

Are you ready to explore your options?

"Feeling resistant is the opposite to feeling motivated so surely the answer is to work together on overcoming any resistance and motivate yourselves and each other to find solutions to the challenges you are facing"- J.Hind

Please read this guide before you come to a mediation session as part of your practical and mental preparation for working together with the mediator and others in mediation.

A. Objective

To objective is to be capable of exploring ideas, views, opinions and options together in mediation in such a way that maximizes the chances of reaching a successful outcome/solution for everyone.

B. Challenges

Here are some challenges to successfully exploring options together in mediation which tend to 'distort' thinking, distract from the main objective and reduce capacity to seek out and explore different perspectives, ideas and solutions.

1. Conscious Bias
 - This is where a person is aware of and intentionally biased in their thinking and actions.
2. Unconscious Bias
 - This is where a person is unawareness that they are biased in their thinking and actions.
3. Confirmation Bias
 - This is where someone sees or experiences what they expect to see or experience. Beware of expectations which narrows our field of thinking.
4. Desirability Bias
 - This is where someone sees or experiences what we want to see. To combat this we need to remain actively open minded by maintaining a deliberate and intentional curious and humble mindset and approach, actively questioning and testing ideas and options (including our own) from various perspectives.
5. Limiting Beliefs about self/other/situation
 - Remember that what we believe is only one version of 'the truth' and may not be how others see or experience or have experienced the same situation. You will only find this out by maintaining a humble curiosity about your own beliefs as well as what others believe and feel, seeking out a fuller understanding.
6. Negative emotions about self/other/situation
 - Negative emotions have the effect of blocking our rational thinking minds requiring us to self-regulate our emotions if we are to keep them from adversely influencing our ability to work together in a multi-perspective solution and outcome focused way. This often requires us to refocus and reframe our thoughts and approach.

C. The 5 Stage approach to exploring options.

There is a deeper dive into this 5-stage approach below under the heading ‘subject for discussion’

1. Discover what subject/issue/problem each person would like to discuss.
2. Discover from each person which [key things of importance](#) (Needs/Values) the outcome must achieve. Spend some time clarifying these ‘things of importance/value’ and what it would mean to each person if they could be achieved.
3. Begin to explore ideas and options to achieve these things of importance and do so with humble empathic curiosity, exploring any ideas with an open mind.
4. Narrow your options by reality testing against multiple perspectives, bench marking against how many of the things of importance each option achieves from each person.
5. Finalise details of the outcome reached carefully checking that it is fully understood and that each person is willing and able to commit to it.

A. Do you feel ready and able to COMMITMENT to the following mindset and approach:

(Please forgive any repetition in the 30 points below. Repetition represents reinforcement)

1. Check that you and each person involved feels ‘psychologically safe’ to express views and feelings without blame, judgement or reprisal. Remember that mediation is confidential. Ask each other whether you would be willing to consider coming up with and reality testing your ideas together.
2. Take time to develop a clarity about what is important to you and to others in mediation in terms of what you are discussing, the kind of outcome each person wishes to reach and process for achieving these things.
3. Be confident/humble and empathically curious about your own beliefs, views, opinions, perspectives as well as others in the process. Be willing to questions whether these ideas, views or options will work in practice and achieve what everyone needs them to achieve.
4. Remember that you don’t know what you don’t yet know so be explicitly open to discovering news ways of looking at the situation as you discuss these with each other.
5. Treat every idea, view, perspective, opinion as valid and belonging to the process of discovery, able to be tested against each person’s priority needs/values/interests.
6. Respect every view, opinion, perspective as part of the process of discovery and journey to constructing a successful outcome together.
7. Be ready and willing to explore the pros and cons of every option.
8. Embrace any ‘resistance’ you experience as you explore views and perspectives different from your own, seeing these as an opportunity for discovering new ways of seeing, looking at and experiencing a situation.
9. Consider any resistance you experience as an indication that the things you are discussing are important enough to feel strongly enough about.

