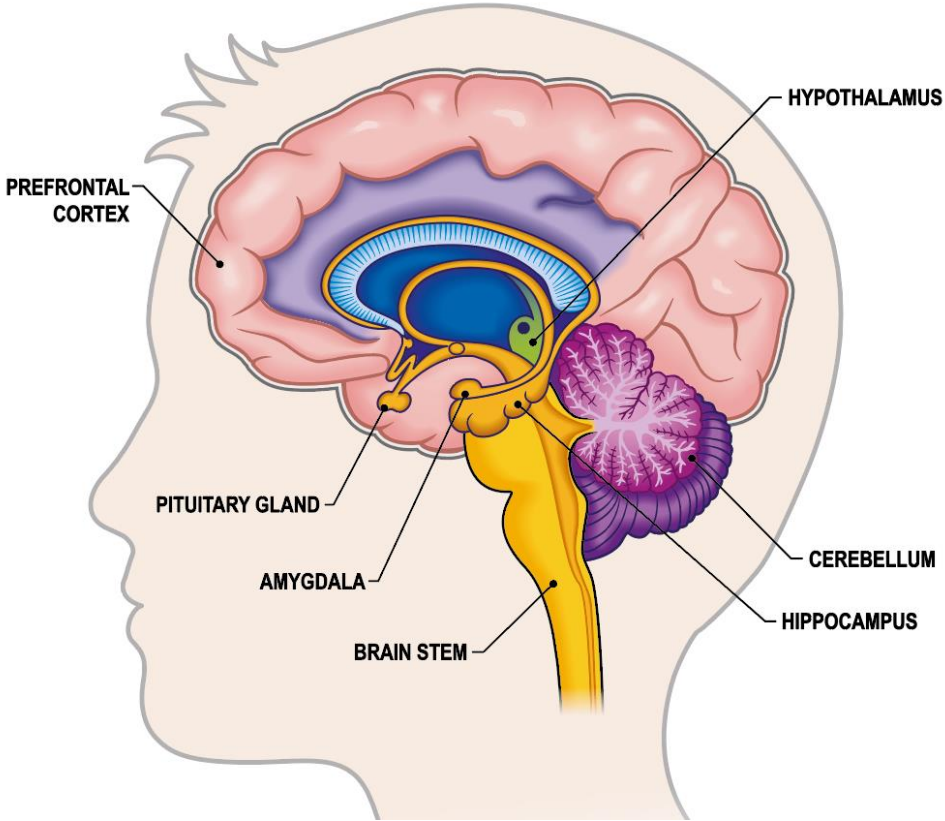


“The less control a person feels he or she has over a stressful situation, the more traumatic it will become.”

The lifecycle of a conflict



Conflict tricks us into behaving badly.



Cortisol and Adrenalin

FIGHT
FLIGHT
FREEZE
FALL

There is a fifth F. I'll get to that one in a moment or two!

Ways in which people respond to conflict:

Auto Fight Response - I win/you lose

Belief: You don't matter

Payoff: vents anger, achieves short term goals

Impact: Alienating other, frustration and isolation

Auto Flight Response - I lose/you win

Belief: I don't matter

Payoff: Avoids unpleasant situations

Impact: Needs are not met; anger builds up; feelings arise of low self-worth

Flow Response - I win/you win

Belief: We both matter

Payoff: Achieve goals most of the time; self worth and value is not lost

'Conflicts between people are inevitable. Whenever you have a difference of opinion with someone, that is conflict. There are conflicts with a small "c" and conflicts with a big "C", but they are all conflicts'

Peter Honey (1997)

'But running from conflict will not serve anyone well. Ultimately, the elephant in the room only grows or becomes much more unwieldy'

Laura Berger (2017)

Floze



Flow

In diffusing aggressive situations, we can extend adult to adult interaction between two people:

Flow of dialogue.

Flow of empathy.

Flow of mutual respect.

Flow of ideas.

Flow of trust.

Flow reduces the levels of cortisol and increases the levels or likelihood of engagement. In a flow state, we can achieve our mutual needs.

In other words flow = a win/win situation.

The existing dispute resolution systems:



- Are **reactive**.
- Are inherently **adversarial**.
- They **polarise** the parties.
- Rarely identify **root cause** of conflict.
- Individual or business needs are **ignored**.
- They **impede** creativity.
- They create a '**blame, grievance, entitlement or litigation culture.**'

Conflict Management Styles (TKI 1974)

Your own goals

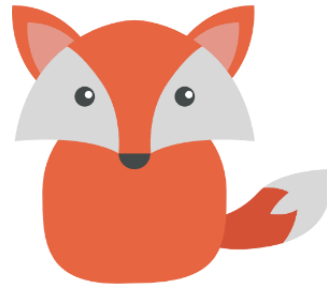


Shark: Force
(Compete/Direct)

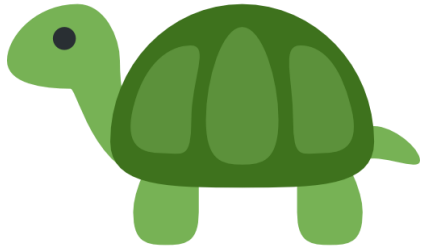


Owl: Collaborate/Cooperate

Win/Win



Fox: Compromise



Turtle: Withdraw (Avoid)



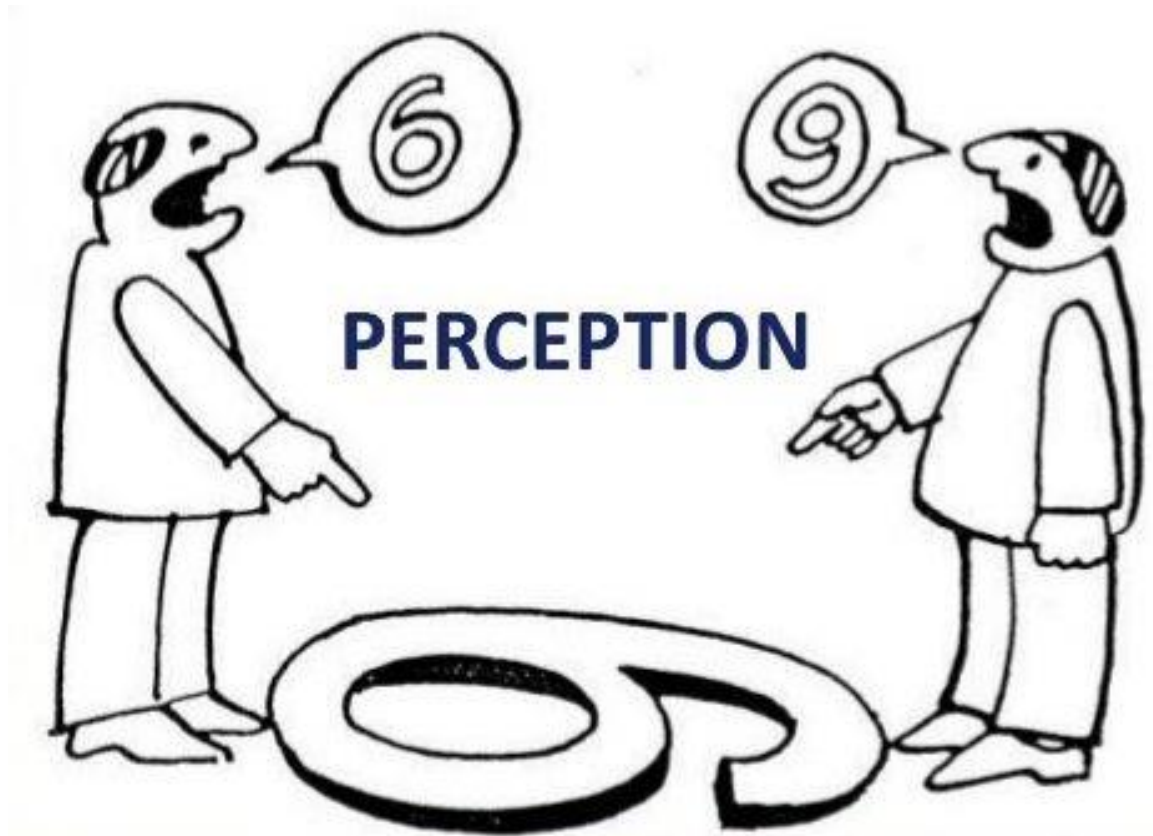
Teddy: Harmonise (Accommodate)

Other person's goals

The context of mediation and dispute resolution

- Mediation is now widely recognised as best practice with a recognition of the real cost of conflict (human & financial)
- Stress, absence and performance management along with retention & management of employees
- Underpins engagement, wellbeing, performance, customer care and various business, community and legal reforms
- The Gibbons Review (2007) Employment Act (2008) and the ACAS code

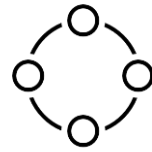




- Speak from own truth
- Reality is built on what is available to a person

Questions and Discussion





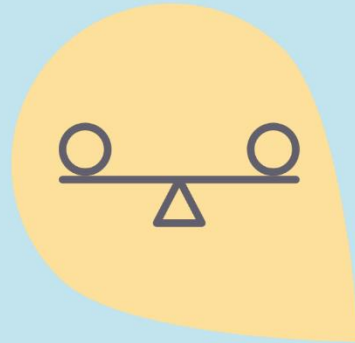
Module 3: Overview of Mediation

'Opening the door to dialogue'

safe space

With an accredited mediator leading the process, the joint meeting is facilitated on a neutral and level playing field for all sides to have their say and be heard, with uninterrupted speaking time.

02



01

compassionate

By focusing on personal feelings and emotions as a people-centred process, value comes from thoughtful consideration and discussion of underlying interests and needs.

