

Middlesex University and Metanoia Institute

Doctor of Psychotherapy by Public Works

Conflict, Commerce and Contact

Gestalt Theory and Conflict Resolution

Context Statement

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To the Memory of Ken Evans

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1. Introduction

I both enjoy and fear conflict. I find it exciting and stimulating to work with. I want to be around it, and yet I feel an urge to run away from it.

I see interpersonal conflict as a crisis in relationship, characterised by a sense of fear, disempowerment, and a lack of contact between the adversaries. The work presented here relates to the resolution of such conflict, and how a practitioner can apply their courage, power, and self-awareness to create the conditions that allow relationships to be repaired.

Drawing on my own personal history and attributes, supported by my extensive professional skills and experience, I have built a successful and highly regarded mediation company. Uniquely in the field, I have taken the skills and theory of Gestalt psychotherapy, and applied these to the profession of mediation. From this perspective I have gained a detailed understanding and a highly effective technology for resolving conflict.

My context statement for the DPsych by Public works describes how I have brought some of my unique achievements into the public domain, and also outlines my own personal evolution as a relational-Gestalt mediator.

2. Methodology

I believe I have achieved something highly significant in the field of conflict resolution, by:

- Building a successful mediation company that has had significant impact in the UK and beyond
- Setting and gaining recognition for widely recognised practice standards for mediation practice in the UK
- Developing and extensively applying a Gestalt approach to mediation for interpersonal disputes
- Developing a theory-based Relational-Gestalt model of conflict resolution

So, as I present my achievements, how should I choose a methodology that will show that my work to date evidences '...a particular level of knowledge and understanding, cognitive skills, and practical skills, consistent with this claim' (Metanoia, 2013, p.43) To answer this, I will try and draw partly on my own research experience, and partly on the current literature on research methodologies.

My main research experience comes from being involved in full-time research when working for British Telecom in the 1980s, and having completed two Masters' theses by research since that time. The work at British Telecom was into the acceptability and usability of new technology. This research, partly summarised in Waterworth & Talbot (1987), was exclusively quantitative, involving user trials in which subjects mostly completed Likert scales (e.g. Norman , 2010), and questionnaires with closed-ended responses (e.g. Kaplan & Saccuzzo, 2009). My first Master's thesis was also a similar quantitative study, while my second Masters (Talbot, 2001) was a departure from this, being an enquiry into therapists' experiences of Catholicism, using the method of Interpretive Phenomenological Analysis (IPA) (Gill, 2014)

So, for the current study, I could use a familiar quantitative methodology to consider the research question, 'Is the Gestalt model any more effective at resolving disputes than the preceding theory-light model?' Loosely speaking, I would be testing a (null) hypothesis that neither model is any better, and be aiming to prove that hypothesis wrong. The design could then be a randomised control trial (e.g. Howell, 2011), with subjects assigned to either a treatment group (Gestalt mediation), or a control group (theory-light mediation), and then a suitably chosen dependent variable would indicate whether or not I had enough evidence to prove that there was a difference in the two groups' outcomes.

Conversely, I could choose a qualitative method I am familiar with, such as phenomenological enquiry, perhaps using IPA. The research question here is more, 'What is the experience of my mediation participants (as research subjects) when taking part in Gestalt mediation?' The specific methodological approach would be to try to make sense of the worlds of the mediation participants, by using interviews, which are then transcribed and analysed for themes that would start to explain how my participants had experienced the resolution of (or failure to resolve..) their disputes. (e.g. Langridge, 2007).

One or another of these approaches would certainly go some way to illuminating my personal and professional journey: the first proving that the Gestalt mediation model works and therefore has merit, and the second illustrating the impact of the model. My sense is, however, that to use either of these methodologies would mean missing out on a lot of the richness of my experiences in the last fifteen years, and especially would fail to address some interesting and important questions:

- In what ways did the prevailing social and professional culture in which I worked affect my own professional development and achievements?
- How have my own experiences of conflict impacted on my work?
- How have my skills, knowledge, qualities and values enabled me to make the achievements that I have made?
- How did my knowledge and skills grow with each of my achievements?
- What collaborative relationships did I form throughout my development?

Essentially, I am wanting to acknowledge that what I have achieved has all arisen through the interaction of me, my participants (the users, referrers, beneficiaries and detractors of mediation) and the social context in which I have so far done my work.

In looking for a way to present my achievements as a set of research findings, then, I am drawn to autoethnography, especially in terms of one of its underlying assumptions that the research findings arise from an interaction between the researcher and the participants (Polit & Beck, 2004)., and to narrate my experiences from that place. I also feel that there is a story I would like to tell, and I want to give the reader a richer sense of what I have thought, felt and done. Consistent with Ellis' (2004) approach, again an autoethnography would hopefully allow that richness of description.

I also think it is important that I have a way to explicitly acknowledge the relational aspects of this work: the ruptured relationships that lead to interpersonal disputes, the relationships I have had to form in order to mediate well, and the wider relationships (both collaborative and conflict-ridden) that I have had with the wider field while doing these public works. Again, consistent with my choice of autoethnography is that the aim of an autoethnographic study is to capture the relationships between the researcher and the social world (Spry, 2001). In addition, my approach to this work is based on Gestalt theory and practice, which are relational at their core (Yontef, 2002).

Furthermore, my participants and I have all brought our own assumptions to this work, and in the field of conflict resolution our differing assumptions can be very significant. As a way of bringing those assumptions to the research and of putting them in front of the reader, I am drawn to Bager-Charleson's (2014) comments on reflexivity within research:

'Practice-based research is never conducted in a vacuum. Underlying personal and cultural expectations, values and beliefs (held by both the researcher and the research participants) are inevitable aspects of research conducted in real-life settings' (p. 116)

So, what I want to do is to give an autoethnographic account to show, as richly as I can, what change I have caused to happen in the mediation field. I want to use my personal

responses to the work, in the sense of the ‘..researcher as a person’ (Bager-Charleson, p. 80), as well as aspects of the social context in which it took place. Furthermore, I hope to bring in aspects of relational Gestalt therapy as a thread running through the various challenges I have faced, and the achievements I have made, along the way.

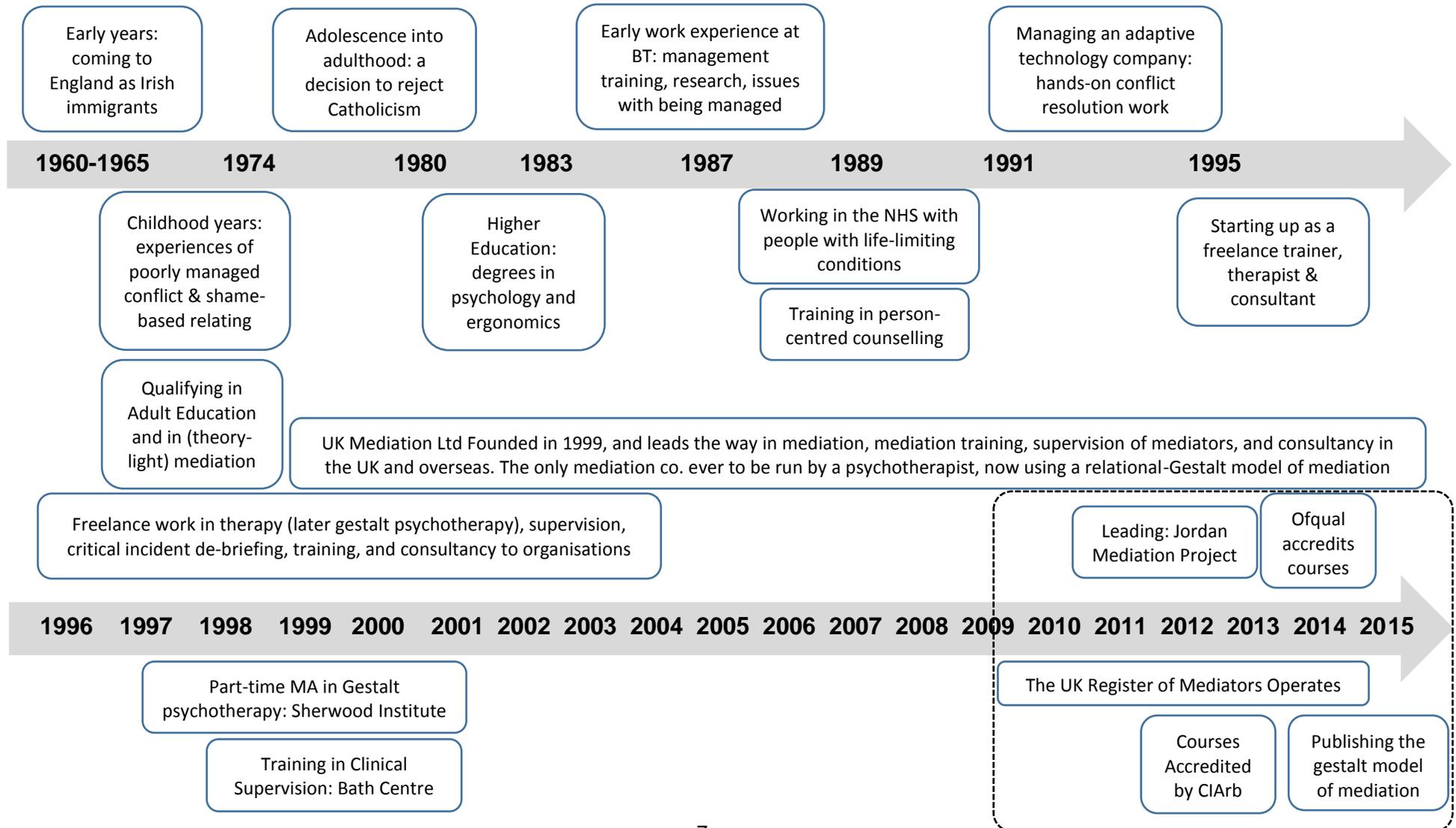
3. My Personal and Professional Background

3.1 Timeline

The timeline below briefly summarises the various personal and professional strands that have been significant in my career to date. Following this, I go on to illustrate how these strands have led to the creation over the last five years of the public works being presented here.

This timeline is also supplemented by the inclusion of my CV in Appendix 1.

