

**FOCUS ON:**

## When and how does Remote Mediation come into the spotlight?

The Business Support Group was opened up to guests this month, as a taster of what they could become part of with Mediator Network membership. We welcomed a handful of members from the worldwide Young Mediators Institute, meaning we went global! We were delighted to welcome guests from India, Germany, France, Greece, Lithuania and the US, and we look forward to more discussions with our international 'cousins'.

Appropriate for our international audience, this month's topic was *Where can remote mediation be implemented into general practice, what are the barriers and how can we overcome these?*

The consensus was that remote mediation as a concept is good, efficient and helpful in a multitude of ways. Within the group, there was a spectrum of familiarity, understanding and use of remote mediation, which was not surprising, considering the backgrounds of our attendees, prior to their step into mediation. It was clear that for mediators to run with remote mediation in practice, training and support in respect of the systems is essential and that a basic level of proficiency is required to offer such a service.

### Made for families and workplaces

We looked at areas of mediation where a remote approach holds the strongest benefits and it was unsurprising that family and workplace came out 'on top'. This was in the main due to the need for balance in the session, which a remote setting can improve. Any dispute can take up precious energy and emotion, especially where personal relationships are concerned, and participating in a face to face mediation to resolve the dispute can add to the pressure.

Remote mediation by its very nature can reduce emotions and remove any power imbalance between parties, as the participants are one-step removed from each other. Anxiety levels can be better managed remotely than if facing an opponent in a room, as participants can manage their own environments and may well feel safer and more comfortable sitting in their own homes or offices, rather than on biased or alleged 'neutral' territory.

### Commercial and multiple location dispute resolution

Cultural differences always need to be considered, which can be cross-border and/or cross-organisational and which can affect the parameters of a remote session in several ways. Remote mediation enables a translator to be present more easily than in a face to face situation; whether in the room accompanying a participant, or as an additional partaker, to interpret any potential cross-cultural nuances. Cross-cultural differences may affect internal workplace practices and commercial relationship management. For large organisations with multiple office locations, online meetings are becoming the norm. Accordingly, a modern mediation service needs to be able to meet the needs of such organisations and remote mediation offers opportunities which traditional in-person mediation fails to deliver to multi-national and global companies.

  
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Importantly, remote mediation improves the possibilities of people working together to find a solution, wherever they are. There may be technical limitations to online systems in some countries which may prove a difficult hurdle to overcome without high level institutional change, but nevertheless, whilst the online platform may be restricted, there are other ways for a mediator to get people together which should be considered where appropriate.

Our discussion group was keen to emphasise that any mediation session, whether remote or face to face, requires the same levels of confidentiality which underpins the value of the remote process. It is of course important, therefore, that all/any participants – or silent onlookers have signed an agreement to mediate – and understand the parameters under which they are invited. It's easier to slip an uninvited guest into a remote session than into a face to face session! An effective remote mediation service requires systems and clear processes to ensure that all the necessary paperwork is completed as would be expected in traditional mediation services.

### Giving people options

As long as mediators are familiar with potential barriers to using remote mediation, and face to face mediation is offered as an alternative, the group felt that the remote option could usually be used as the default, as it offers such a host of benefits.

Undoubtedly the flexibility & accessibility remote mediation offers makes it a far simpler and easier option to deliver than all parties travelling to a venue booked in a particular place at a set time. Travel time and convenience is not a problem, any accessibility challenges are dealt with from the off, plus venue costs are of course not required. On an international scale, as long as time zones are considered, remote mediation is easy enough to arrange so that it slots into more or less everyone's day, as appropriate.

These aspects of remote mediation directly point to another core sector for mediation; commercial. Whether UK-based or cross-cultural, remote mediation again comes to the fore with flexibility and ease of access. It provides an adaptable offering for commercial matters as joint meetings can be held over a series of sessions, fitting in with busy diaries and general business operations. Conveniently, too, you can easily stop a mediation session and reconvene, if needed, for instance if a settlement is an arm's length away in a session that cannot overrun due to other pressing matters.

### Opportunities for mediators

The group recognised the power of remote mediation to help with engagement amongst the mediation profession itself. It transpired that when geographical barriers are removed, mediators from all over the globe can participate in observations and co-mediations. This is seen as a great way to support junior members in getting experience and for more experienced practitioners to develop their skills and for everyone to benefit from engaging on a larger scale. Mediator Network confirmed its plan to open up such opportunities to its members through the new observation and co-mediation scheme which is launching this Summer.

### Breaking through possible barriers

After extolling the benefits of remote mediation, on the flip-side, the group considered potential barriers. It was agreed that whilst remote mediation is becoming more widely available, it is still a relatively new technology which requires competency in using the systems from both a mediator's and participant's perspective - which the group did believe that suitable training would overcome.



Concerns were raised over confidentiality of the process and being able to control the environment (as alluded to above) but with agreed etiquette and standards of practice and a professional approach, this should be managed in the same way as traditional mediation.

Although a web-cam enables a view of participants and their body language, it was recognised that it may also limit visibility of body language and non-verbal communication slightly – not capturing a clenched fist, perhaps, or legs/posture at a desk may not be fully 'legible'. There may also be concern among participants about using a web-cam or conducting meetings online. However, Mediator Network emphasised the high take-up from users of a recent pilot service with the majority of users being either not worried about using such facilities or after some input and using the pre-mediation time, they were confident enough to participate in the process using the online facilities.

Having pointed these out, the group identified that many of these hurdles are straightforward to overcome and many of these concerns will fall away with appropriate training and support for mediators to ensure that they are confident and competent themselves – as well as in guiding participants.

### Weighing it all up

Overall, the group agreed that remote mediation is a good thing! The group identified that for remote mediation to enter the mainstream market, key messages need to be established and aligned, and then flexible channels used to communicate the ease and flexibility including via video, interactive workshops and case studies, using platforms such as LinkedIn and demonstrations at events, as well as general promotional activities, plus engaging with potential user groups. It was agreed that a coordinated approach to assist individual practitioners and tools and resources to help would be advantageous, too.

What struck us here at Mediator Network HQ following this discussion, is that while we're pushing forwards with new ideas as a company and challenging the traditional, established way of doing things in the mediation sector, we need to recognise that there is a faithful and keen contingent of mediators willing to help us!

Some of you have taken great leaps of technological faith in joining us to deliver remote mediation sessions – and start to turn mediation on its head a little - and we realise that this may not be/have been easy. So, thank you!

It seems that those who have used remote mediation may be interested in helping to raise awareness, promote best practice and work together to bring this to more potential users. If that's you – let us know as we will gladly work with keen members on this service sector.

### Onwards and upwards!

Just to remind our Mediator members that you can access our account on remote mediation platform Zoom free of charge for all your mediations whether sourced within the Network or not.

It is one of the core benefits of your membership to help you run your business. Contact us to book a room.

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Next  
Breakfast:

Wednesday  
4th September 2019