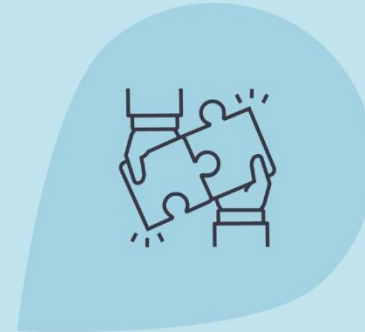


03

communicative
Parties must engage in adult to adult dialogue in order to reach a successful and mutual resolution, flexing skills of active listening and facilitated conversation.



04



collaborative

Mediation prompts parties to think outside the box, discuss root issues, and customise their own bespoke and creative resolutions as a partnership.

05

future focused

Parties are encouraged to design their ideal future and work towards securing that. Check-ins post-mediation are arranged to ensure that resolution remains at the forefront of working relationships.



the magic of mediation

Mediation in a nutshell!

Mediation	The Mediator	Benefits
<ul style="list-style-type: none">VoluntaryConfidentialSafeEmpoweringObjectiveSolution focusedRespectfulInformalNeutral	<ul style="list-style-type: none">ImpartialNon-judgementalChallengingPromote dialogueManages safe processEmpatheticListensBuilds understanding	<ul style="list-style-type: none">Parties agree own solutionsInformal resolutionSpeedyAdult to AdultIncreases productivityIncreases cohesionCost effective

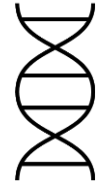
..and what mediators don't do!



- Advise or make suggestions
- Coerce or lead
- Judge or blame
- Take sides
- Sympathise
- Evaluate the merits of a case

Workshops – explaining Mediation

1. A manager has contacted you to try and sort out a conflict between colleagues, you need to explain **what mediation is and how it works**.
2. A party to a conflict is sceptical about mediation and has asked you to outline the **role of the mediator** and the **skills that a mediator uses**.
3. A manager has contacted you referring a case for mediation; what **criteria** will you use to assess if the case is **suitable** or **not** for mediation?
4. You have been asked to prepare a short presentation explaining the **benefits of using mediation** to resolve conflict.



Module 4: The Anatomy of a FAIR Mediation™



FAIR Mediation™

Facilitate | Appreciate | Innovate | Resolve

The FAIR Mediation Model™ combines all four forms of mediation.



- Facilitative
- Evaluative
- Narrative
- Transformative

The FAIR Mediation Model™

1. Preparation and securing a commitment to mediate

2. Separate, confidential meeting(s) with the parties

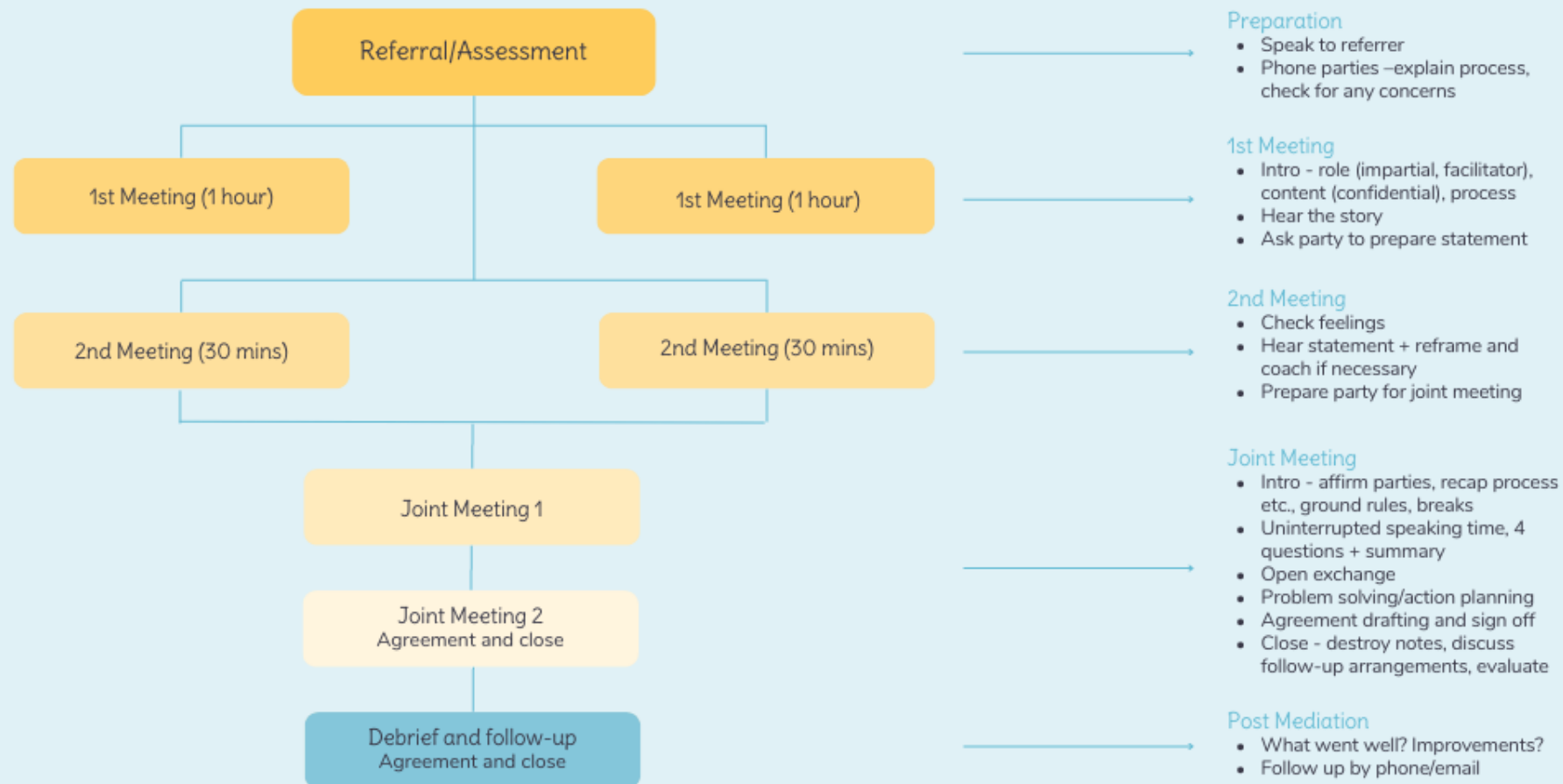
3. The joint meeting

4. Evaluation, reflection and follow up

How does the FAIR Mediation Model support mediation in practice?

<p><u>Voluntary</u></p> <p>Safe</p> <p>Engaged</p> <p>Good faith</p>	<p><u>Self-Determination</u></p> <p>Responsibility</p> <p>Craft own solutions</p>	<p><u>Impartial</u></p> <p>Non-judgmental</p> <p>Create right conditions</p>	<p><u>Confidential</u></p> <p>Open and honest</p>
--	---	--	---

The Mediation Process



First Meeting

- S - Story
- I - Impact
- N - Needs
- G - Goals

The Joint Meeting

Ground rules:

- Respect
- Courtesy
- Listen to each other

Four key questions:

(after uninterrupted time)

- I - Impact
- N - Need
- C - Consequences
- A - Anything to add?

Second Meeting

Reframing tips:

- What do you need?
- Why do you need it?
- How will you feel if you get it?
- What are your alternatives if you don't get?

10 top tips for dealing with difficult behaviour:

1. Unhook
2. Check out
3. Acknowledge, affirm, ask
4. Describe effect on you
5. Offer alternatives
6. Reminder of ground rules
7. State conditions
8. Break
9. Issue warning
10. Close session

The Joint Meeting (cont.)

Problem solving tools:

- Magic wand
- Brainstorming
- 2 things to change
- Empathic questions
- Hypothetical questions
- Stop, start, continue

SMART agreements:

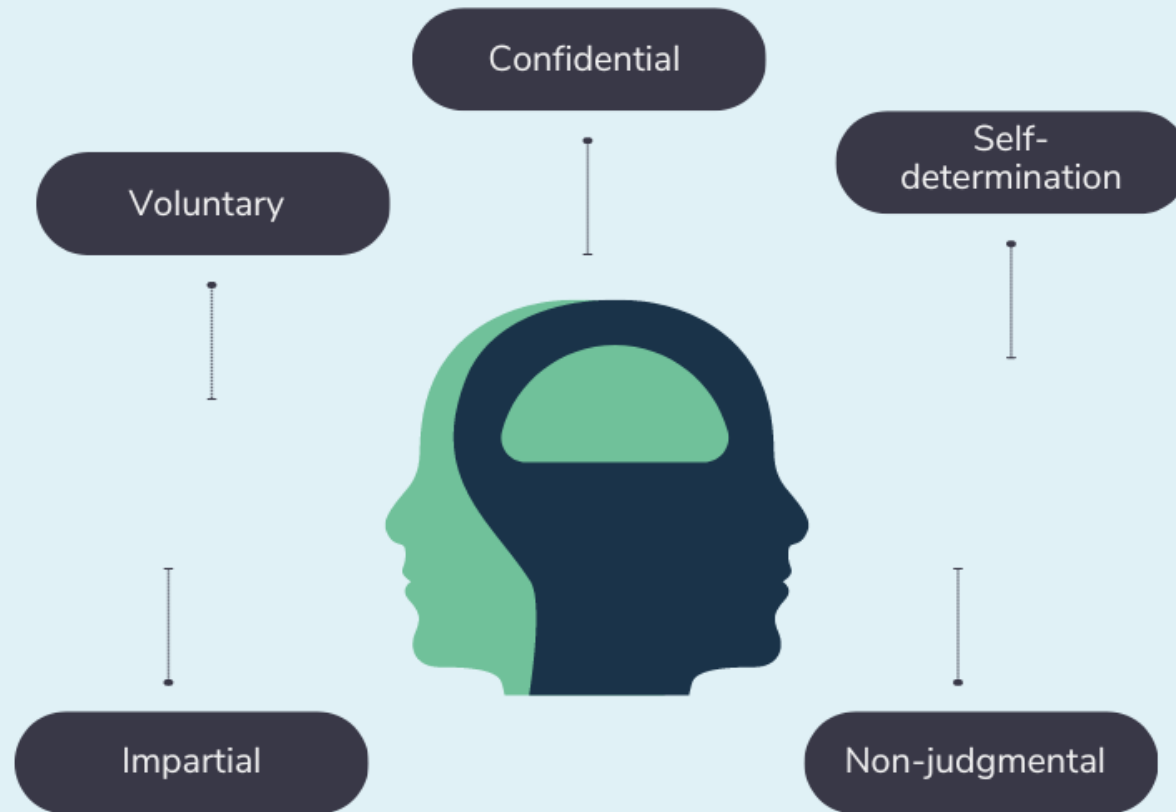
- S - Specific
- M - Measurable
- A - Achievable
- R - Relevant
- T - Time-bound