Figure 1. Timeline of My Personal and Professional Background

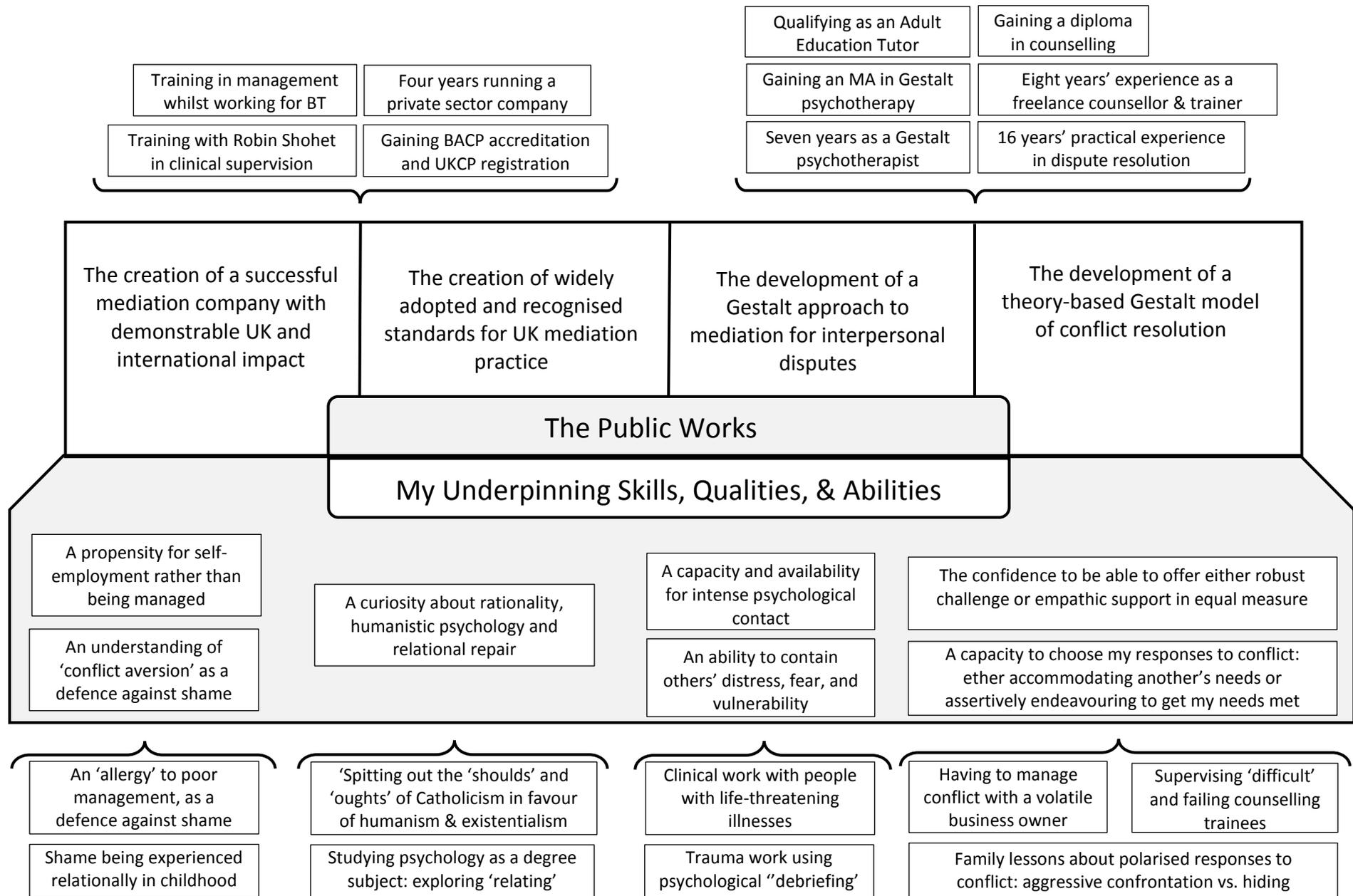


3.2 How the Personal and Professional Strands have to led the creation over the last five years of the public works

The diagram below briefly summarises how these personal and professional strands have ultimately led to the creation over the last five years of the specific public works that support my doctoral claim.

I also show how some of my formative experiences have provided a more general underpinning of skills, qualities, and ways of being that have allowed me to make the achievements that I go on to discuss.

Figure 2. The Public Works and my Personal and Professional Background



3.3 Autoethnographic Account of my Personal and Professional Background

There follows a narrative on the personal and professional strands mentioned above, showing the influences they have had in the development of the public works under consideration.

Personal Background

I am one of four children of Irish Catholic parents who came to the UK in the mid-1960s. An otherwise stable and loving family environment was nonetheless pervaded by argument and conflict: the kind of poorly managed conflict that never quite gets resolved. Some early lessons in conflict for me were that when 'angry mum' was on the loose I should drop my head and ride it out: actually to become submissive as a means of survival (Chance, 1988), and that people could have different responses to conflict: Dad's preferred way was to avoid the situation by leaving the room and/or to refuse to talk.

Into my adolescence I became aware that my parents, Mum in particular, held a deep sense of shame about being Irish immigrants to 1960s England, at a time when rented accommodation still displayed signs saying, 'No blacks, No dogs, No Irish', and with the Northern Irish troubles undergoing a resurgence. I am thinking of shame here as the '...affect of inferiority and alienation' (Kaufman, 1980, p. 45): the emotion that would cause my parents to keep their heads down and not be overt about their identity. Mum would hush us up, on the bus or in public, if we spoke about Ireland or about our church. Consistent with Lee's (1996) idea about shame being, '...experienced relationally with reference to the feelings, desires, standards, rules, principles and limitations and so on of a larger relational field' (p.7), I am in no doubt that I learned early lessons about conflict and relating. My own shame-based contacting will have been significant for the works that I later discuss.

A significant turning point for me was when, around my late teens, I made a choice to reject the Catholicism that I had been born into. Although proud of my Irish roots, both then and now, the 'Shoulds' and 'Oughts' of Catholicism just felt bad or unsuitable for me, and I felt

that I had to 'spit out' the Catholic injunctions (Perls, 1959). I needed something that was closer to my own personal experience: more rational and I know now, more humanistic.

Then coming in to adulthood, I chose psychology as a degree subject. Although I could not have said so at the time, I am sure this choice was about me wanting to understand myself and other people better, perhaps to make more sense of how people can manage their relationships, and especially their conflicts, with each other. I knew little about dealing with conflict in a full-on, honest and congruent way. What I did know was that I could avoid the threat of the more powerful other by cowering, avoiding eye contact and withdrawing, and I could feel safe if I simply remained confluent with the people around me.

Professional Background

Having graduated in psychology in 1983, I went on to gain a master's degree in Work Design and Ergonomics from Birmingham University. I then worked in Human Factors research for BT: training as a manager and running usability trials on new technologies, especially in computer-generated artificial speech. I had real difficulty in being managed at BT. The people who were appointed to manage me had real difficulty managing me as well. With hindsight, what I see is that this rebelliousness was a successful way to manage my own shame: refusing to be on the side of what I experienced as a malevolent, humiliating other (Wheeler, 1995), and saying, 'No, I'll do it my way' allowed me to defend against that humiliation (Erskine & Moursund, 1988).

Leaving BT in 1985, I took on a job as a clinician with the NHS, which applied some of the computer-speech technology in a different way: for people with disabilities who were unable to speak. A lot of my clients were referred to our clinic when they were within the last few months of their lives, typically through Motor Neurone Disease. Clients would often want to spend time talking about their imminent dying. There was a kind of mutuality in the relationships I had with clients, similar to that described by Margherita Spagnuolo-Lobb (2009). The clients, in the last months or weeks of their lives, laid themselves bare. This in turn allowed me to be more congruent, honest, authentic, and to come to the contact boundary more myself (Yontef, 2002).

This work gave me an interest in counselling, as I felt ill-equipped to deal with this emerging part of my work. So I trained as a person-centred counsellor from 1987 onwards, getting a practice placement with CRUSE Bereavement Care. I was becoming accomplished in bereavement counselling, and was highly regarded at CRUSE. Working essentially with the 'core conditions' of Carl Rogers' (1957) original Person Centred model, I found out that I had the courage to be able to get alongside people who were dying, and who were often frightened of dying. This ability to work sensitively with people in vulnerable predicaments, being highly curious about their realities, and able to contain their distress and vulnerability, would clearly be an asset for the later mediation work.

I left the NHS in 1992, being head-hunted by one of our NHS suppliers. In making this move, I gained another opportunity to learn how better to deal with conflict, as the company owner was a highly aggressive and unpredictable character, who had a tendency to yell and shout at anyone who crossed him. I only later surmised that one of the reasons he had me running his company was that I knew how to deal with him effectively: I could tolerate his tantrums, I could soothe him, and I could continually limit the damage that he would otherwise cause by his volatility. This tested my hands-on conflict management skills to the full, occasionally needing to let the owner have his own way, occasionally having to stop him from causing mayhem.

By choosing autoethnography, I want to give prominence to the meaning of the events that I describe here, going beyond just story-telling (Medford, 2006). So I might sum up some of what I was learning about conflict here by considering a number of polarities (e.g. Perls et al., 1951):

- I can choose to stand squarely, meeting the conflict head-on, or can step aside and move away to avoid it.
- Both I and the other person in the dispute have needs. When angry and combative, we cannot both get our needs met at the same time. However, we both also have a great need to be understood.
- Similarly, but in practical terms, I want something from the dispute, and the other person does too. I can alternate between the polarities of 1. letting the other person get what

they need, and 2. me requiring that I get what I need. This kind of thinking would prove useful for some of my work later on.

For this autoethnographic piece, I think it is important to think about the collaborations that I formed throughout my development. Collaboration is not always comfortable. Two people can collaborate in the sense of both trying to get their needs met (Thomas & Kilmann, 1978), even when that collaboration is tense and argumentative. I did engage in such a type of collaboration with the company owner, and I think it is clear from the above reflections that I learned a lot from this.

Then in late 1995, I finished with the company. Predictably I got sacked. With the money I won through a legal claim against the owner I went full-time as an independent counsellor, organisational consultant and trainer. As someone who had struggled in earlier years to figure out how relationships worked, I was now working with some of the most intense helping relationships I was likely to encounter. And as someone who did not enjoy taking instructions or having his freedom constrained, I was at last working for myself with the professional freedom to do precisely as I pleased.

So this was the start of my first real exposure to Gestalt, the beginning of my self-employed career, and the point at which I was about to get my first training in mediation.

Training in gestalt and in clinical supervision

As I began to settle in to working for myself, I felt a little ill-equipped for the sort of work was taking on, and that I needed a further, more substantial qualification in counselling or psychotherapy. No doubt there was also still an archaic voice in my shame-based system telling me that I was a fraud, and did not really know what I was doing.

My preferred model at the time, and the one I had mostly been trained in, was Rogerian person-centred counselling. Other than more training in this, the alternative choices at the time were Cognitive Behavioural Therapy (CBT), Transactional Analysis, Psychodynamic, and Gestalt. (Integrative training was just starting to happen, and I was not sure what it was).

CBT (e.g. Beck, 2011) seemed to be lacking in creativity and vigour, and as far as I could see relied on people being extremely rational and persuading (even self-deceiving) themselves out of their distress (I am not saying that is an accurate and balanced appraisal of it, but that was my impression then). Transactional Analysis (Berne, 1961, Stewart & Joines, 1987) was interesting intellectually. I got the idea of ego states: useful for some of the organisational work. I liked the idea of scripts and of repeating patterns of behaviour, and the idea of injunctions really resonated with some of my own experiences of Catholicism.

Psychodynamic psychotherapy was also fascinating intellectually: I was interested in the idea of present behaviours being influenced by past unresolved relationships, and could certainly relate that to myself and some clients. I was really put off by the reductionist, medical model of making a diagnosis and treatment plan, and the general sense of determinism: where was the client's free will?

