

THE POWER OF MEDIATION: *Building trust and making a difference*

The outcome of this case surprised even the housing officer responsible for overseeing the tenancies of both parties - she expressed how 'shocked' she was that the mediation had generated such a positive agreement.

In the past the situation had escalated to the level of police involvement. The parties had such a long history of complaints against each other that she hadn't expected the mediation to work.

It was great news for all involved as well as housing association staff who had been attempting to resolve the dispute for many months.

Follow up calls to both parties revealed that the joint meeting had been a complete success. One party described their current situation as 'how things should always have been', the other that relations were 'brilliant' in comparison to the past.

Both parties reported that there had been no further issues, intimidation or arguments. They were both very happy with the outcome and grateful that the mediation had taken place.

Case Overview

The dispute mainly related to noise complaints and was referred by the Community Safety Officer at the housing association after all other avenues for resolution had been exhausted.

The referral outlined that 'party one' continually complained of 'party two' banging on the floor. Party two claimed that this was in response to excessive noise levels from party one, in particular the bathroom light switch being used constantly and continual opening and closing of doors.

Relations between the parties had become hostile, with one party alleging that the other was verbally abusive and threatening if they came face to face.

Concerns had been raised by the housing association that there was the potential for violent behaviour if the issues remained unresolved.

Party one presented at the initial visit with a fairly conciliatory attitude. However, he did feel that his neighbour was deliberately making his life difficult by causing excessive noise, to the point that he had moved out on a temporary basis.

He had also re-homed his pet dog due to the stress he reported the animal had suffered. He felt that his neighbour was 'following him' around the flat upstairs and intentionally banging doors directly above the room he was in.

He claimed that he had been physically threatened by the other party but did mention that there was a time when they used to 'get along'.

During the second visit, party two presented a completely different story and it would have been easy to conclude that the situation was beyond help.

He cited similar issues to the other party with door and light switch noise and claimed that his neighbour was deliberately mirroring his location downstairs.

He also felt his neighbour was 'watching' him and was adamant that he wouldn't be in the same room as him for the joint meeting as he feared he may himself resort to physical violence.

Why was the process successful?

In this case, both mediators worked closely together as a 'tag-team' to support one another and step in where the other had reached an impasse.

During the initial meetings the mediators remained calm, graceful and non-judgemental, whilst gently encouraging exploration of the issues behind the breakdown in the relationship.

One party was a little more submissive and open to resolving the dispute, whereas the other was far more aggressive towards the situation.

During both initial meetings the mediation team worked hard on building trust and rapport by demonstrating that they were listening and taking the issues raised by both parties seriously.

The turning point in both initial meetings came when the mediators expressed an interest in the personal pursuits and life stories of the parties. Listening attentively to these matters helped to ease tensions and make both parties more relaxed.

One party in particular was happy to share the details around his engagement to his partner. When one resident refused to be in the same room as the other for the joint meeting, the mediators negotiated calmly and identified the benefits of resolving the situation between themselves rather than the housing association having to take more serious steps.

Both parties were reassured that the mediators would facilitate a safe and neutral environment at the joint meeting. The fact that a rapport had been established carried a lot of weight and both parties eventually agreed to attend the joint meeting.

Armed with initial meeting disclosures, the role of the mediators during the joint meeting was to help both parties to see each other's viewpoint, despite the fact that they might not agree.

After each party had shared their viewpoint during their uninterrupted time, it became obvious that many of the friction points weren't deliberate or based upon intentional behaviour. Both parties found common ground and thought of alternative ways to resolve issues in the future.

The mediators at this point were able to successfully develop an agreement which both parties signed.

It centred on them both being more mindful of noise during certain hours of the day. Simple solutions such as looking to contact the housing association to resolve particularly squeaky door hinges also transpired.

Both parties agreed to be respectful of each other in future and to approach each other to discuss issues calmly before situations could escalate.

This case serves to reinforce the power of the mediation process. It is vital to recognise the importance of not 'writing off' a case as a lost cause.

Building trust and treating people with respect and openness can make the difference between achieving an agreement or not.