Include:

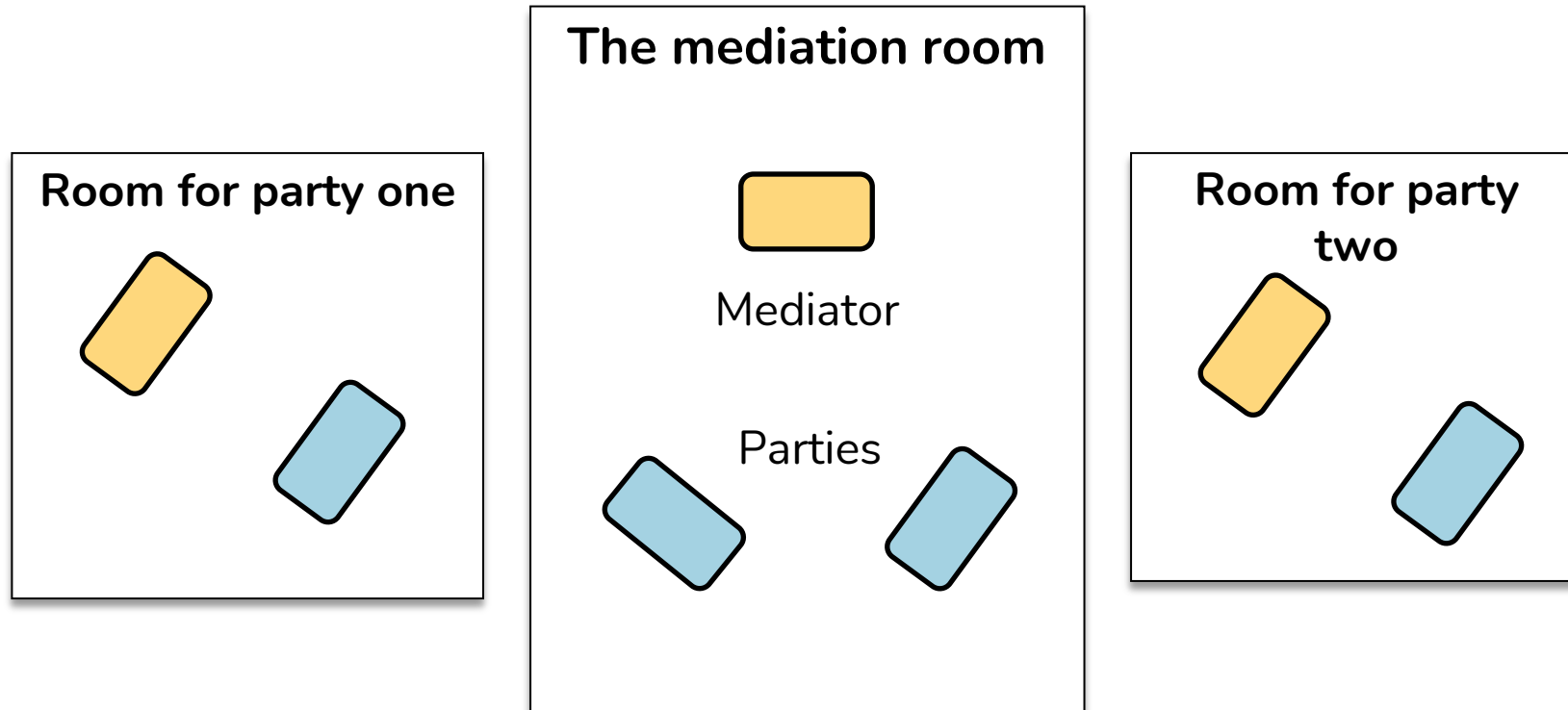
- Dispute resolution clause
- Who will see the agreement



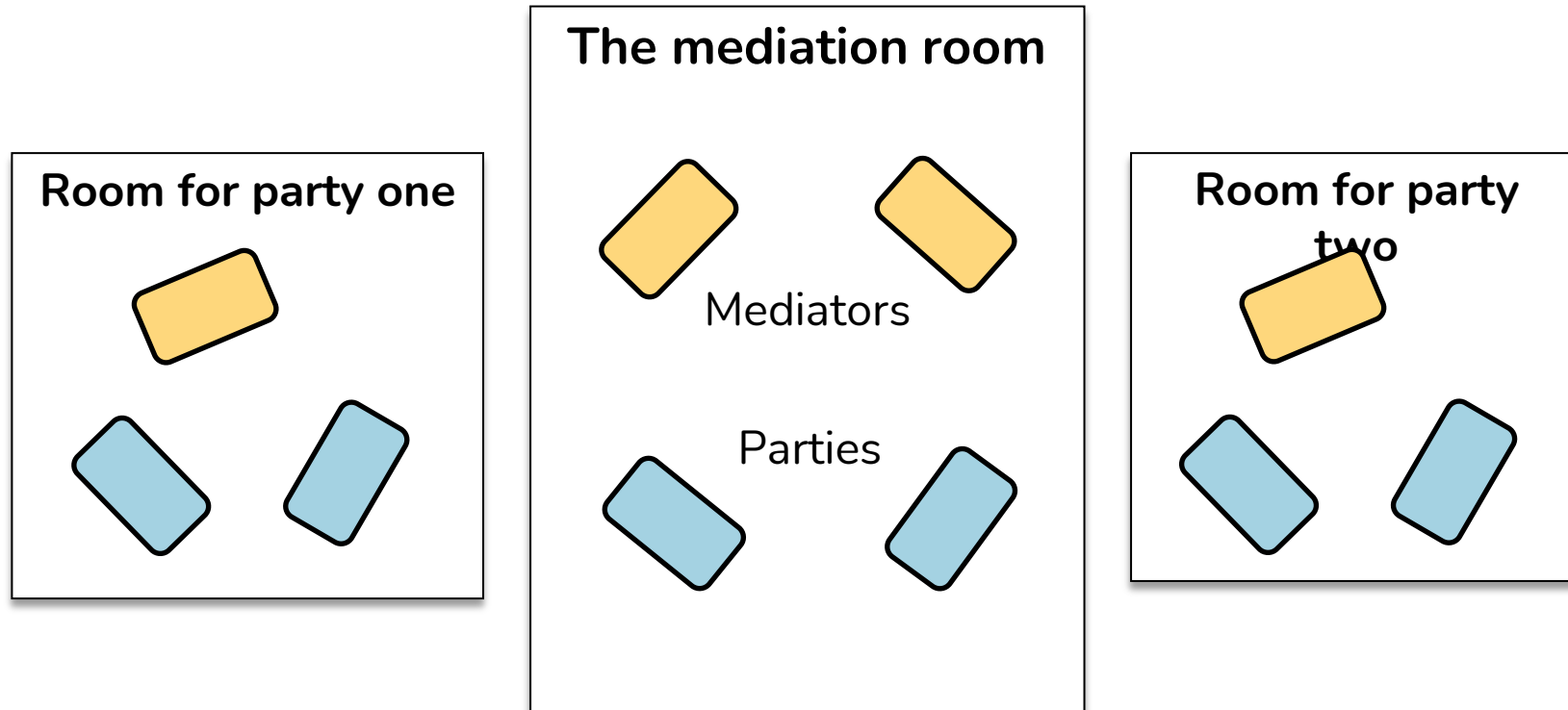
The 5 core principles of mediation



Suggested room layout (solo-mediation)



Suggested room layout (co-mediation)



Co-mediation



What do you think the advantages and challenges of co-mediation might be?

How can you prepare well for co-mediation?

ACTIVITY 9

Preparing for co-Mediation



- Prepare well – roles, strengths, challenges, triggers, needs
- Work together (no mediator lead)
- Be open + model collaboration
- Be inclusive with each other
- Debrief and feedback well

ACTIVITY 9



Module 5: Securing a commitment to mediate

Group Discussions

- What do people want from mediation?
- What objections or concerns will parties have about mediating?



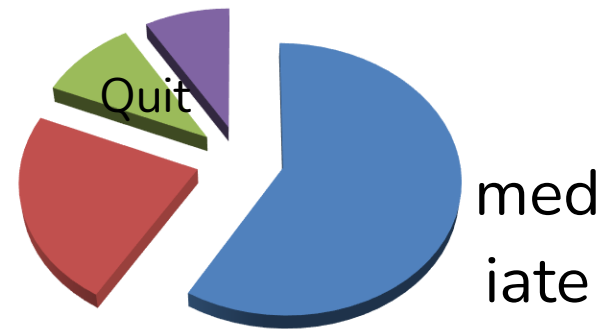
Alternatives to a Negotiated Agreement

BATNA

WATNA

MLATNA

**BATNA,
WATNA,...**



Questions to secure a commitment to mediate

Away from - questions

How does staying in this conflict benefit you?

What are the consequences of not resolving this?

Towards - questions

What are the benefits of resolving this conflict with ...?

What other benefits may you get?