Then I discovered Gestalt. What I saw was a lively, challenging, in-the-moment therapy. I liked the idea of experimenting, of using dream work and metaphor to enhance clients' awareness, and of the never-ending cycle of gestalt formation and destruction. I was later to discover that there was a much greater depth and breadth to the Gestalt approach. Even with what little I knew then, it looked like a great extension to the person-centred approach: taking more account of the therapist's phenomenology, and allowing for a more energetic consideration of everything in the field, especially including an explicit awareness of how

past patterns of relating might repeat themselves in the present. I read two short books: Clarkson (1989) and Mackewn (1997), then was interviewed by, and enrolled at, the Sherwood Institute for their four-year part-time MA. Around the same time I also enrolled for clinical supervision training with the Centre for Staff Team Development, which was led by Robin Shohet and centred on the Hawkins & Shohet (2012) seven-eyed supervision model. I wanted this in order to be able to offer supervision as a service.

I started to put my supervision training into practice when I was asked to supervise some of the trainees in the establishments where I was offering training: Wolverhampton University, Birmingham Counselling Centre and Birmingham University. I tended to receive the referrals of the trainees who were failing, or who needed additional support. I developed a reputation for being able to challenge people: to face them robustly with the need for them to change and develop. The various training institutes had confidence in me to address their struggling trainees in this way, and the more I did, the more I gained in confidence.

Getting my introduction to mediation

Early in 1998 I was carrying out a visiting lecturer role at North Warwickshire College, delivering a two-year part-time course in counselling skills, I got into conversation with their head of Human Relations about workplace disputes. She had been asking about how counselling would help when staff were at loggerheads. I mentioned that I had heard of this thing called mediation, which might fit the bill. There was also at the time an initiative whereby colleges would provide services to communities, and it came into our conversation that the college could offer mediation for neighbourhood disputes in the local area. This could be a good community service as well as a potential money spinner. I had also read that mediation could be used for better managing student complaints, and the senior staff member was keen on this idea as well.

Plus, the counselling skills course that I was co-delivering at the college was known for attracting a diversity of candidates, of widely varying levels of ability and suitability for becoming counsellors. There had been some conflict within various training cohorts about assessment decisions, poor feedback from counselling placements, and course content. I

had been one of the people who had helped to resolve these matters, and I think this had come to the college's notice. I felt privileged to have been one of the few selected for this expensive training. They chose me because I had demonstrated some aptitude for conflict resolution, because I had shown an understanding of the differences and overlap of counselling and mediation, and not least because of the powerful trait of **curiosity** that I have always had: I was, and am, keen to learn and to acquire new skills, to develop and improve what I do.

And I again pause for some reflection at this point: thinking about some of the meanings I ascribe to the experiences I was having:

- I was around poorly managed conflict as a child, and I was about to begin to specialise in conflict resolution, perhaps finding a way to apply some of the lessons I had learned
- As a younger man I struggled to take instructions from people in whom I did not have confidence, yet was now in a position of working for myself and not having to answer to anyone.
- I felt like I was engaging my curiosity, a trait that would serve me well when working in conflict resolution. Curiosity in gestalt-theoretical terms is an awareness of problems as open gestalts that yearn for solutions, and the quest to bring better form to our knowledge structures and/or closure to these open gestalts (Malone, 1981). The capacity to stay-with difficult situations was something I had already begun to develop professionally. This would be useful when working with interpersonal disputes using an approach in which meanings and solutions would be allowed to emerge, rather than being imposed, or being coerced out of disputants.

Getting back to mediation, and as I am now introducing it as something that I was beginning to learn, I think it would help to give an overview here of what it is.

In the very simplest terms, mediation is a process in which a neutral third party can help people in dispute to arrive at their own preferred resolution. A mediator has skills in:

- active listening
- empathic responding
- conversation management
- re-framing people's rigidified positions, and
- encouraging a focus on collaboration for the future, instead of entrenchment and conflict in the past.

People's participation in mediation must be voluntary, and the participants themselves arrive at the terms of any agreement, unlike the processes of litigation or arbitration, where a binding agreement is imposed.

When looking further into mediation I found that, although there was a lot written about the subject in general, there seemed to be a real paucity of underlying theory. There was, and is, a standard, theory-light model (Mediation UK, 1995) in use within community mediation services, in some schools projects, in Restorative Justice for building reparations between victims and offenders (Liebmann, 2000), and at the time I trained was just beginning to be used within workplace mediation in the UK.

The standard model is illustrated in Figure 3.

Stage	Activity at this stage
1	Mediator meets with first party <i>to hear the story, allow offloading, inform them about mediation, and start to deduce their interests</i>
2	Mediator meets with second party <i>to repeat Stage 1 for a second time, while withholding any disclosure of party 1's initial meeting</i>
3	Mediator prepares for a joint meeting <i>to consider whether to bring the two sides together, to plan and organise either a joint meeting, or a 'shuttle' mediation process</i>
4	A joint meeting is convened and opened <i>to set the scene, agree some rules, allow the parties to define their issues, and to form an agenda</i>
5	The conflict issues are explored <i>Where the parties begin to work on the conflict, which is now broken into smaller, more manageable chunks. Negotiation takes place</i>
6	An agreement is approached and formulated <i>after brainstorming possible actions and outcomes, parties are helped to choose options that meet their substantive needs & interests</i>
7	The process is closed, and the mediators de-brief <i>Quite often followed up by a contact to the parties to check how things have worked out</i>

Figure 3: The Standard Mediation Model (Mediation UK, 1995)

Origins of the 'Theory-Light' model

I have since researched the origins of this, the widest-used model in community and neighbourhood mediation in the UK. I have wanted, especially for the current study, and consistent with my chosen methodology, to see it within a context. The manual for the model, essentially the source that every mediation service uses, then and now, is the Mediation UK (1995) 'Training Manual in Community Mediation Skills'. It gives little clue as to where it originated from. The principal author of the manual is John Crawley, at the time the owner of a mediation business, and a community mediator. So I tracked him down in Hertfordshire, where he now works as a freelance trainer, mediator and consultant, and he kindly gave me the following answer to where this model had come from:

"We had known for some time that a national training manual was needed. Several long-established mediation services had excellent training materials, but were geared to local conditions. Most published material was American, and there were significant differences of context that we needed to address..... Much good practice was implicit and needed to be made explicit"

John Crawley (2015), personal communication, June 30th 2015

The 'we' that John referred to was a working party of John and five others, from a number of community mediation services, who collected and pooled the training resources that were all in use in around 1993, and which together made up the manual that was published two years later.

I traced some of the leads that John gave me, and they mostly led back to the same source: 'The Mediator's Handbook', which was the original (1982) version of a handbook produced by a Quaker organisation in the USA, and which is currently in its third edition: FRCP (1997). The preface to the book says that, 'The original *Handbook* was, we believe, the first 'how-to' manual available to the public' (p.iii).

Prior to this research, I had already heard that the Quaker movement had been responsible for bringing mediation (or 'conciliation') to the UK, but I had not realised that this was the

only *de facto* source book for community training programmes at that time. As far as can be established, the 'handbook' summarised in print for the first time the practices of Quaker mediators up to that point: not so much a theoretical model, but a summary of best practice. (And the words 'conciliation' and 'mediation' seemed to be sometimes interchanged at that time.)

The background to mediation as currently practised

In reading more about the origins and context of mediation for the current study, I got curious about the earlier history of mediation, so I dug a little deeper. I also researched different mediation models and approaches, in order to give a context for the current study. Rather than go into all of that here, I have appended my findings in Appendix Three: 'The history of mediation, its models and approaches.'

Starting the mediation cases

So, at the time that I started doing mediation cases the theory-light (standard) model was all I knew. I had not at that point come across any other theories or approaches. In fact, I was led to believe that the whole of mediation equalled the ideas of Principled Negotiation, plus the 'Standard' stage-by-stage model. So it was on the basis of my own mediation training, my counselling experience, my private study, and my courage in being prepared to have a good go at this, that I became ready to carry out my first few mediation cases.

In order to get some mediation experience (and some free case supervision) I volunteered in July 1998 to be a mediator for a community mediation service in Walsall in the West Midlands. This felt like a great opportunity to get stuck in and to put my training into practice. I was excited at the prospect of getting some real disputes to work with, pretty nervous that I was going to mess it up, and curious about what the other mediators would be like: would they be 'real' mediators: experts who would put me, a rookie, to shame? Or would they be as naïve as me about the whole thing?

There was a part-time receptionist/case manager in the service, one other mediator, and the service manager. When I started working for them, I think they viewed me with some awe: I had done a 'proper' training (holding a recognised mediation award was unusual at the time), I had a psychology degree, some industry experience, a counselling diploma, and I ran my own company doing counselling, consulting and training. I probably, in their eyes, knew what I was doing.

So I got my first case, which I have termed 'Love Thy Neighbour': a neighbourhood dispute about noise, litter, and alleged damage to shared fences. This case took place on July 1998, and so is too early for the timeframe of the Public Works. I present it in order to show my early thinking about mediation, and the earliest part of the development of my distinctive model. This case is described in Appendix Two.

Reflections on my first case: 'Love They Neighbour'

Firstly, it worked. We mediated a settlement to a tricky dispute. Secondly, I had been nervous about it, and had needed to not get distracted by my anxiety about how the work would go. From the disputing parties, we had a good deal of, 'Well, what are you going to do about it, then?', and a little of, 'Well, I don't see how you lot are going to be any use!' This had to be managed firmly, especially getting the parties to buy in to the process, and not to feel they were being coerced or made to take part.

Another factor for me, though, was working with Anneka. Anneka was a fellow volunteer and had been working with the mediation service for around two years. She had undertaken a short training with another service prior to joining Walsall. Her training was shorter and less in-depth than my own, and not externally accredited. She was nervous of working with me because I was better qualified. I was nervous of working with her because she was more experienced. She was ready to stand back and let me lead. I was ready to do the same to her. In the event, spotting this, I suggested that we divide up the mediation tasks very explicitly: 'You do this, I'll do that'. Anneka was happy enough with that, and took a few less pieces of the work than I did.

I was at that point very unfamiliar with co-working. Aside from some debriefing groups that I had co-run, I had no experience of sharing tasks with another professional like this. After the work, we took time to debrief. I found Anneka to be very natural with the work, relaxed and friendly. She found me to be empathic and understating of the parties, encouraging and keen to help them to get a solution. When pushed a little, she said I could relax a bit, and try and be a bit more myself, less trying to 'get it right'. I found this feedback really useful, and remember it to this day when I am working sometimes. I certainly recognise this need to 'get it right', which can override my ability to be natural and more human. I see it as an aspect of defending against shame, consistent with Wheeler's (1997) relational view of shame. My initial way of relating to Anneka was also coloured by this: part of me anticipated being 'shown up' and humiliated for being found out. This subsided following this initial case, and we went on to work well together, sharing expertise and ideas about the cases we co-mediated

So, from the theory-light perspective why did mediation work in this case? Because:

- By actively listening and expressing empathy, and by staying out of a win-lose battle about who was to blame or was at fault, we could get them to a point of jointly tackling the issue of what they should do to end their dispute.
- By identifying their underlying interests: that they wanted a tidy living environment, a good night's sleep, and freedom from aggressive exchanges, they could start to negotiate how to get these things, instead of just persisting in a stand-off of mutually exclusive positions
- By brainstorming ideas for where to put their bins, how to ensure litter did not blow around, and how to manage noise disturbance: agreeing acceptable times of the day for coming and going, using headphones after midnight, and ensuring doors did not slam when visitors left late, they were able to list a large number of possible actions to choose from, most of which would meet their interests.
- By helping the parties to consider what they were trying to achieve overall by settling their dispute (a quiet life, staying out of trouble with the police) they could select their own set of actions to be taken, and not feel that an agreement had been imposed on them by an outside agent.