10. Keep an open curious mindset and approach, ready to learn what each person is needing and wanting. You must each feel that the other person wants to understand and work with you to find solutions (see 12,16 below).
11. Focus on the purpose of the process, and not on what YOU want, which is to reach an outcome that feels fair enough from everyone's perspective.
12. Ensure that the other person knows that you are willing to consider their ideas and views. Indeed, make it clear that you understand that it is very important that they help you understand what is important to them so that you and they can work together to construct an outcome which achieves things of importance to both of you.
13. Remember that the purpose of the process is for you and the other person(s) to reach a successful outcome together and not to 'win one over' each other.
14. The process will only successful if it feels fair enough to every person involved AND
15. The outcome will only be successful if it feels fair enough for both of you.
16. The process will only feel successful if every person feels, among other things, that their priorities and ideas for achieving these have been fully considered and explored.
17. The outcome will only feel successful if it includes enough of the things of importance to each person.
18. Accept that you don't know what you don't know so be open to new discoveries.
19. Come to this stage of the process having carefully thought about the most important priorities for you, ready to explain these and why they are important to you (Focus on the most important) with a clear intent and commitment to engage with the key process principles listed above.
20. Be ready and open to considering a broad range of perspectives and solutions (even if they feel challenging to your priorities and identity)
21. Come to this stage of the process having thought about the most important priorities for the other person and ready to find out if you are correct. Help and support them to be clear about these (and they are more likely to reciprocate).
22. Ask each other what you think about each other's ideas and be ready and open to listening and being curious about each other ideas and solutions.
23. Be ready and open to allowing your mind to create and consider new ideas generated by each person as if they belong to the 'solution and value-based outcome' process rather than the person coming up with the idea.
24. Detach yourself from your ideas and views enabling you to feel free to adopt or discard them depending on how they work in practice and how many of each person's priorities they achieve.
25. Be ready and open to expressing concerns and feelings you have about any ideas and views being expressed treating these merely as indicators of how important these things are to you but still open to considering other ways of achieving these things.
26. Ask yourself what resistance to ideas from any person might be telling you and them about what is important, checking your assumptions and understanding with each other by asking questions. Never react based on what you assume each of you is thinking.
27. Be ready and willing to ask the other person first to share their ideas and views before you offer to share your own (Lead by example and stimulate a culture of reciprocity)
28. Be ready and willing to ask questions to clarify views and fully explore these from an 'objective' perspective considering what questions a neutral third person might ask to explore the view and what it aims to achieve.

29. Ensure that each person is perceived to be listening very closely as each person is speaking and is actively and authentically curious to understand the view and ideas being expressed without reaction judgement or blame.

*Be careful not to over identify (attach your identity to) with any particular idea or view such that if others differ in their views, you do not consider them to be a personal attack on you. They are simply views which, if anything, attach or belong to the solution focused process, to be examined from a variety of perspectives with the aim of creating a solution focused dialogue and outcome- **J.Hind***

E. Your APPROACH- Start with the subject for discussion.

1. Agree a topic to start with to be discussed. Don't worry you will both/all have a chance to choose a topic but who is going to offer first?
2. Be open about who starts the discussion. Perhaps even invite the other person to go first.
3. Set out for each other the most important things (The things you value most) which the outcome needs to meet or achieve ("*For me it is really important that the outcome we reach achieves because...*")
4. Make a careful note together of these priority values and needs. If you want to be clear how important each priority is for each of you might want to scale these on a 0-10 scale. Spend a bit of time on these things. These are your anchors and benchmarks in the solution focused process.
5. Keep an eye on common priorities, values and needs which are important for the cohesion and connection of what should, after all feel like a shared process.
6. Ask each other: what are the most important factors influencing your thinking and approach? These may include some of the beliefs you hold about yourself, the other person and the situation. Remember to be curious about these beliefs and the extent to which they are influencing your thinking, negatively and positively.
7. Ask each other: What ideas and approaches do you have in mind?
8. One person must start and suggests an idea or approach. Please try to frame this idea as belonging to the process not the person making it (see paras 19 and 6 above). This attitude will be assisted by a willing to put forward ideas which the other person knows is not purely driven by self-interest but motivated by a wish to find solutions which satisfy everyone.

Again, be open to who starts first. Perhaps this time the person who started first last time goes second. It shouldn't really matter if everyone adopts the attitude that all ideas and views are valid and attach/belong to the process and not to each person, remembering that you are in this together to find an outcome that is good enough for everyone.

9. Call it option 1, treating it as belonging to the solution outcome focused process rather than anyone in particular, remembering that the aim of the process is to reach an agreement/outcome together which feels good enough from each person's perspective meeting enough of each person's needs.
10. The other person(s) asks questions about the approach, ideas or view being suggested with the simple purpose of checking that they understand what is being suggested, inviting the other person to 'engage with them' in a mutually humble empathically curious approach (*humble in the sense that you are open to your ideas being treated as a 'building block' of a solution focused process building, tested and even perhaps discarded or, at least, developed-* J.Hind), checking with the other person that they feel that their idea has been understood.
11. Both of you then engage in testing out the idea with possibility questions within the context of the situation ie 'rather like a dance together as opposed to a battle of wills' exploring different views and perspectives: *"what would happen if, how would you know, how would it meet that particular priority, what if we did this instead or tried that.."*
12. Focus hard on keeping an open curious and humble mindset as you both test and explore ideas to see how they might work in practice for each of you and anyone else affected.
13. Remember that the whole process is confidential so you should be able to feel psychologically safe to explore any ideas without fear of judgement, blame or reprisal. If not, please speak up and raise any concerns.
14. If any ideas or views being expressed feel challenging that is absolutely fine. Be ready to express what you are finding hard and why. It might be an aspect of the communication you are finding hard or a practical aspect of what is being proposed which might feel quite threatening to you or one of your priority needs/values or interests.
15. If it relates to communication you might simply say something like, *' I can feel my anxiety levels rising because I am feeling under pressure to accept your idea. It would really help me if we could/you would.....'*
16. If it relates to a practical aspect you might say something like, *' I don't quite understand how that would meet the most important priorities we/I set out at the beginning. Perhaps I am missing something. Would you be prepared to explain? Do you have any other ideas how this might work?'* Be curious rather than reactive and defensive, if possible.
17. Please remember that feelings can be quite ambivalent and hard to pin down but that should not mean that you suppress them until they boil over and your erupt. Ideally, they need to be expressed in a non-judgmental, blaming way. They are what they are and usually indicate that something is important enough to cause you to feel this way so be ready to express your concerns (what is important to you). If you are concerned about not having enough income to live on in the future you could reframe this and say: *"it is important to me to be clear how much I will need to live on in the future and where this is going to come from and that is causing me to feel quite anxious at the moment"*

F. Skills and techniques

These are some of the things you might be thinking or say to yourself and each other in order to cultivate and develop a good solution focused dialogue. Feel free to change the wording and develop your own phrases, following the principles set out in this guide.