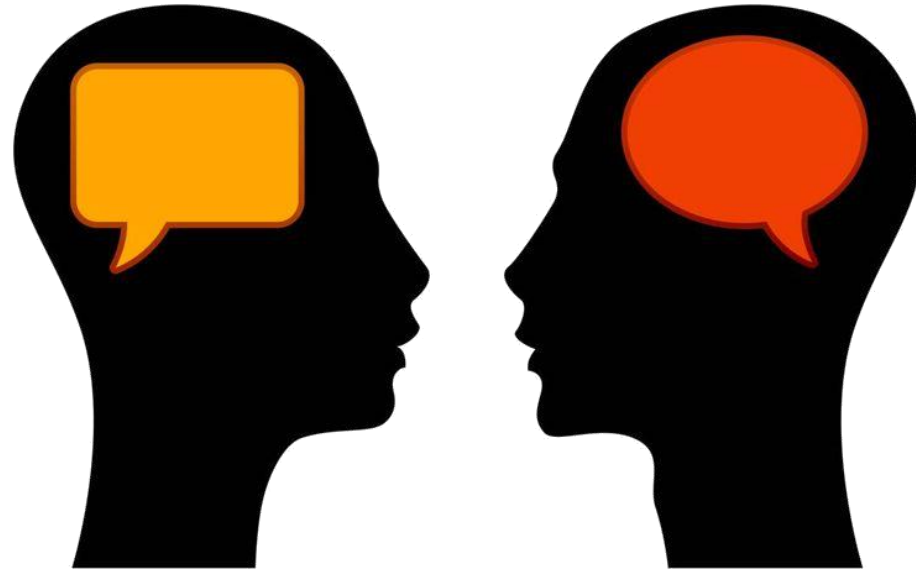
What other value is there for you to come to mediation?

Pre-Mediation phone call

- What is the purpose of the call?
- What do you need to include?



Mediation Demonstration



A demonstration of the **pre-mediation phone call**..

Tips for effective and fun role-playing

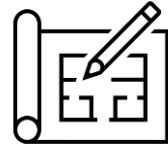
- **Be realistic** – Before the role play commences, consider your positions, your feelings, your interests and your needs.
- **Be flexible** – Be prepared to change your position in line with the mediator's input – don't stubbornly stick to one behavior or attitude
- **Be supportive** – all new mediators require confidence to work – challenge them but don't go over the top!

Pre-mediation phone call

Securing a commitment to mediate



Skills Practice



Module 6: The First Meeting

The First Meeting:

- What is the purpose of the first meeting?
- What do mediators need to include in their introduction?

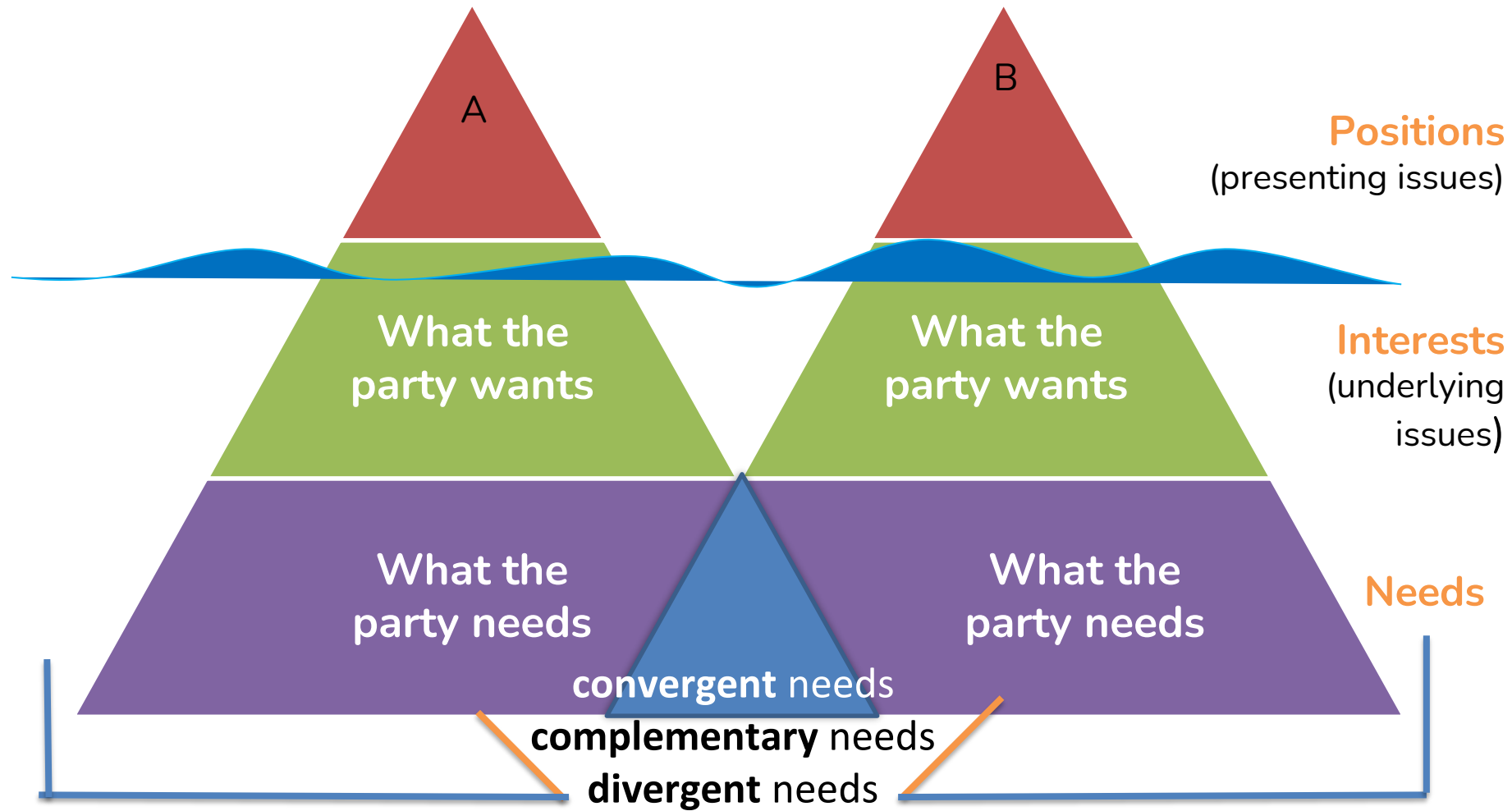




The orange dispute – and it's *bitter*!

ACTIVITY 4

Positions, Interests & Needs – The PIN Model



Maslow's Hierarchy of Needs



I WANT
IT ALL
I WANT
IT NOW

- Punishment (e.g dismissal)
- Public recognition (pay rise/promotion)
- An apology
- To know WHY?
- Their day in court!

Key skill: Impartiality

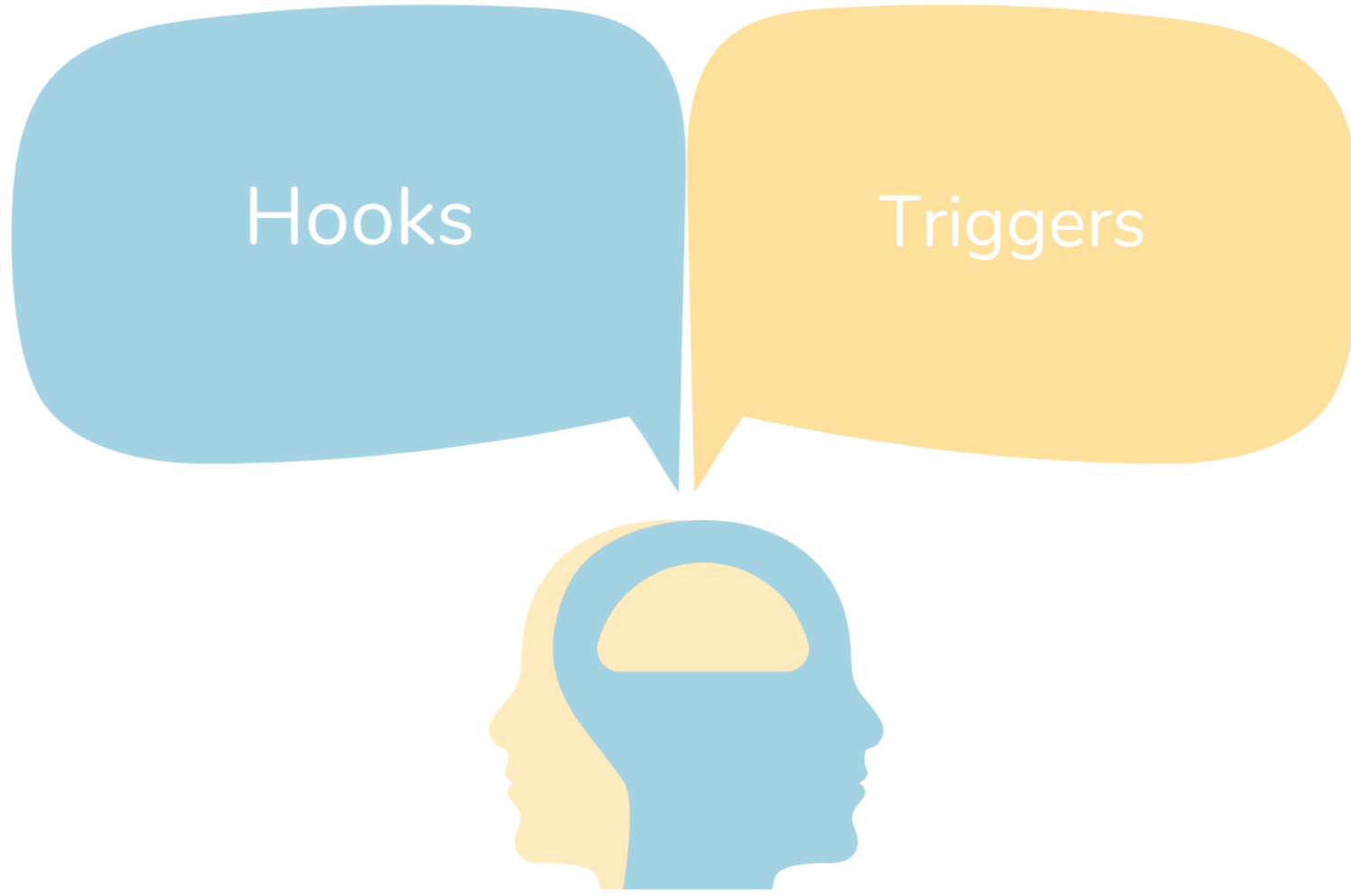
The ability to remain neutral – especially when others want you to take sides

Activity in pairs/groups

1. Think of a time you were **blamed** – how did it feel?
2. Think of a time you were **judged** – what was the impact on your relationship with that person?