With regard to more personal reflections, I thought about my responses as we rang each person's doorbell, got let in, and were faced with some fairly stern resistance. At these moments, as well as in the joint meeting, I had a fast-beating heart, sweaty palms and a dry mouth: I was afraid at times, without a doubt, especially when, in the joint session, they yelled at each other and we had to keep order. I stayed grounded by breathing, by leaning back on my training, both the mediation training and my counselling training, and by staying in my adult ego state sufficiently well: in full contact and responding to the here and now, and not feeling wiped out by the people's angry expressions. There was a definite relief at the end of it: a buzz. Anneka and I were excited by what we had done.

Privately, I was aware of how my responses in the mediation perhaps lived in between the polarities I had experienced in my early years: Mum yelling, annoyed and attacking: Dad avoiding her, going quiet, keeping his head down. There was a possibility here that getting further into mediation, reflecting on my responses to so much conflict, and introspecting around how I could deal with it, might give open a door to a greater self-understanding, in line with Finlay & Gough's (2003) 'Reflexivity on introspection'.

Plus, I felt the beginning of something that was, for me, consistent with the idea of people working out their own realities, figuring out for themselves how best to live their lives. My own 'spitting out' of Catholicism had to be replaced with something, and around this time I was getting interested in rationalism and humanism: alternatives to having a powerful being telling me what to do. I felt so much more comfortable with the idea of me, and other people, being empowered to figure out our own morality and our own way to live our lives well.

Contribution to a Relational-Gestalt mediation model

So this was my very first case, and was based on just my initial, theory-light mediation training. However, I also had my counselling training and practice, working in various areas of human relations, so I was curious about relational aspects of the mediation work. My reflections at the time included the following:

- Conflict can be frightening: for the parties in it and for the practitioners trying to help them resolve it. Effective mediators need to self-support through their own self-awareness, their training, and the support of peers if working as co-mediators. We had to make the situation safe by the quality of our own highly authentic presence (Yontef, 1999)
- The disputing parties are unlikely to trust the practitioners (after all why should they?) For the disputing parties, then, there is a need for safe containment, and this must be engendered by the practitioners (e.g. Bion, 2005).

- Impartiality is essential. Although we say some things in the theory-light model about 'being neutral', there is need to practise a very strong form of neutrality or impartiality. The consequence of losing impartiality would be to become confluent with one side(perhaps even spilling the beans and passing on otherwise private information) and, by building resentment and mistrust, becoming isolating of the other.
- If working in a co-mediating pair, the practitioners need to pay attention to the dynamic between them, as well as the client-practitioner dynamic and the relationship between the two parties. There would appear to be potential for the two practitioners' relationship to affect the disputing parties' relationship: if assertive, self-aware and dialogic (e.g. Latner, 2000), this could potentially be paralleled in a similar relationship developing between the parties. If imbalanced in power and/or in any way aggressive, this could potentially exacerbate the poor relationship between them
- **Most importantly for the theoretical model, it made me reflect that interpersonal conflict does not happen in a vacuum:** there is a context, a situation in which the conflict occurs, and this wider situation needs to be acknowledged. Consistent with Lewin's Field Theory (Lewin, 1952; Parlett, 2008), the disputing parties' partners, other neighbours, and their neighbourhood as a whole would all impact on their conflict and the likelihood of its resolution. The partisan, factional involvement of people other than those involved directly in the dispute could worsen the initial conflict, or, as I saw here, potentially sabotage its resolution

And here, just before describing my ongoing development as a therapist and consultant, I pause to reflect on some of the collaborative relationships that I had formed up to this point. At Wolverhampton University, Birmingham Counselling Centre and Birmingham University I had delivered counsellor training, and had supervised some of the trainees, particularly the failing ones. Plus, I had collaborated with Anneka and the people at the community mediation service when getting my first cases. My motivation for making these collaborations work was of course connected with me just beginning to branch out as a self-employed consultant: I wanted to make connections with people and institutions, to do a good job and to get repeat business.

At the universities, I knew that I had skills and knowledge to offer to these collaborations, and even though they had their own particular syllabi, ways of working, and proscribed programmes of learning to deliver, I learned to be braver, to strongly argue for and promote my own ideas, and not be scared to make my mark or try and change how these institutions do things: to really stick my neck out. Referring back to my earlier reflection on defending against humiliation, I was developing more assertiveness to be able to say, 'No, I'll do it my way' (Erskine & Moursund, 1988).

And with the community mediation service, especially with Anneka, I think I began to learn for the first time to learn how to co-work with another practitioner. As already mentioned, I had experienced shame in thinking I would be shown up for my inexperience. However, I had been trained to a higher level than those I was working with. Again, I learned how to collaborate better: not just knowing when to listen and learn, but also knowing when to have courage and to speak up when I could see a better intervention or a more effective way to manage a mediation case. All of this learning would be beneficial for the later public works.

Developing as a therapist & consultant: Mike Talbot & Associates Ltd

I was continuing with the freelance training, counselling, and consultancy services that I had already begun, and was now working under the name of 'Mike Talbot & Associates Ltd'.

The services that Mike Talbot & Associates Ltd was offering at that time were:

- Private and agency-referred counselling and critical incident debriefing
- Training in counselling skills and theory
- Consultancy to organisations

The counselling involved a caseload of 8-10 long-term private clients, and shorter term referrals of clients from a number of agencies. At the time I had become a BACP accredited counsellor, and so I qualified for enrolment with ICAS, PPC, and First Assist, all providers of Employee Assistance Programmes for organisations. They would refer clients for 5-6 sessions of counselling around anxiety, depression, substance abuse or other issues, or for critical incident debriefing work.

I had trained with some of the agencies in a psychological debriefing model essentially based on the standard model at the time (Mitchell & Dyregrov, 1993). This allowed me to work with clients who had survived some of the major traumatic incidents around that time: rail crashes, including Ladbroke Grove in October 1999, armed robberies (we had a contract with a number of betting companies and banks), and some well-known terrorist incidents. This was a distinctive offering of mine, and felt consistent with the bereavement work I had been doing, given that many of the traumatised clients were either bereaved or had come close to death themselves.

For this work, I found that, rather than being strictly bound to a particular model or procedure, or playing at 'expert' on client recovery within the models preferred by the referring agencies, what mattered more to clients was having an opportunity for some *contact*. What they mostly benefitted from was a chance to be fully in the present moment with an authentic, non-judgmental other who could demonstrate a genuine interest in

understanding their subjective experiences and needs. I was at that time in the process of learning that this was the I-thou stance of Martin Buber (1923, 2004), and of course a foundation stone of the Gestalt approach.

The training was striking for the diverse areas and subjects that I was involved in. I taught critical incident de-briefing to the emergency services, counselling skills and theory on the Post Graduate Certificate and MA programmes at Wolverhampton and Birmingham universities, elementary counselling skills (the RSA course) to adult learners at North Warwickshire College, and my own counselling skills course to mostly charities and voluntary organisations.

With the consultancy, I worked with a number of organisations, consulting on employee well-being, aspects of employee welfare, and on the use of counselling skills and psychological de-briefing in the workplace. Sometimes, the employers were genuinely considerate of their employees' psychological well-being. Other times, they were doing as little as they could to meet their obligations under the Health & Safety at Work Act (HMSO, 1974).

As some examples of this work, I designed an in-house programme for managers and Occupational Health professionals on listening skills and trauma awareness; I trained oil refinery workers in trauma debriefing, I put in place a staff appraisal scheme for a charity, and I ran support groups for workers within a number of helping organisations.

So, as I reflect on the work of Mike Talbot & Associates, I wonder also about its meaning and significance for the current public works, especially in relation to a number of key points:

- **A Capacity for containment.** I was working with some challenging situations, and with people who were in extreme distress. A lot of the material that de-briefing clients brought was in connection with their own near-death, and the death or near-death of their loved ones. I had to learn how to tolerate and contain the depth of desperation, fear, and grief that these clients would be asking me to hold for them. So I needed to

strengthen my own support mechanisms, especially paying attention to my own supervision and personal therapy.

My later work in relationally focussed mediation would benefit from my having this capacity to contain these extremes of emotion and distress, and would also draw on this high capacity for containment.

- **Clear Contracting.** With the variety of clients I had, I was taking on a lot of different roles and agreeing a range of different contracts with people. Some work was short-term de-briefing or counselling and relatively focussed, other work was longer-term therapeutic work that would begin with whatever figure emerged for the client week by week. Agencies expected objectifiable outcomes, judged by intake and final assessments using various trauma scales (Elhai et al., 2005). Long-term counselling clients expected something different. I had to be very clear what it was that clients had come for, keeping in mind Sills (1997) distinction between narrower, goal-oriented contracts and broader, process-oriented contracts.

The later mediation work would require that I was similarly very clear about why people had come: which was usually to try and get a resolution to an interpersonal dispute.

- **Managing three-cornered interventions.** With the consultancy work in particular, I would usually be called in by management to provide some form of training, support process, or facilitation involving their workforce. Often, there had been an incident that led them to call me in: a critical incident involving death or injury, a high incidence of stress-related absence, a threat of industrial action, or a damning audit or inspection. Their motivation for getting me in could be that they wanted to avoid being sued for negligence under Health and Safety legislation, or it might have been a more beneficent motive, in that they wanted their workers to be safe, contented and fully functioning.

The field conditions might be such that there were poor relations between workers and management. So I had to be briefed by management, who usually would not have workers (clients) present at the briefing, and then go and deliver something to the workers. This required some adept work in avoiding being seen by the workers as a representative of their management (and therefore an enemy), or being centred on the workers' needs to the extent the management felt I was not inclined to do what they were asking of me. This required that I gave some thought to how best to manage this three cornered relationship, drawing on ideas from Sills (1997) and later Proctor & Sills (2005).

Later, working as a mediator, I would need to continually keep these three-cornered arrangements in mind: it was not just about contracting with the (paying) referrer about what they wanted me to do, but also contracting with the clients about what they needed from me.

Continuing with the mediation cases

After the first, 'Love Thy Neighbour' mediation case, I went on to carry out a number of other mediation cases for Walsall Community Mediation Service. These were to do with similar issues: noise disturbance, parking problems, people making threats against each other, problems with boundaries, access, and shared entrances. These I completed by using the standard model, and usually mediated along with a colleague. I carried out around twenty cases over an eighteen month period, on an as-needed basis.

Walsall Mediation Service provided case supervision, which I attended regularly. This mostly involved chatting anecdotally about the mediation cases, and reflecting on whether the mediators had worked well, could have done anything differently, and whether there were any learning points that could be taken away from each case.

