

THE POWER OF MEDIATION: *Breaking down barriers*

The positive effect of mediation is summed up in the thoughts of one of the parties involved in a neighbourhood dispute which was resolved through open and honest talking.

He said his relationship with his neighbour is now 'brilliant' and had they not opted for mediation things would likely have become 'toxic'.

The signed agreement centred on both parties acknowledging inappropriate behaviours in the past, apologising for these and agreeing to be civil and respectful to each other in future.

Both also felt it important to include a point in the agreement that they would consult each other regarding any future issues before reporting or discussing with others.

Case Overview

The case was referred by the tenancy enforcement officer at the housing association following a number of complaints each party had made against the other.

The issues ranged from excessive noise complaints to putting rubbish in each other's refuse bins and gossiping to other residents about one other.

The relationship breakdown had been a surprise to the housing association as the parties had in the past been good friends.

They had helped each other to keep the communal block tidy, planted flowers in their communal garden and on a more personal level, enjoyed attending social events together.

'Party one' was very emotional during the initial visit and was greatly distressed by the situation. He referred to a variety of past and present issues including disposal of rubbish in his bin, owing of money, inappropriate behaviours and offensive remarks.

He felt that 'party two' was constantly harassing him and visitors to his property and planned to move as he felt that was the only way he could escape the 'awful' atmosphere'.

Party two referred only to excessive noise in the form of slamming doors and was reluctant to discuss any other issues. He was very responsive to going ahead with mediation and had little to say during his initial visit.

Why was the process successful?

Because of the very emotional and vulnerable state of party one, it was important for the mediators to build a feeling of trust and understanding from the start.

A great deal of time was spent in the initial visit simply listening. The mediators ensured that they were open and non-judgemental, while carefully managing his expectations of the issues the process could look to resolve and those which could not be addressed.

Party one eventually felt able to agree to a 'shuttle' mediation with his neighbour - during which they would each be located in different rooms.

Party one was very angry, uptight and agitated during the early stages of the meeting and had brought a family member along for support.

On hearing that his family member could remain in the meeting, he agreed to continue. In the first instance the mediators allowed him to purely vent his feelings.

He began to calm down but stated that he felt the process would not work and that the relationship breakdown had gone too far. The mediators asked him to clarify which issues he was comfortable for them to share with party two to try and move the situation forward.

Returning to party two, the mediators carefully recounted the issues that party one had agreed they could share. Party two responded by saying that he missed being friends with party one and wished they could re-form a friendship.

On hearing of the stress caused to party one, he felt willing to apologise for his past behaviours. At this point party two opened up about the issues from his perspective and it was clear he felt threatened and vulnerable and did not want the situation to continue.

The mediators returned immediately to party one and expressed that party two was willing to apologise. After explaining how party two felt about the situation, he became very responsive and willing to accept the apology.

Both neighbours agreed to meet face to face and spoke civilly, each acknowledging past mistakes.

The sensitive handling of this case by the mediators was crucial and ensured that the process didn't exacerbate the vulnerability of either party.

Though a longer process, the shuttle meeting was a necessity in this instance to allow each party some breathing space and to allow them to feel safe in the situation.

It meant that party one felt able to attend the mediation which he would otherwise have refused and allowed party two an environment in which he could open up. His willingness to apologise was the turning point and enabled a positive outcome for both parties.