ACTIVITIES 5, 7, 8, 9, 11





Wrap up – day one

- What have you learned today?
- Developing your personal checklists
- Questions and answers
- Homework for day two - learning styles questionnaire and learning log for day one
- Read pages 65-67



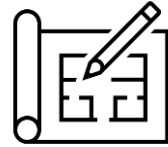
The Skilled Mediator

National Certificate in Workplace Mediation

Day 2



- ✓ Do you have any further reflections from yesterday's session?
- ✓ Do you have any questions?
- ✓ How confident do you now feel about the telephone call with the parties?



Module 6: The First Meeting (continued)

Every good
conversation
starts with good
listening...

But what does
this mean for
us?

Key skill: Active Listening

An exercise in really hearing what is being said

1. Facts and incidents
2. Experiences and observations
3. Perceptions and opinions
4. Feelings and emotions
5. Beliefs and values
6. Needs and goals



Tools for Active Listening

1. Funnelling
2. Summarising
3. Questioning
4. Body language
5. Empathy

ACTIVITY 7

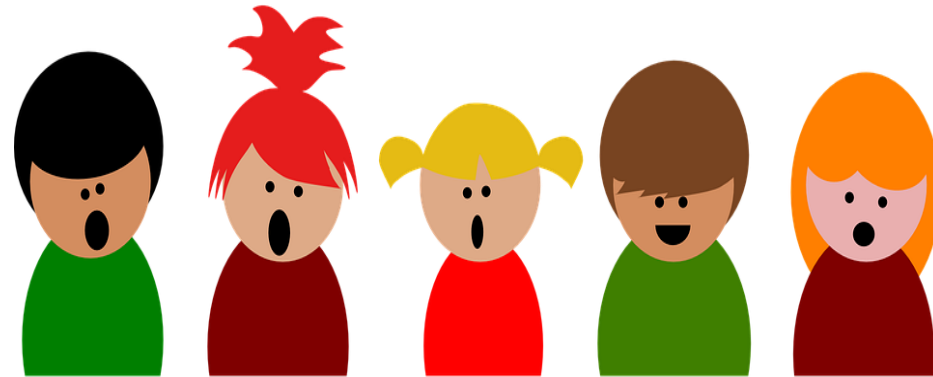
The SING Framework

Story

Impact

Needs

Goals



The Funneling Technique for questioning



Summarising

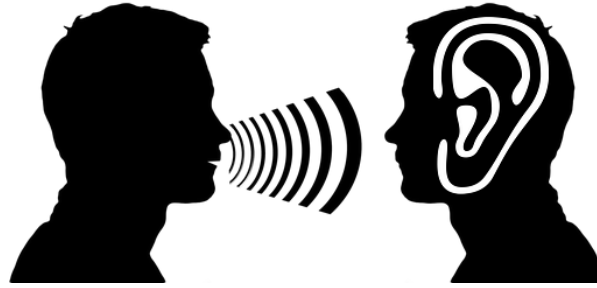
Why is summarising an important skill for constructively resolving conflict?

When and how should you summarise?



Questions

(improve the quality of information)



Open questions

Probing questions

Clarifying questions

Empathic questions

Hypothetical questions

Future-focused/needs-based

Brené Brown on Empathy



<https://youtu.be/1Evwgu369Jw>

The importance of empathy

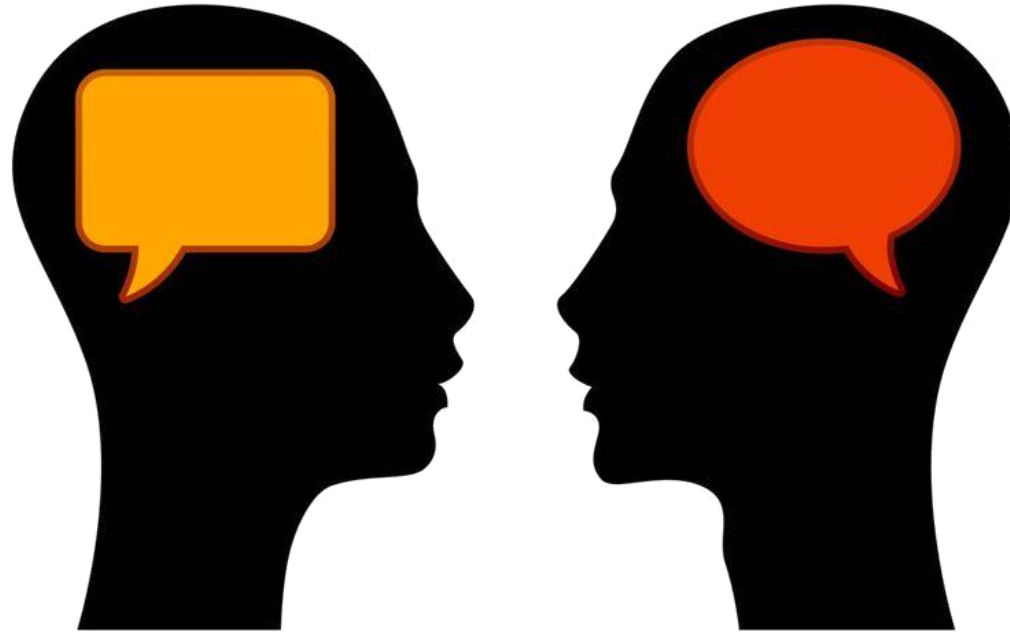
1. Intense emotions prevent clear thinking.
2. Demonstrating empathy opens communication – builds trust.
3. Positions are unlikely to shift unless there is empathy.
4. This allows for challenging, probing questions.
5. Empathy motivates change.
6. Then possible for person to make informed decisions.





Module 7: First Meeting Practice

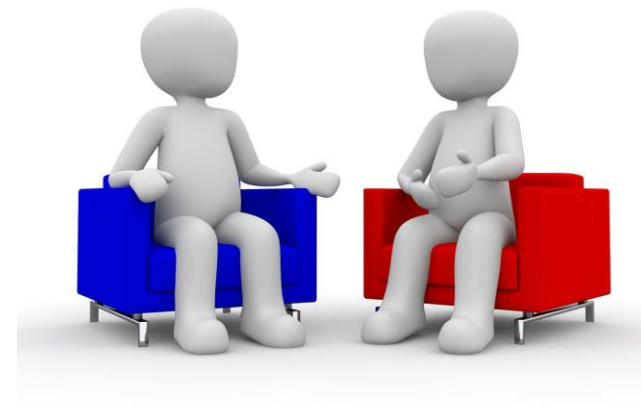
Mediation Demonstration



A demonstration of the **first meeting**.

The First Meeting (skills practice)

- Welcome and introductions
- Invite party to tell story
- Ask a range of open and probing questions
- SING(ER)
- Active listening and summarising
- Close the meeting
- Feedback and debrief
- Swap over

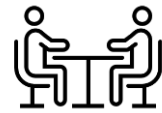


The First Meeting – best practice checklist



Discuss in pairs any **strategies or handy hints** which will help you to manage the 1st meeting with the parties.

(This will start to form your mediator crib sheet – so use bullet points!)



Module 8: The Second Meeting

The Second Meeting

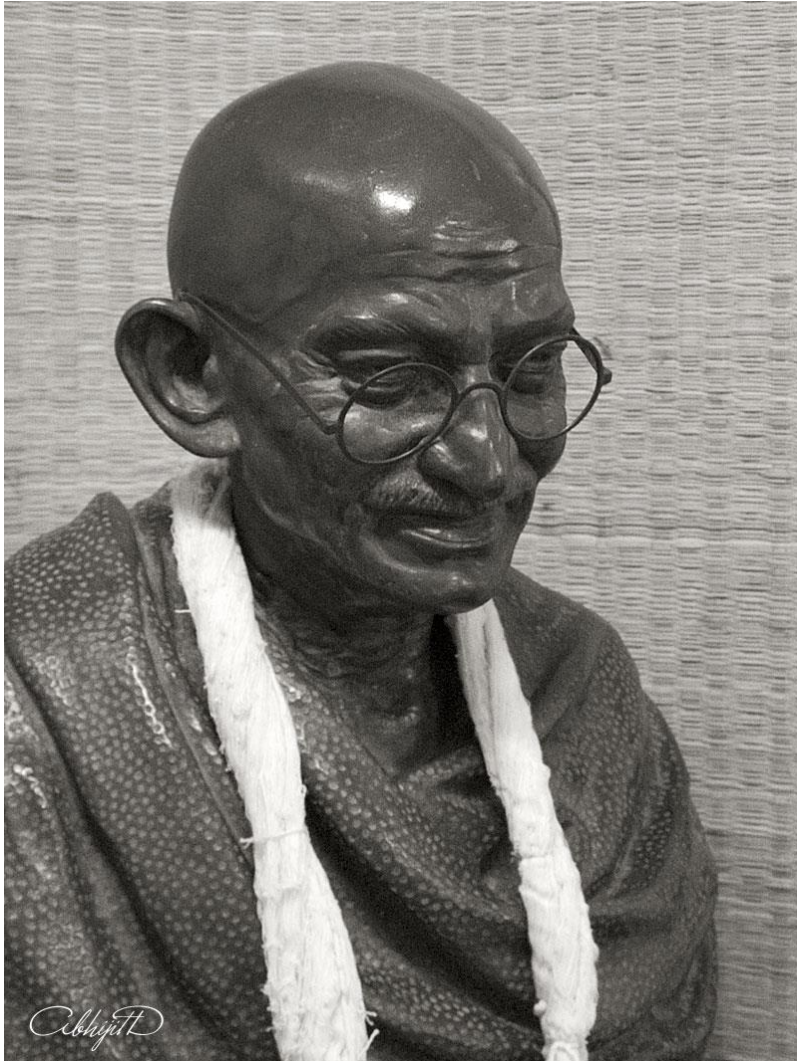
Preparing parties for the joint meeting

- What is the purpose of the second meeting?
- What do you need to include?