So at this point I had recently trained with Robin Shohet in clinical supervision; I was supervising counsellors and counselling trainees, and I was now getting mediation supervision of my own. According to Hawkins & Shohet's (1989, 2012) taxonomy of supervision types, I was receiving Managerial Supervision (p.65). This, I learned, was what mediators tended to get. It was basically focussing on content rather than process, and allowed some opportunity to reflect on the content of cases. For me, it felt inadequate, as I was starting to focus far more on interpersonal process, and this was not touched upon in the supervision. I began to think about how therapeutic supervision, of the kind I was myself both receiving and offering, could work in the mediation field.

Developing Workplace Mediation

I wanted to broaden my own customer base, especially for the organisational consultancy I was offering. I employed some part-time administrative help, and set about acquiring customers by sending mailshots, offering free 'taster' events, cold-calling Human Resources and training departments within target companies, and turning up at conferences and exhibitions, trying to get to talk to decision-makers from organisations where I thought

there might be some potential. Some of my marketing paid off and led to regular work with companies such as Rolls Royce and British Steel.

While carrying out some stress management and stress audits within these companies, it became clear that they wanted to extend the emotional support and stress management work beyond the classical focus on self-care, assertive communication, and time management. They were looking for ways to head off stress and absenteeism, rather than having to deal with the fall-out from these phenomena only after they had occurred. An area that I was curious about was conflict in the workplace, partly because in the many private conversations that I would have with people, there were often mentions of bullying, harassment, ganging-up, people being ostracised, factions forming, etc. So I became more interested in unresolved conflict as a major cause of some of the stress that employees were suffering. It was clear that disempowering management styles, unresolved interpersonal fall-outs, and factional conflicts within work teams were all causing people distress, and were probably a major contributor to stress-related absence.

And, of course, here was a great opening for me to develop workplace mediation: taking the skills and the model that I had been practising for a couple of years within neighbourhood conflict, and extending this into workplace disputes as well. Instead of just dealing with disputes about noise, litter, parking, etc., I could be working with interpersonal workplace disputes arising from misperceptions, miscommunication, disempowering management style, factionalism, etc., etc. That is not to say that my idea was welcomed with open arms: cost-conscious, time-saving organisations needed some convincing that mediation was not 'touchy-feely' and, '...a way for employees to put their feet up for a few hours', as one production manager told me.

I think that, to fully convey what was happening back then, it is important to relate the voices of these, my potential service users at the time, and to place them, me, and my collaborators (and detractors) into a social and cultural context (Reed-Danahay, 1997). Plus, along with the voices of the potential purchasers of mediation, there were the voices of the potential consumers: the employees who also needed some warming up to the idea: how

did they know that everything they said to me was not going to get back to management's ears? How could they trust me, when it was management paying me to be there? And, as they put it, 'What's this 'meditation' lark for anyway?' (That was my favourite).

The employee relations field in 1998-2000

My urge to develop workplace mediation did not exist in a vacuum: there was and is a constantly moving and changing field around industrial relations in the UK. So here I am able to draw on Ellis & Bochner's (2000) approach to autoethnography, where they advocate deepening the experience of the phenomena by connecting the personal to the cultural. The context of employee relations in the late 1990s inevitably had an impact on how people would make sense of, and choose to address, workplace disputes. We were at a point in UK employment history where the role of trades unions had changed dramatically. About twenty years previously, in 1979, Trades Union membership had been at a high, around 13 million (Grainger & Holt, 2005). A steep decline in numbers of members took place through the 1980s, with numbers then staying around 7.3 million up until 2000, when it levelled out. There had been a politically-driven initiative to reduce the power of collective labour institutions, which were assumed to be an impediment to economic efficiency, a view strongly challenged by many (e.g. Evans et al, 1992).

Union membership had fallen by around five million, arguably through limitations on unions' ability to take industrial action in the post-Thatcher period, and certainly due to the demise in trades unions' traditional heartlands of manufacturing, mining, utilities, and the public sector. (Charlwood, 2003)

It was clear that people were seeking alternative ways to resolve disputes that did not involve taking industrial action, and the numbers of days lost to disputes was at an all-time low (ACAS, 2008). Both employers and employees appeared to be trying to resolve disputes without involving adversarial processes with win-lose outcomes. It felt like a perfect time to get involved in workplace mediation.

Reflections at this point

During this period I was continuing with my MA in Gestalt psychotherapy. This included learning about the theory and practice of Gestalt psychotherapy, along with some hours of on-course group process, clinical supervision, and weekly therapy sessions that ultimately extended over the course of more than five years. While I am at this moment reflecting on this whole part of my life by looking back at *events*, during the time I am currently describing I was engaging in *reflexivity*, an ongoing *self-awareness* (Finlay & Gough, 2003), greatly supported (and challenged) by a good supervisor.

I remember feeling that working in conflict resolution would allow me to bring together some of the particular skills I felt I now had: the ability to challenge people, which I had fine-tuned in my work with supervisees, therapy clients, and especially mediation participants, my skills in supporting people in difficult situations, and my understanding of the therapeutic process.

I was excited, and saw an opportunity to make a reliable living, gain kudos, develop my company, and to apply my broad knowledge in a very rewarding endeavour. I was at the same time afraid, and hoped I would continue to be able to tolerate all of this conflict: finding a congruent place in between the polarities of aggressive shouting and avoidant cowering, from where I could experience the conflict without hiding from it, and at the same time express myself without persecuting anyone.

In my own therapy I was growing in terms of how well I could be authentically present, with myself as well as with other people, and how well I could tolerate conflict. Especially, I felt I was less distracted by the child ego states (Berne, 1975), calling me either to submit and cower, or to come out fighting. This left me better able to stay in the moment and to work effectively.

And I again reflect on some of the collaborative relationships I had formed at this point. One such relationship arose because I had needed to get some administrative help to run Mike Talbot & Associates Ltd, and I had taken on an administrator, Cliff. Although I had employed

and managed people when I was running the adaptive technology company, employing Cliff felt different. This was now **my** company, and Cliff was **my** employee. Although there was the notionally hierarchical relationship between us, it still felt collaborative. In fact, because I had seen and disliked the quite toxic, aggressive manner of the earlier adaptive technology company owner, I tried to be completely the opposite of that in the way that I collaborated with Cliff. I felt also that I learned how to manage and get the most out of someone in **my** way, finding more of my own management style, and this would be of value to me as I went on to employ more people in the impending mediation company.

4. Starting a Mediation Company

I continued to carry out neighbourhood mediation cases with Walsall, and built up a portfolio of cases that was later to be further assessed with the Open College Network in 1999, giving me an additional mediator qualification. I pursued all of my marketing efforts, still as Mike Talbot & Associates Ltd., and still meeting with suspicion and, on occasions, outright contempt, from some people and organisations that I targeted for marketing. Some members of the legal profession especially did not like the idea of a non-lawyer taking bread off their tables.

Around early 1999 I felt as if I had really got something that could become a significant contribution to the field of workplace mediation, and which could be developed much further. In particular, the skills and knowledge that I felt I had available to me at this stage were:

- My **confidence and competence** in carrying out neighbourhood and workplace mediation cases
- My skill and experience in **designing and running training courses**, which I intended to take further in the mediation field, to write my own courses and to get these accredited
- My **ability to adapt** the neighbourhood mediation model and apply it to workplace mediation cases and, I expected at this point, to be able to apply it to other types of disputes as well.
- My **resilience** in being able to persist with becoming a Gestalt-informed mediator, and get plenty of bookings, in spite of some strong resistance from legal professionals who did, unfortunately, also hold the keys to some of the doors that I was trying to push open.
- My **understanding** of mediation as a process of bringing about resolution by building good contact, and my ability to **continually develop** the model

So, with all of this at my disposal, I decided to take the risk and change the focus of my company to be exclusively mediation. I maintained my private psychotherapy practice,

offering individual sessions and supervision, and I continued with my MA in Gestalt psychotherapy. Then In mid-1999 I started Midlands Mediation Services Ltd. *The **initial** company formation falls outside of the five year timeframe for the public works in the current thesis. The company was the forerunner of UK Mediation Ltd, undergoing a name-change in 2005. So the company, now called UK Mediation Ltd, is still continually developing and innovating, and I discuss later some of the company's more recent developments.*

Over the next few years I continued building up my skills and confidence as a mediator, and developing further our range of training courses. Some major customers at that time were Local Authorities, NHS Trusts, Colleges and Universities, private sector companies (although few of these), and police services.

More than ever before, I now experienced a clash of value systems. It was important to me that I retain my personal integrity, yet many of the organisations who were paying me well to resolve their employees' disputes expected things from me that I was not happy to give. I had done a fair amount of organisational consulting previously, around stress management, critical incident work, employee support, etc., but coming in as a mediator had a different quality to it, not least that many organisations only used me once to mediate a single dispute, where as previously I had built up long-term, trusting relationships with organisational clients.

In Figure 4 I summarise come of the common issues with regard to this clash of beliefs and values.

Large Organisations Often Believe or Expect	I believe or expect
Visiting consultants do what the organisation tells them to do	Within an agreed remit for the work, I need to be given the freedom to apply my expertise in ways that I judge to be optimal (e.g. Argyris, 1990)
Conflict resolution means getting an agreement that brings a dispute to a complete end	Conflict can sometimes be transformed yet not be completely resolved: a dispute cannot necessarily be ended in a single day. Dialogue may nevertheless be built (Fisher & Ury, 1986)
Employees will routinely be told what the organisation expects of them, and paid consultants should reinforce those messages	My role as a consultant mediator is to offer the disputing employees a different experience to the ones that they have had so far. I am not a paid messenger (Winslade & Monk, 2000)
Consultants should feed back fully to the organisation, so that it can act on any new information. Not to do so is negligent.	I make an explicit confidentiality agreement with the disputing parties. I will let the organisation know what this is. I will only feed back within the terms of this agreement (Whatling, 2012)
There will be a binary outcome to a dispute. A successful outcome is one in which one party will be in the right, vindicated, or free of blame; the other will be the opposite of all of this	Blame and fault only perpetuated and entrench conflict. A successful outcome is one in which parties share the responsibility for improving the situation (Moore, 2003)
Consultants will be told, or will agree with the organisation, what the intended end point of the work will be. They will then gather information from the parties, and deduce from that information what the parties will have to do in order to get to that end point	The end point of mediation is an improved dialogue. The main focus is on <i>what is</i> , not <i>what should be</i> . Mediation is inductive, not deductive. We work in the here-and-now and let an outcome emerge. The mediator does not hand the parties their outcome. They are supported to come up with it themselves (e.g. Bush & Folger, 2002)

Figure 4.

Working within large organisations: my experiences of how expectations and values can clash

Consistent with the reflexive nature of the current study, the question is then: ‘What skills and qualities enabled me to work in these settings while retaining my own personal integrity?’

