

SHUTTLE MEDIATION

What is Shuttle Mediation?

Shuttle mediation is simply the process of mediators assisting the parties involved in a conflict to reach agreement without them being present in the same room at a mediation meeting. This can be done in two different ways:

- 1) The mediation is set up so that the parties are engaged in the process simultaneously e.g. by being present in adjoining rooms, or via a communication device such as email.
- 2) The mediators make a series of contacts with each party over a period of time e.g. visiting each party in their home.

All available current research shows that shuttle mediation is less successful in reaching agreement than when parties meet each other. There are several clear disadvantages and limitations to the shuttle process, including the following:

- > Most or all of the non-literal and non-verbal meanings will be lost as there is no access to cues such as posture, facial expression and tone of voice.
- > Participants will lose the ability to respond immediately to proposals/statements and to witness immediate responses.
- > Because information is passed on by a third party (the mediator), there is a greater risk of miscommunication and misinterpretation.
- > The process is usually more time and resource intensive for participants and mediators.

It is therefore important wherever possible to encourage parties to meet. Frequently, particularly if a dispute is long-standing or serious, people will be reluctant to sit in the same room as the other party. This is entirely understandable – it is not yet part of our common culture to deal with conflict in such a direct and personal way, and for many people mediation is still an unfamiliar and even frightening concept. Before accepting that shuttle is the only viable option, try the following:

- > Explore with the parties the reasons why they are reluctant to meet. Is there anything you can do/say/put in place to reassure them? Ask what would need to happen to make them feel able to meet.
- > Suggest a staged process where, for instance, parties will agree to meet after some initial conditions have been agreed.
- > Suggest a meeting to strengthen the agreement and re-establish communications after the basic conflict has been resolved by shuttle.
- > Encourage the parties to agree to a mediation where they are in separate rooms at the same time, allowing for the possibility of meeting as some point during the mediation.

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Despite the clear disadvantages, there are situations where shuttle mediation will still be appropriate, or possibly the only practical or acceptable form of mediation open to the parties. Consider recommending shuttle to parties in the following circumstances:

- > The mediators or the parties to the dispute do not feel confident about physical safety in a meeting.
- > There are insurmountable physical barriers to meeting, such as distance, access problems or health restrictions.
- > There are other insurmountable reasons why it is not possible for the parties to meet.

When using shuttle mediation the following issues need special attention:

- > It is important for the mediator to clarify and summarise exactly what is being said and report this accurately to the other party.
- > It is important for the mediator to be clear about any ethical or tactical restrictions to what they are prepared to pass on e.g. open threats and to explain this clearly to the party.
- > It is important for the mediator to establish what exactly the party wishes to be passed on and what they wish to remain confidential e.g. "Is there anything you particularly want your neighbour to hear or know?" "Is there anything you don't want your neighbour to hear or know?"
- > All parties should be clear about the timescales and mechanisms for reporting back (e.g. phone/visit) and for the mediation as a whole.

Sources:

Mediation: Principles Process and Practice – Laurence Boulle and Miryana Nestic
ISBN 0-406-92747-2 Published by Butterworths



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