Although I am clear about what I would like the outcome to achieve for me I also recognize that there may be more than one way of achieving these things.

I also recognize that we are not going to be able to reach an agreement/solve the current problem unless it meets your needs/satisfies enough of what you want/is important to you.

I would like the opportunity to explain what is important to me but first to discover what you would like the outcome to achieve, what you are wanting and needing from this process, what is important to you.

My hope is that once we are both clear about what is important to you, you will be willing to spend a bit of time with me finding out what is important to me so that we are both very clear about these things before we set about exploring ways in which we can achieve these things together.

I completely understand why those things are important to you and I am very willing to work with you to see if we can agree some or all of these things but I have to be honest, when you say X/when you say you want Y, I am concerned because..... and feel rather anxious about this.

I am also conscious that you may feel that what I am about to say/some of the things I have been talking about/some of the things I say, may feel quite challenging or threaten some of the things you say you want and need from the outcome. That is not my intention. I just want to make sure that we have both considered a wide range of possibilities and perspectives and that the whole process feels balanced for both of us.

I really want us both to feel heard and understood.

I totally accept that I will not get everything I want from this outcome if our aim is to reach an outcome which we both feel is good and fair enough from both our perspectives and I hope that you feel the same.

I recognize that I cannot force you to accept what I am saying but what I do ask is that you be honest about what you find most challenging about what I am talking about and why this is the case because this will give me and us a clue about what is important here and what needs to be overcome for us to be able to work together.

Is there anything else? Is there something else? Am I missing something?

I really want to understand and need to understand/what is bothering you here/what is important to you/what it is about these things that make them so important to you.

I am sensing a bit of resistance here when I am talking about X. Would you be willing to help me understand what it is causing this resistance so that we can perhaps look at what needs to change or happen to overcome this concern.

Would you like to explain and explore with me any ideas you have for finding a solution to?

What do you think of the idea/view/option I have just explained.

Do you have any questions about the idea/view/option I have just set out?

Is there anything unclear about? Would you please help me understand:

- What it is about X that appeals to you
- How X also goes some way towards meeting Y

Do you mind me asking how that would work in the following circumstances...

Is there anything else you would like to know about the option I have just explained?

I am very open to exploring other ways of achieving X,Y and Z

I completely accept that there may be things I/we have not yet thought about which might arise out of this process as we discuss a range of ideas.

How do I know that the idea I have will work in practice?

Can we look at how that idea might work in practice?

I completely accept that there may be other ways of achieving X,Y,Z

I understand that there may be other ways of looking at X. What are your views?

I can see how the option you have set out achieves X and Y but not Z unless I am missing something? Please help me understand.

Let's work together to explore a range of options from a multitude of perspectives. My hope is that by both of us doing our best to keep an open curious mindset and approach, ready to generate and explore a wide range of views, we should be able to come up with one of two solutions which we both feel satisfied with, which meets enough of what we are both trying to achieve- J.Hind

I am wondering what might happen if we explore this possibility? What's the worst that could happen?

It would reassure me if you are prepared to.....Would you be willing to do that?

How will we/you know if we are close to a solution which we both like the look and feel of?

I can really see how important X is to you. Let's look at some ways in which we can achieve X for you and Y for me. Would you be willing to do that?

Would you be willing to talk to me a bit more about why X is so important to you?

Sometimes I find it useful to apply a scale to help me understand how important something is to me. For example...

Would you be willing to explore this way of clarifying for each of us the importance of some of the things we are talking about?

Others?

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Note

Remember that the mediator will help you with all these things motivating, enabling and empowering each of you in mediation to work with each other in this way with the objective of reaching successful outcomes together recognizing that everyone comes to mediation equipped with different skills and resources.

Good luck

John E Hind FMCA.CMCreg.NLP Director, Compass Resolution Ltd

Resources

You may also be interested to watch the following Compass online support series-

Completing your pre-mediation questionnaire

This questionnaire will help you to identify for yourself, the other person(s), and the mediator the things of most importance to everyone which will provide the building blocks for a successful mediated outcome.

<https://www.compass-resolution.com/completing-your-pre-mediation-questionnaire/>

Preparing to communicate in mediation.

This series provides you with a programme of videos, guides and questionnaires to help and support you to improve your solution focused communication in mediation and beyond.

<https://www.compass-resolution.com/preparing-to-communicate-in-mediation/>