On a professional note, I think the key qualities that I brought/bring are in being able to:

1. Engage in dialogues with referrers in a way that mirrors the dialogues that I am trying to build between disputing clients, **and** the dialogue that I myself would have with those clients. relational-Gestalt mediation, unlike other forms of dispute resolution, is not a didactic process, in which I would tell people how better to behave or communicate. So neither do I tell organisations and their representatives what they have to do. Within my relational-Gestalt approach, the phenomenological stance acknowledges that there are multiple realities, all with some validity (Yontef, 1999). The two disputing parties have different realities by definition of their dispute. The referrer and I may also have different realities: neither of us is right.
2. Hold firm boundaries. Being involved in conflict, especially at work, where there could be career-changing consequences to being involved in a protracted dispute, is frightening. As well as holding the more obvious boundaries of confidentiality around the sessions, limiting what I feed back, etc., one of the most important boundaries to hold is the *purpose* of my intervention. I am very clear with referrers and with mediation participants what it is that I have come to do, and have found that with small or large organisations a clear contracting process (e.g. Sills, 1997) is essential before starting the mediation.
3. Set and manage expectations well. In the mediation field I see a great deal of false promises being made, and especially people quoting ‘settlement rates’: saying that 85%, 90%, or 95% of their mediations will settle. We cannot possibly know this, and I hear all the time about mediators pushing too hard for a settlement so they can impress the referrer just to get the repeat business. For me, action without awareness, i.e. without a clear figure, will be inadequate or unsatisfying. This will just

translate into an agreement that does not last. I want to set realistic expectations and then keep to them.

And on a personal level, I think the qualities that I have developed, and that I can bring to bear when working with large organisations are:

1. **Courage and confidence.** This is tough work, both in the interactions with referrers, and in carrying out the mediation work itself. Most mediation cases begin with a conversation of some sort with a cost-focussed HR professional or senior manager. They are usually sick of the dispute between their two employees, they feel that they have tried everything, and they may be anticipating some formal, adversarial action to take place. Quite often they will want to dictate to me what it is I have to do. It takes some nerve to be able to soak up and tolerate the negativity and pessimism that gets projected onto me, and also to explain and negotiate clearly what mediation might be able to offer them.
2. **Compassion.** People in conflict are often angry and afraid, and those who refer disputes to mediation, unfortunately often as a last resort, can themselves be impatient with the disputants, and anxious about what will happen if it does not get resolved. They all need to be heard and to experience some understanding and empathy.
3. **Intelligence.** In the melee of a workplace dispute, particularly if it has been badly handled, there is a complicated landscape of failed dialogues, unmet needs, company policies and procedures, and people out of contact with each other. This needs to be understood and managed in a time-effective way, respecting people's confidences.
4. **Humility.** Something else I have learned with working with large organisations is that the parties who are in dispute are actually the experts on their own conflicts. Within a large organisation's management & HR hierarchy, people will often queue up to offer diagnoses, recommendations and treatment plans for how I should fix the

situation (that they have often had a hand in creating!). Although I will feign some interest in this, I have learned to resist the temptation to try and show myself as the 'great mediator' and the all-knowing dispute resolver. My main formulation is that the parties in dispute have lost faith in their own powers of self-regulation, and according to Perls (1951), are simply engaged in a frightened attempt to get their needs met. I have to have the humility to put myself in a one-down position with them if I am to help them in that endeavour.

Completing my First Workplace Mediation Cases

Having set up Midlands Mediation Services, I felt ready to go out and start cold-calling for mediation work, as well as warming up some of my existing contacts to the ideas of workplace mediation. I attended some conferences to do with Human Resources and personnel practice, and tried to button-hole some people who could potentially be persuaded to try mediation as an alternative to more formal and adversarial means of dispute resolution.

At some of the conferences, I came across legal practitioners who were in the business of supplying legal services to employers. They mostly had three sorts of reactions to me;

- first, I got told that mediation was a flash in the pan, and would not work. What employees want is to work over their employers for as much money as they can, and that what employers want is to get rid of failing or troublesome workers for as little money as possible. Mediation was too soft for today's employment market.
- secondly, I was informed that, although workplace mediation was definitely coming into vogue, it was only employment solicitors who would be in a position to be able to practise it. Someone like me was too naïve or under-trained to be able to do it.
- and thirdly, a small minority could see that what I was doing would work very well as a low-cost and fast alternative to the adversarial, blame-focussed approach taken by lawyers (which I use here as a generic term for solicitors and barristers) working with workplace disputes.

I had similar reactions when making approaches to companies by mailshots, followed up by phone calls. A lot of companies would only want to use what I was offering if they absolutely had to, and even then reluctantly. I ploughed on, however, being very resilient, and finally got my first few bookings to carry out workplace mediation.

The next challenge was to adapt the standard neighbourhood mediation model for use with workplace disputes. I thought that I could probably just translate the whole model into the

language of the workplace and use it as it was. I did stop and think, however, that there were some different relational issues that I would have to take into account.

Bearing in mind the different boundaries that exist in workplaces compared to those in neighbourhoods, there could be different dynamics at play with regard to people's engagement with mediation, and with regard to how much they had to gain or lose by participating fully in the process. As I geared up for my first workplace case, a workplace dispute within a publishing company between two colleagues, whom I will call Terry and June, these were some of the issues I had in mind.

This thinking is illustrated in Table 2, followed by the case of Terry and June.

Neighbourhood Relationships	Workplace Relationships
Although people’s behaviours are constrained by law, and sometimes by their housing provider’s tenancy rules, the consequences of behaving improperly ¹ towards their neighbours are neither immediate nor usually profound, save for more serious behaviours that could lead to eviction and/or arrest	Work colleagues who behave improperly are generally disciplined immediately, and will lose their jobs if improper conduct is repeated any more than a few times, or if gross misconduct (theft, assault, malicious damage) is repeated at all
Unless they want to, neighbours do not have to be in close proximity to each other, other than through adjoining walls, along shared entrances, or over garden boundaries	Work colleagues get no choice but to be in the same room, corridor, and/or building for eight hours each day
Neighbours do not have to like, or to be friends with their neighbours. There is some small requirement to tolerate them unless their behaviour is entirely improper, as above. Neither the law nor the housing provider would require neighbours to collaborate in any way. Ignoring or blanking each other is completely acceptable	Work colleagues do not have to like or be friends with their colleagues. They have to tolerate them, within reason, and the employer will expect co-workers to collaborate and work constructively together. Ignoring or blanking each other is usually unacceptable

**Figure 5. Contrasting Relational Issues
in Neighbourhoods and Workplaces**

¹ I could debate ‘improper’ here, but will settle for the examples of repeated shouting, swearing, physical assault, damage to property, deliberate invasion of personal space, spreading serious malicious lies, or inciting others to any of these behaviours. If in doubt, the judgement of ‘Any Reasonable Person’ would apply (Holmes, 1995)

Case two: Terry and June

Overview of case two

This was my first proper **workplace** mediation case: applying the 'standard' model for neighbourhood disputes to a dispute in a workplace setting. The detail of the case is given in Appendix Two. *This case, from May 1999, falls outside the timeframe for the Public Works. I put it in here to show how it **informed the early development of my model**, rather than offering it as a Public Work.*

Reflections on the case and its contribution to the relational-Gestalt mediation model

From this case, I learned about the importance of the mediator as a contact-broker: the Gestalt mediator has to attend more to the relational aspects of what is happening between the parties, and to see resolution as that which can arise when we facilitate contact between them. Specifically:

- This dispute highlighted for me the notion that conflict is an inability to manage difference effectively. One reason that contact is of interest to a Gestalt mediator is that learning, and therefore possibly resolution, can take place at the contact boundary: the place between self and other where difference is experienced. (Yontef, 2002)
- From a field perspective (e.g. Lewin, 1952; Barber, 2008), we can consider conflict to be two different figures (e.g. worldviews, perceptions of reality) that occupy the same space at the same time. (Zinker, 1998). Resolving conflict within a Gestalt mediation model means facilitating contact to the extent that the two people can integrate these two different figures, and/or possibly to support a new, shared figure.
- The mediator's aim, then, in supporting good contact between the parties, is to enhance the parties' ability to see one another's point of view, or at least to view the other party as a human being with values and needs as important as one's own.

My standpoint on conflict resolution is relational, underpinned by Gestalt theory. So with the 'Terry and June' case in mind, I wondered at this point about how people who are in dispute can manage to perpetuate their conflict, and how, in Relational-Gestalt terms, we might characterise this.

The parties in conflict could be said to dehumanise each other by blaming, demonising, and refusing to see the other's point of view. The conflict is perpetuated because both parties do this jointly, and these behaviours constitute a fixed gestalt. The parties cut off contact with each other, and avoid interacting in any meaningful way: acting out their thoughts and feelings rather than expressing them to the other. When embroiled in the conflict in this way, neither party is able to take actions that are useful to them: actions that would actually help them to get their needs met.

Gaynier (2005) took some of this reasoning in an attempt to propose how Gestalt theory could be laid over the practice of mediation. Her approach was to wonder, speculatively, how Gestalt theory might be applied to the field, unlike the current work, which is based on reflections on my actual mediation practice. She looked at the cycle of gestalt formation and destruction, thinking of a dispute as an interrupted cycle of experience (Polster & Polster, 1974; Melnick & Nevis, 1986; Zinker, 1977, 1978).

The so-called 'cycle' has been portrayed in a number of ways. I choose Clarkson's (1989, p.29), showing in **bold** the disturbances at the contact boundary that interrupt the cycle at particular stages.

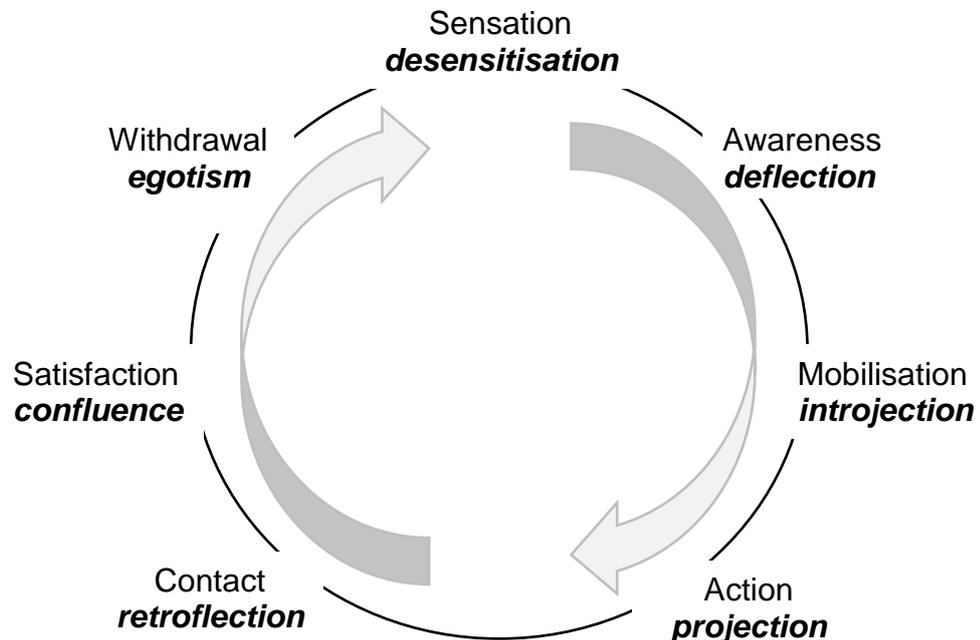


Figure 6.