Module 9: Non-violent communication (NVC)

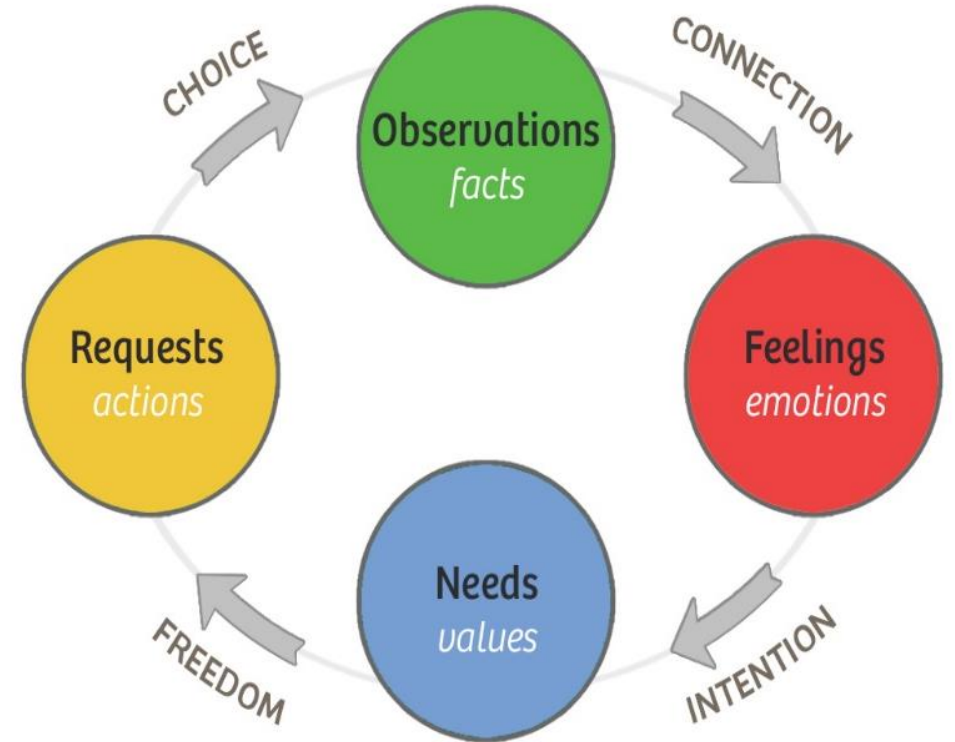


Non-violent communication

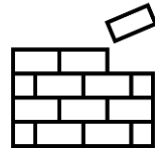
'You can't shake hands with a clenched fist'

Using non-violent communication

- Observations – ‘When I see/hear...’
- Feelings – ‘I feel/felt...’
- Needs – ‘Because I need...’
- Requests – ‘Next time, please could you...?’



PAGES 106-107 ACTIVITY 6



Module 10: Reframing

Key Skill: Reframing

Transforming the parties language and their mind-set

- Putting a negative picture into neutral or positive focus
- Works at a global 'mindset level' as well as a micro 'language level'
- De-escalates and diffuses hostility
- Retains the meaning
- Subtle shift from the past to the future
- Non-blaming
- Gets parties out of the 'conflict zone'
- Can't to can. Don't to do. Won't to will.



Reframing Top Tips

- If you're in the frame, you can't see the bigger picture
- What is the need?
- What is the opposite?



The BIN Model

Behaviour

Impact

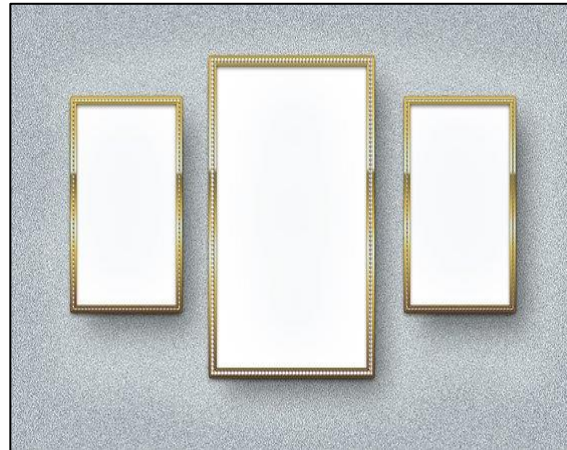
Need



Activity in pairs

Try to establish the opposite, the need or a request
in statements.

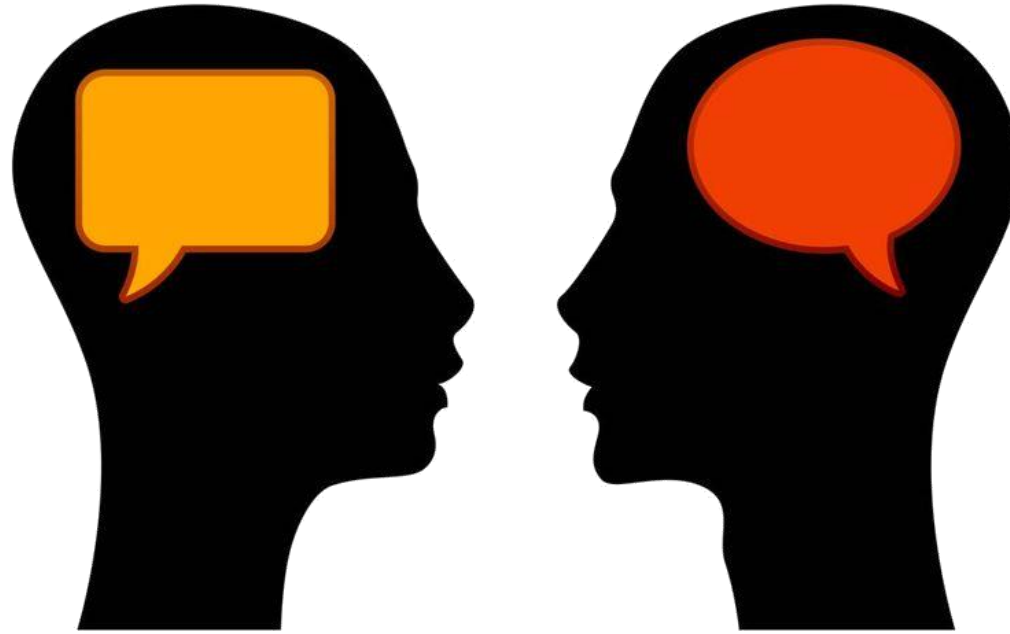
How do you get to needs?





Module 11: Second Meeting Practice

Mediation Demonstration



A demonstration of the **second meeting**.

The second meeting (skills practice)

- Open the meeting
- Go through summary
- Reframe
- Coach for Uninterrupted Speaking Time (UST)
- Encourage empathy towards other party
- Check for questions from the party
- Close meeting
- Get feedback / debrief
- Swap over



The second meeting – best practice checklist



Please discuss in pairs and put together a check list which will help you manage the second meeting with the parties.

(This will start to form your mediator crib sheet – so use bullet points!)



Wrap up – Day Two

- What have you learned today?
- Learning log for day two
- Developing your personal checklists
- Questions and answers
- Read pages 68-94



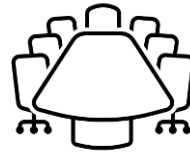
The Competent Mediator

National Certificate in Workplace Mediation

Day 3



- ✓ Do you have any further reflections from yesterday's session?
- ✓ Do you have any questions?
- ✓ Review of homework
- ✓ How confident do you now feel about the first and second meetings?



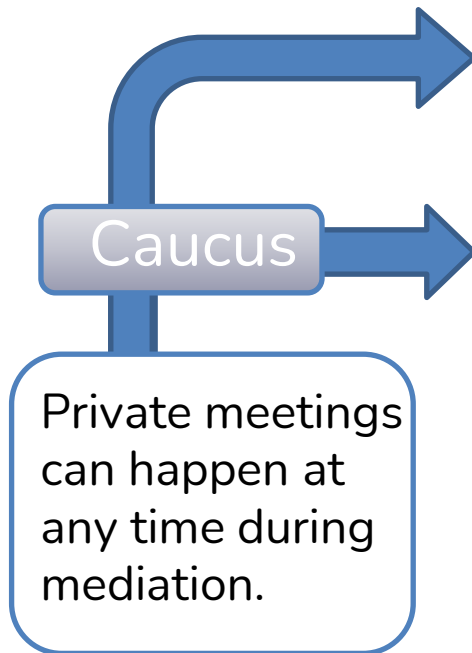
Module 12: The Joint Meeting

Managing the Joint Meeting



This is where the magic of mediation happens!

The stages of a FAIR mediation meeting



1. Open

- Creating safe space, boundary setting, building trust and putting the parties at ease.

2. Talk time

- Managing the uninterrupted speaking time, active listening, summarising, reflecting, questioning and reframing.

3. Exchange

- Handling strong emotions, negotiation, influencing, impartiality and using open questions.

4. Resolve

- Problem solving, principled negotiation, overcoming impasse and reaching an agreement.

5. Close

- Evaluating and positively closing the mediation. Assess and agree the next steps.



The Joint Meeting – 8 critical steps

- Open the meeting confidently and honestly
- Agree the ground rules
- Uninterrupted speaking time followed by 4 mediator questions
- Summary after both parties have spoken – create links and identify commonalities
- The exchange
 - **Break**
- Problem-solving
- Action planning/agreement
- Closing the meeting

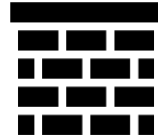


The 5 Key Questions – INCA:

How to get to the 'gold' of the joint meeting...