The Cycle of Gestalt Formation and Destruction with Interruptions

After Clarkson, 1989, p.29

This could be related directly to the case of Terry and June as follows, considering the various interruptions at each stage:

- At the stage of **sensation**, Terry *desensitises* by using alcohol
- At the **awareness** stage, Terry avoids contact with June, and engrosses himself in other aspects of the job: thereby *deflecting*
- At the **mobilisation** stage, I suspect both parties might interrupt on the basis that they feel they 'shouldn't' have the conflict out with each other. In my experience, when people in conflict come under scrutiny by the organisation, they are careful to work very much within the rules, not to get noticed, nor to stick their heads above the parapet. Hence this *introjection* of the organisations' values. To keep themselves safe, they are careful to follow the organisations 'shoulds' and

'oughts'. They introject and thereby interrupt at the mobilisation stage of the cycle.

- At the **action** stage, both parties are demonising the other, thus maintaining a fixed gestalt around how they see the other, which is maintained by *projection*. A nice illustration of this was also in the way that Jean initially related to me: projecting by expressing mistrust of me and doubting my assurance of confidentiality
- At the **final contact** stage, June possibly *retroreflects* anger. She fails to express the anger, turning it back on herself, thus causing a degree of depression. Maybe Terry's drinking could also be a form of retroflection: on his 'bad days', he swallows down an impulse rather than expressing it outwardly.

Gaynier (2005) has attempted to apply the Cycle of Experience to the mediation process, and given the similarity of this to my own work, I pause here to discuss her endeavour. First, I can see how the language of 'interruptions', and the notion of a 'cycle of awareness' can help us to understand how conflict might be caused, perpetuated, and ultimately resolved. However, I am reminded that 'the cycle' as described here does not have any particular place in Gestalt theory, other than it has been used extensively as a teaching tool that originally arose in the Gestalt Institute of Cleveland (Zinker, 1977), and I find it has its limitations in the context of a relational theory of conflict resolution.

Secondly, the 'interruptions' have a semblance of pathology, as though to interrupt contact is somehow bad (Gaffney, 2009). When in fact, I think that when we are in conflict we are moderating, or attenuating, the degree of contact we have with the other for the reason that too much contact is anxiety-provoking, frightening, and intolerable. It meets our needs to moderate contact with the other, and we do so the better to tolerate the fact that conflict is everywhere and is inevitable.

Thirdly, I think that conflict is highly complex: its genesis, deepening, perpetuation and resolution are all heavily dependent on field conditions, and it arises from a series of complex interactions of those conditions (Lewin, 1952). The 'cycle', however, essentially describes intrapsychic phenomena: how needs and urges arise in an individual and are only

then expressed outwardly towards another. This for me detracts from the **interpsychic** focus of a relational theory, and also fails to acknowledge how our needs when we are involved in interpersonal conflict arise from **all** of the influences that push in on us, and not just from the intrapsychic phenomena. The conflict-producing situation, and the individual within it, are one in the same field. The individual does not precede the situation (Wollants, 2008)

The original architects of Gestalt therapy, Perls et. al (1951), describe a more fundamental cycle of forecontact-contacting-final contact-post contact, which for me resonates more with an experience of being in lively conflict with another, and I see more potential within a relational-Gestalt model for the development of this elaboration of the contact cycle.

So, back to the current case study with Terry and June, as I finished this piece of work on the actual day, I reflected on the fact that although we had reached a definite endpoint, of making and finalising an agreement, it might very easily not have ended that way. If the parties' conversation had been just a bit more hostile, if I had caught them on a bad day, or if I had pushed them a little (too much) harder, we would have ended without agreement, although probably with an improved level of communication. As I drove away from the company, feeling drained, I felt really optimistic that a) I could really do this, b) there must be a massive market out there, and c) I had something unique to offer here, with the combination of skills and qualities that I could offer as a therapist-turned-mediator.

5. Completing my MA in Gestalt Psychotherapy

So this was now the period of mid-1999 to mid-2001. I had started Midlands Mediation Services earlier in 1999 (later to become UK Mediation Ltd), and I was now around half way through my MA course at the Sherwood Institute.

Attending the six-weekly, 5-day MA training blocks felt like a treat: a break from training, from supervising, and 'being the expert'. I felt settled in that training room. I did not have to lead the group, take responsibility for anything happening, do (much) preparation for sessions, or justify myself in any way. My motivation for doing the course was to become what I saw as 'properly' qualified and registered as a psychotherapist. Although I was already practising, in fact to a far greater degree than nearly all of my peers, I still felt the need for a more in-depth, thorough, and more respected qualification. It was a bonus, however, to have the great benefit of the learning that I got from the people in the group. I had not expected that part.

My most conspicuous memory of the course is of our group process. Facilitated by the course leader, Ken Evans, this would take place at the start and end of each training day. There would often be some frank and moving disclosure and story-telling by the group members, 18 of us in all; there would be some conflict, either between members, or between Ken and some members. There would be fun, silences, discomfort, lively activity, boredom, some repetition and some brand new learning. I did often hide away, being quiet and retroreflecting things that I could have said. I sometimes felt scared, when I imagined people might be rounding on me for being so reticent, when many of them were being so overt and disclosing of their thoughts and feelings. Other times, I loved the cut-and-thrust of the conflict that could arise in the group, especially in the context of a Gestalt course on which we were learning about dialogic encounter (Hycner, 1985) and Buber's (1923, 2004) I-thou relating. These were some of the key Gestalt concepts that I could see were going to influence how I would work as a mediator. The insights gained here would directly lead to my formulation of the relational-Gestalt model of mediation later on.

Part of the course involved the opportunity for us to work as therapists in front of the rest of the group. The person in the role of client would get to pick who they wanted to be their therapist. I got picked a lot: I was more experienced than most, and could work confidently and competently. I was initially impatient with being picked so often, thinking, 'Go pick someone else'. Over time I changed my mind, thinking: 'OK. Here is a chance to practise, to get some feedback, and to build my confidence'. For me, performing *ad hoc* as a therapist in front of 15 or 16 others, including Ken, was simultaneously terrifying and exhilarating. Then, as now, I had learned that the best way to confront frightening experiences is to walk straight towards them. I think this learning has contributed directly to me being a good mediator: the idea of walking towards conflict or towards the thing that causes me most fear. If I can tolerate, or even relish that, then I am in a far better place to be able to engender a similar level of courage and trust in the clients who come to me to get their disputes resolved.

A lesson that also stuck with me was to do with Perls (1951) idea about anxiety being blocked excitement, and that the difference between the two is actually the act of breathing. I noticed that as I walked across the floor to take my place on the therapist's cushion, my heart pounding, I would be holding my breath. As soon as I noticed this and forced a breath down, blew it away completely, and then remembered to breathe properly, I then felt the excitement of the situation of doing live therapy, not knowing what was going to happen. I needed to be reminded of this: after I had conducted a particularly intense session one day, upon returning to my seat, a colleague nudged me and said, 'Hey, Mike, you can breathe now'.

As a further example of the personal insights I gained on the course, one day in our process group I was having an exchange with someone when a couple of other colleagues chipped in with their observations of me. It turned into a round of me receiving feedback from several group members. I was surprised at the way that some people said that they experienced me: they found that I gave the impression that I did not need them; that I gave out a signal which, while not quite saying, 'Keep away', nevertheless told people that I did not need

their support or comfort, and I was not going to be asking for it. This was a revelation for me. I had never realised that I did that, and the lesson has stayed with me ever since.

With what I know now, I relate it back to Wheeler's (1995) constructivist description of shame. I think that in early life I had needs that were to a degree unsupported: the need for nurturing, comfort, reassurance. I think that when I closed down on those needs, I learned that I would have to look after myself: that I could not rely on people around me to meet those needs for me. So there is an archaic message replaying at times: and in the process group I think this is what was happening. The message was that if I make myself vulnerable and seek comfort, reassurance, etc., people may shame me further by declining or refusing to give that support. Worse still, they would shame me for simply being vulnerable or having those needs. This has then become a fixed gestalt, with the cycle of gestalt formation & destruction (e.g. Clarkson, 1989) blocked around mobilisation/action: I either retroreflect the unexpressed need, and/or fail to act on it for fear of the response that I imagine (project) I would receive. From this insight I was then able, in the MA group as well as in my own therapy, to experiment more with asking for what I needed, and with letting myself experience the vulnerability that comes with having to ask another person for support.

In terms of other learning on my MA course, there was lots. I got a thorough immersion in the theory and practice of Gestalt psychotherapy, and learned a great deal by questioning and challenging Ken about aspects of it all. Ken was a great teacher. I also had a golden opportunity to do a piece of research on Catholicism. My thesis was on the experiences of lapsed Catholic therapists, which gave me a chance to meet and interview a number of lapsed (ex-?) Catholics who had, like me, become therapists, and to wonder about their experiences. The work, using a phenomenological approach, identified a number of themes to those experiences, but the thing that mostly stayed with me with me was not just the similarity of people's experiences to my own, but the fact that others had experienced a far less toxic version of Catholicism than I. Mine had been a fairly hard-line guilt, shame, and hell-fire driven version. Others had been more nurtured by the religious milieu and community in which they had grown up, and especially had felt a sense of belonging to that community, which I never did. So while my inclination had always been to split off my experience of religion, finding out that it did not have to be so bad was a real learning point

for me. I began to entertain the possibility that some forms of religion, even Catholic religion, could be in some way nourishing, and were not necessarily as frightening, shaming and humiliating as the one I had encountered.

And as I reflect here, I think of how my skills, knowledge and insights grew with my completing the MA. Firstly, although I have learned to be very self-supporting and independent, this does not have to extend into cutting myself off from other people: I can if I wish reach out and ask for support. Having this robustness and resilience would serve me well as I continued to build a company and ultimately to achieve the current public works. But I am allowed to need other people's help. Secondly, I learned how to put a (Gestalt) language and a set of theoretical constructs around my formative experiences, especially those related to Catholicism. Understanding the Gestalt-constructivist approach to shame, completing my thesis (Talbot, 2001) and being able to experiment in a supportive group, with a skilled teacher, helped me to come to terms and to be far more at peace with all of that. And I found out that other lapsed-Catholic therapists, although they had some similar experiences, were living proof that there could be an upside to being part of a religious community.

Regarding my reflections on the academic side, I took a great deal away from the MA that would help in my understanding of conflict, anger, dialogue and resistance: all concepts that would ultimately support my later achievements as a relational-Gestalt mediator and head of a successful mediation company. Upon completing the MA, I began to think about conflict resolution as a process of setting up the right conditions for people to have some contact, and that the role of the mediator is to be a contact-broker: gaining the trust of the disputing parties, working with their resistance, acknowledging their fear about the conflict, working obliquely with their interruptions to contact, and ultimately building I-thou dialogue. A lot of these ideas are illustrated in the case examples and other material that follows.

But a further reflection is also helpful here, again on the topic of collaborative relationships. I felt that I had formed at this stage a quite unique collaborative relationship with Ken Evans. Not a comfortable, confluent, conflict-free relationship by any means. But a relationship in which we seemed to have an intuitive sense of one another's psychological

make-up, hopes and fears. We were both from religious backgrounds, we both had a couple of older brothers (and had experienced low-level bullying from them, and competition with them), and both could be said to have a shame-based system (Wheeler, 1997). We seemed to talk in shorthand, having some similar insights and fixed gestalts. I think we knew we had a lot to learn from each other, and I know I gained some important personal insights from my contact with Ken, especially to do with my own shame. These insights have helped with my thinking about the relational-Gestalt model of conflict resolution: not only about how people get into and get stuck in conflict, but also about my own attraction to working with conflict as a way of working out some of my own unfinished business around conflict. A further product of our collaboration was when Ken later called me in 2009 to persuade me to enrol for the D.Psych.