1. **Impact** – What has been the impact on you?
2. **Need** – What is it that you need from today's session?
3. **Consequences** – What are the consequences if that doesn't happen? What are the consequences if it does happen?
4. **Anything** else you would like to add at this stage?





Module 13: Overcoming Impasse

Group Discussions

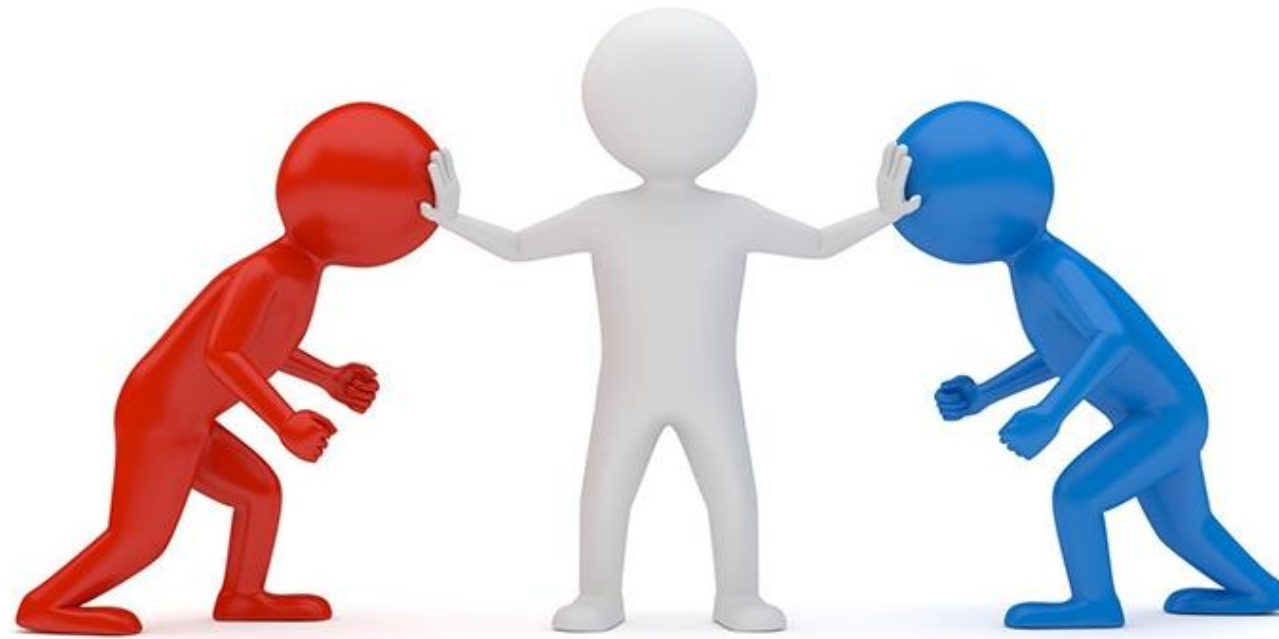
What type of impasse, blockage or pitfall can you envisage happening during mediation?

How can they be overcome by the competent mediator?

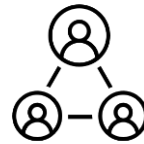


Dealing with Strong Emotions & Difficult Behaviour

Top Tips



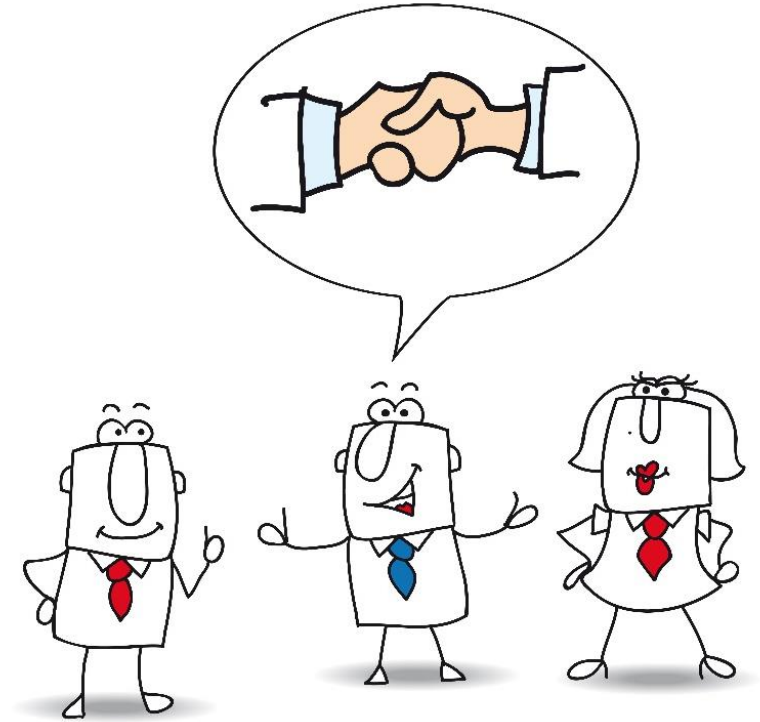
ACTIVITY 8

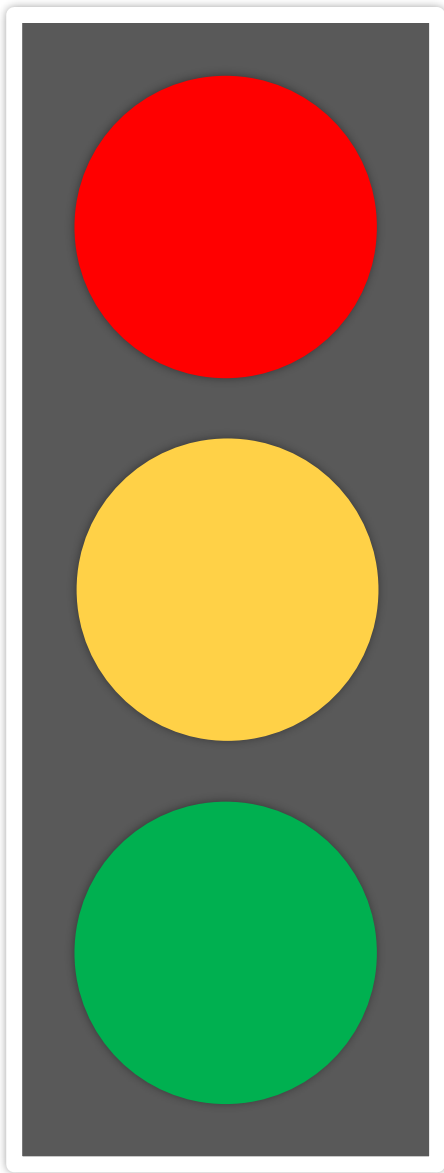


Module 14: Managing the Exchange

Discussion - Managing the Exchange

- How do I know if it is going well?
- When should I intervene?
- What should I do when I intervene?
- How will I know when to problem-solve?





What's happening in the room?

Its getting uncomfortable and feels unsafe.

Threats, humiliating behaviour, excessive emotions, refusal to engage fully.

Parties are hitting occasional obstacles and impasse.

Upset or anger, sarcasm, not listening, interrupting, blaming.

Difficult issues are being addressed respectfully.

Calm, listening, checking, clarifying, empathic

Action

Restate the ground rules

Take a break

Stop the mediation

Check how parties are feeling

Summarise progress

Change the pace/focus

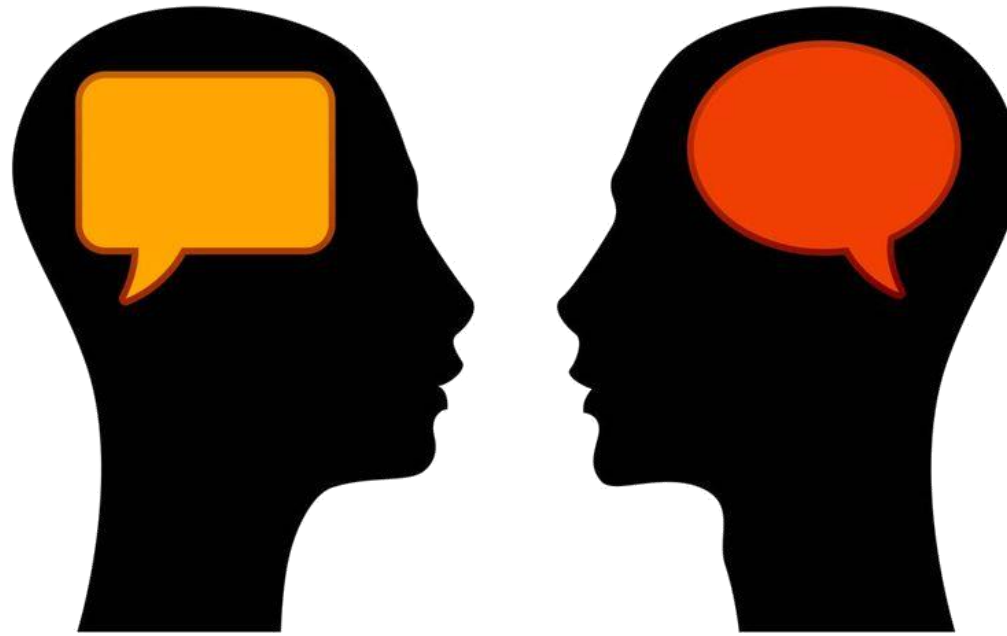
Ask parties to summarise

Encourage and affirm

Problem solve

Listen carefully

Mediation Demonstration



A demonstration of the **joint mediation meeting**.

The Joint Meeting (skills practice)

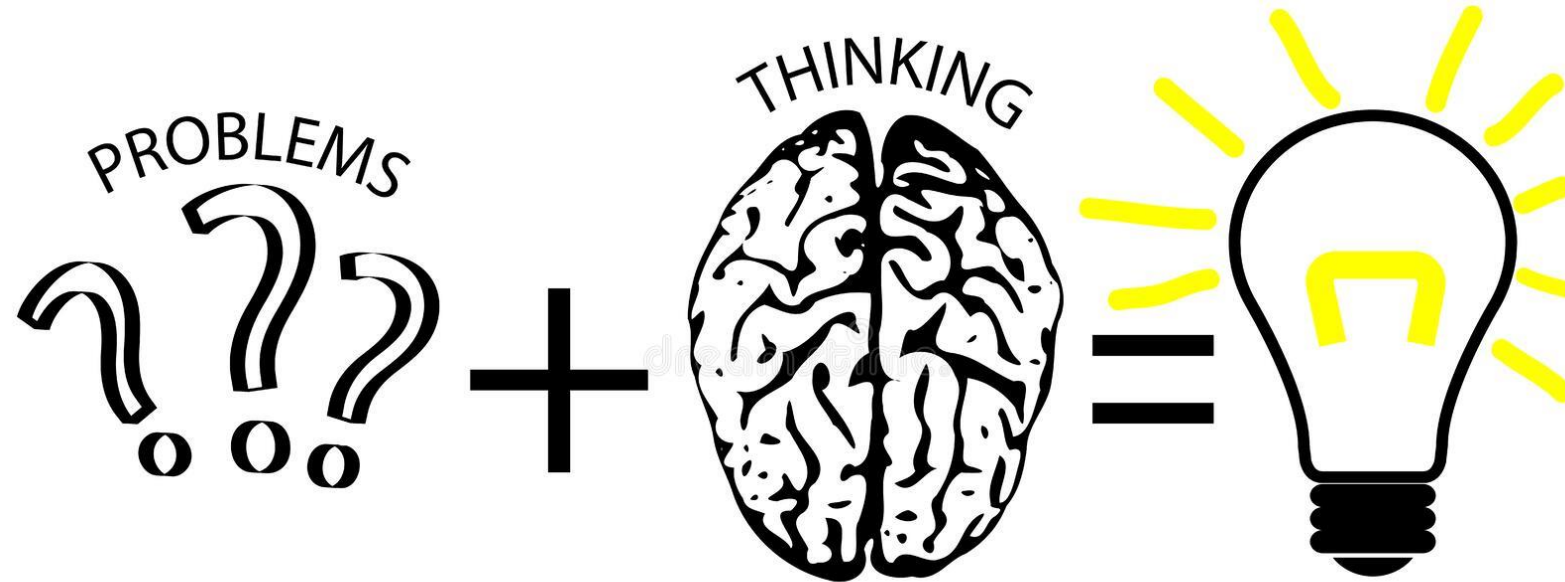
- Intros
- Ground Rules
- INCA questions and summary
- Managing the exchange
- Managing difficult behaviours
- Can parties come to a resolution?

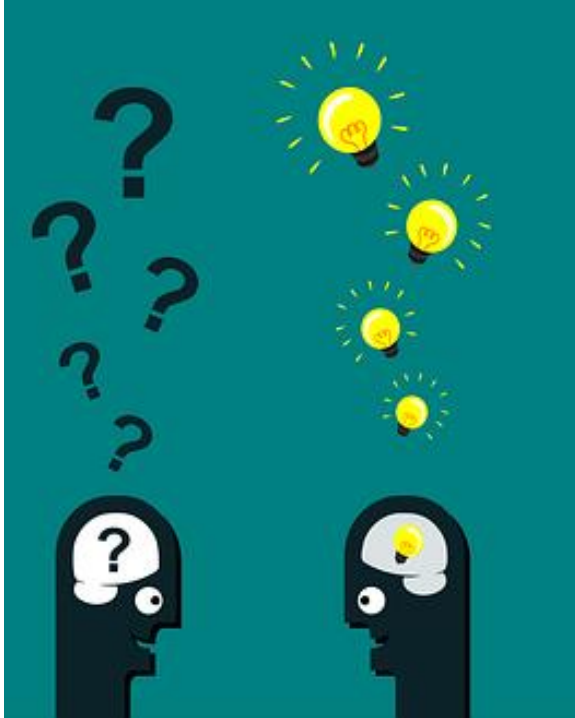




Module 15: Problem-solving

Ready to Problem-solve?





- Define the problem
- Brainstorming – free thinking
- Magic wand question
- List two key things to change
- Empathic questions
- Hypothetical questions
- Stop – start – continue
- Focus on short, medium and long term



Module 17: The Final Agreement

Reaching the final agreement

Key areas to consider when preparing the final agreement:

- Make it S.M.A.R.T
- Role of 3rd parties/manager/HR – if any
- Disclosure clause
- Resilience clause
- Monitor and review at 1, 3, 6 & 12 months



Closing the mediation session

- Encouraging and affirming closing remarks by mediators
- Notes destroyed
- Discuss the follow-up arrangements
- Consider further action (if required)
- Evaluation of the mediation (verbal or written forms completed)

Post-mediation:

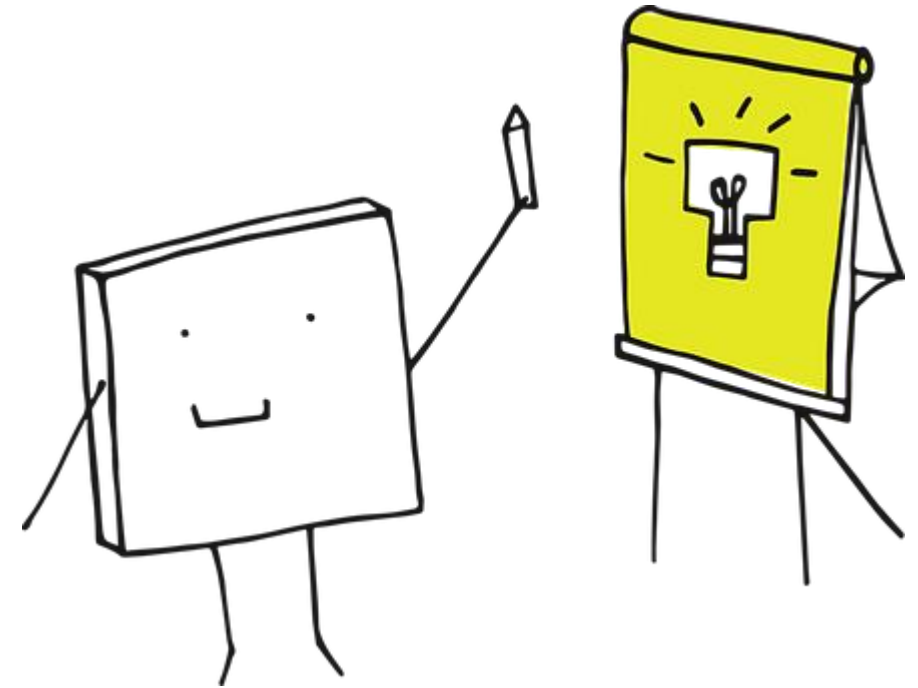
- Review and follow up for agreed period
- Debrief and peer support for mediators

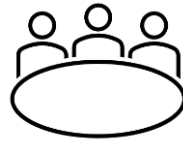


FAIR mediation re cap: Problem-solving and action-planning

What do we need to do?

- Introduce the session
- Idea-generating
- Evaluating the ideas
- Drafting the agreement
- Closing the mediation



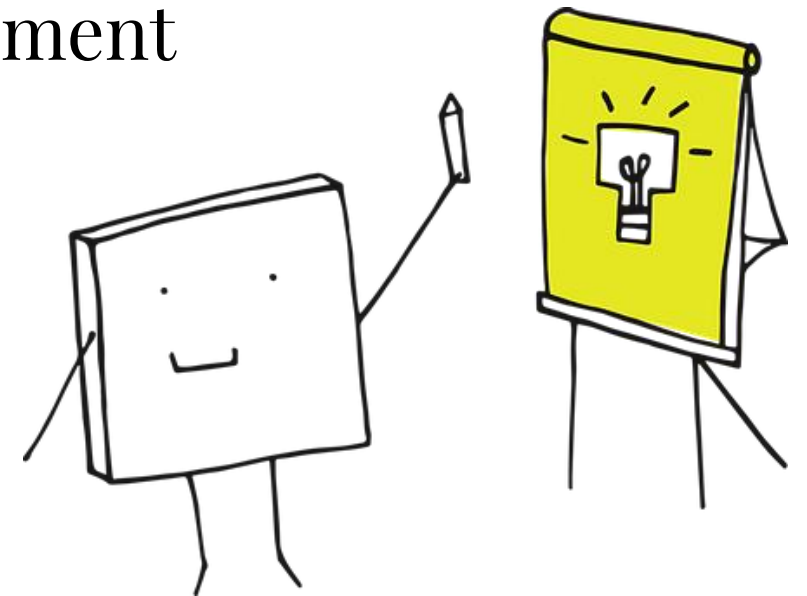


Module 18: Joint Meeting Practise

The Joint Meeting

Skills practice (includes drafting an agreement)

- Problem-solving
- Action-planning/ drafting the agreement
- Closing the meeting



Final thoughts...

- Mediation is about principles - represent the principles at all times
- Actively encourage **co-operative** problem-solving in your difficult discussions
- Look for opportunities to use your skills in all areas of your life
- Keep adding to your buckets. This not the end, but the beginning. Keep learning!
- You are influencers and agents of change
- **Support** your managers and leaders
- Keep supporting each other
- Look after yourself

Wrap up – Day three

- Reflective practice and learning logs
- Consolidation – developing your personal checklist
- Questions and answers
- Preparing for the next unit (assessment forms, role-plays, etc.)





National Certificate in Workplace Mediation

Day 5



National Certificate in Workplace Mediation

Day 5

Concluding the course:

- Learning log
- Delegate Zone
- Certificates
- Delegate helpline
- People and Culture Association
- CPD events and refresher workshop

Please complete your evaluation form

Thank you for listening and participating!



www.thetcmgroup.com

training@thetcmgroup.com