6. The Public works

This concludes the greater part of the autoethnographic account of my own personal and professional development, especially outlining the steps along the way to my producing the Public Works that support my doctoral claim. The story, as it were, now moves into the period of the timeframe for the Public Works.

To re-cap, the Public Works are:

1. Creating a successful mediation company with demonstrable impact in the UK and beyond
2. Creating widely adopted and recognised standards for UK Mediation practice
3. The extensive application of a unique Gestalt approach to mediation for interpersonal disputes
4. The development, publication, and dissemination of a theory-based Gestalt model of conflict resolution

I now describe each of these in turn, outlining the evidence that I produce in support of each. I also try and interweave case studies three, four, and five. These do fall within the requisite timeframe, and I use them as Public Works, as well as illustrations of how my model continued to develop during this time.

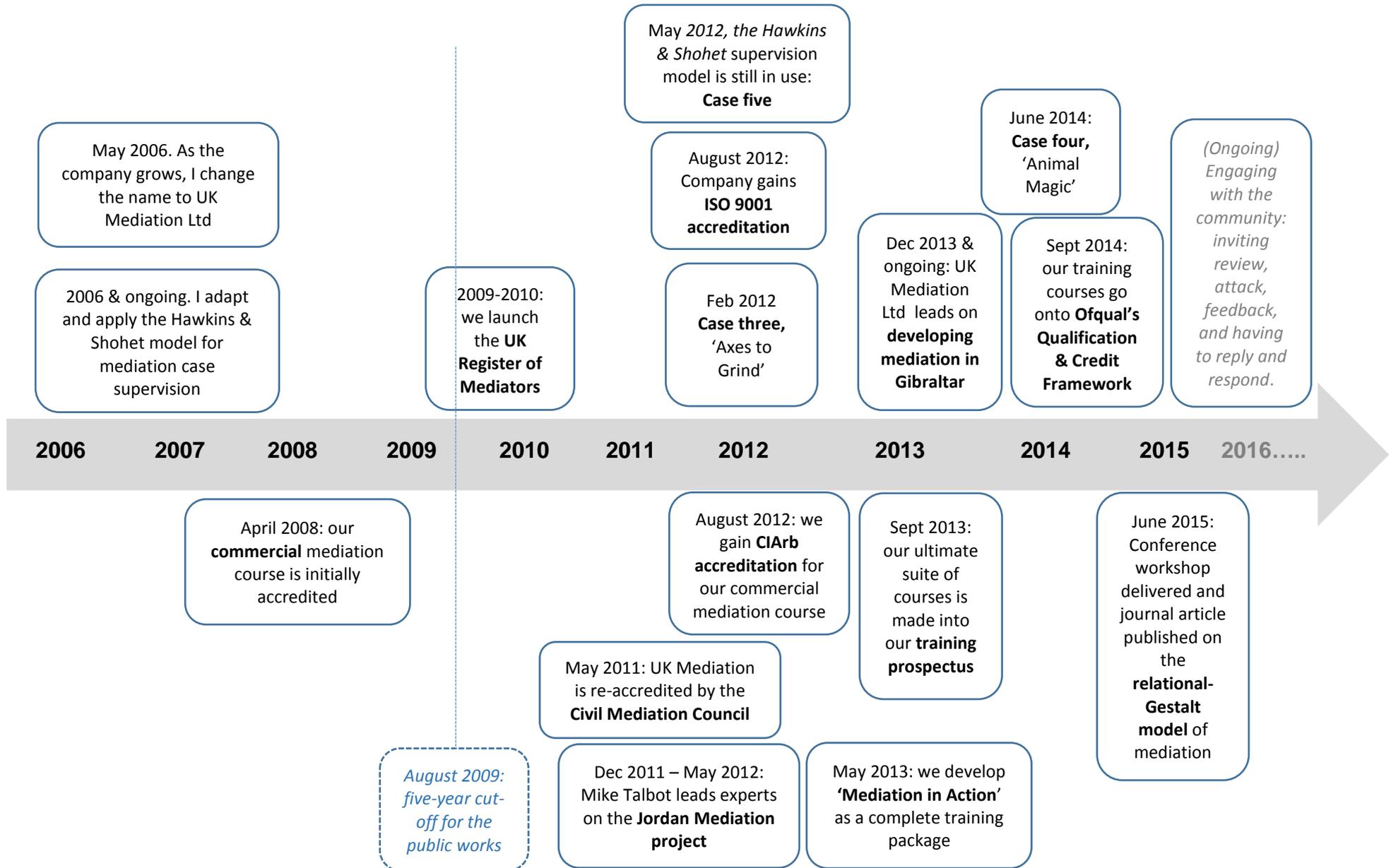
6.1 Creating a successful mediation company with demonstrable impact in the UK and beyond

For this first part of the Public Works, I will discuss the following achievements:

- The development of a substantial range of training courses, with a relational theme running through each of them
- The development of 'Mediation in Action', a stand-alone training package in interpersonal mediation
- A similar development of a comprehensive range of mediation services, also with a relational theme
- Extensive uptake and impact of our training and services, in the UK and beyond

And just before presenting each of these Public Works in turn, I provide another timeline, this time just with the company's major milestones around the start of the timeframe for the Public Works. This timeline is given below, as Figure 7.

Figure 7. Timeline of the Company's Milestones within the Five Year Timeframe



6.1.1. Our range of training courses

In the period of 2001-2006, and having obtained my masters in Gestalt psychotherapy, I built a portfolio of training courses, with our main mediator training course gaining accreditation from the Open College Network. The company started to offer an accredited mediator qualification on the strength of this. *Although this initial course accreditation falls before the 5-year time frame, later course developments are within the timeframe, have all been packaged into the appended training prospectus in 2013, and their impact rolls on to the present day.*

In 2014, we finally achieved **Ofqual recognition** for our accredited training courses. This means that, **uniquely in the field** our qualifications now sit alongside 'A' levels and degrees on Ofqual's Qualification and Credit Framework. It also means that **our qualifications have recognition throughout the EU**. I am extremely proud of this, and feel that, in terms of the company's evolution as a professional training provider, we really have arrived.

In 2008, just prior to the time frame for the D.Psych, we were **the first non-lawyer company to gain external accreditation for a commercial mediation training course**. As far as I am aware, that is still the case: most commercial mediation providers are legal firms. Around the same time, I applied for, and eventually got, training accreditation by The Law society and the Bar Standards Board, so that solicitors and barristers could complete UK Mediation's course and gain CPD points. More recently, in August 2012, and within the timeframe for the D.Psych., this earlier recognition led to our becoming **the first, and as yet only, non-legal firm to gain training course accreditation by the Chartered Institute of Arbitrators**. This now gives us worldwide recognition of our commercial mediation training courses.

6.1.2 The development of 'Mediation in Action', a stand-alone training package in interpersonal mediation

In October 2013, to coincide with the publication of our comprehensive training prospectus, we concluded work on a unique stand-alone DVD-based training package, which we entitled 'Mediation in Action'. This is used extensively on our own training courses, and is also given to client organisations whom we have trained, to allow them to cascade some of our mediation training to managers within their organisations. *This has been developed from an earlier DVD product, from 2008, but it was made into a training package well within the timeframe for the D. Psych. Public Works.*

6.1.3 The development of a range of mediation services within a relational-Gestalt model

In early 2015 we pulled together all of our mediation services into a Services Prospectus. At this point we had begun to provide a more comprehensive suite of services than ever before, including for the first time 'Conflict Coaching'.

6.1.4 Extensive uptake and impact of our training and services, in the UK and beyond

With regard to **training courses**, up to August 2014, the point at which I began the D. Psych, we counted that we had trained and accredited approximately 4,500 mediators on our own programmes, not including those attending short courses and non-accredited programmes.

This impressive number of trainees has been accumulated through a combination of:

- Public, open access training courses, run at various venues around the UK, and spread across the year. These courses typically attract between eight and twelve trainees per course, and we are typically running around 16-20 public courses per year, although we have run as many as 24 in some years. These are marketed through our website and by direct mailing, and attract trainees from HR, the legal profession, coaches, university staff, managers and team leaders, freelancers, counsellors, housing workers, police officers, and many others

- In-house courses, run both in the UK and overseas, where we send a trainer to run an accredited training course, customised for that organisation's particular area of application. Again, groups may be between eight and twelve learners in size. In busy years we have been known to run an average of around three in-house courses per month, although current levels are a little lower than this. Learner groups have included UK police forces, the military, colleges and universities, housing organisations, and both public and private sector organisations.

With regard to providing training beyond the UK, two projects from within the timeframe for the Public Works are worthy of mention.

First, I was proud to be appointed in 2011 to provide consultancy and training to the judiciary in Jordan, along with the Jordan Cultural Association for Developmental Law (JADEL). The Ministry of Justice and the Foreign and Commonwealth Office were looking for two short-term experts and a long-term expert who would oversee the efforts of the other experts, and would manage the project on the ground. To my delight I was appointed by the Ministry of Justice to be the 'Medium Term Expert', taking on the senior role, and managing the efforts of a number of new and existing 'Short Term Experts', mostly solicitors and barristers.

The project involved training mediators and helping to put procedures in place in the Palace of Justice in Amman, and contributing to PR activities to promote the wider use of mediation. This has been ground breaking work, nerve wracking at times. The work continued throughout 2012, and concluded late that year with a formal dinner with the Jordanian judiciary. There is now a widespread use of mediation in the Amman court system, especially for personal injury and employment claims, and I am honoured to have been a large part of that.

The second overseas training project within the time frame for the public works has been in Gibraltar, taking place firstly in 2014 – 2015, and projected to be ongoing into 2016. We have so far:

- Run awareness sessions on using mediation in employment discrimination
- Trained and accredited a number of mediators for employment matters
- Worked with government departments to train members of the Gibraltar Government's Ombudsman in complaints mediation
- Recently contributed to a major international conference on mediation

We are now proudly recognised as **the** authority on mediation in Gibraltar, and I am regularly asked to contribute to various initiatives and PR activities in connection with the use of mediation there.

And with regard to our **mediation services**, I can also claim that we have extensive impact, providing a highly effective service in mediating neighbourhood, workplace, family and commercial disputes. Over the last fifteen years, our average success rate in bringing disputes to a close, using our relational model, had been around 80%.

Our mediation service is recognised by the Civil Mediation Council and HM Courts Service, a rare achievement for a non-lawyer company, and by a number of organisations with whom we have service level agreements and/ or ongoing repeat business. We have regular, repeat referrals from a number of housing associations, universities, NHS Trusts and Local Authorities.

We regularly and consistently help users of our mediation service to:

- keep their tenancy and/or avoid arrest in housing settings
- Keep their jobs and maintain their well-being in employment settings
- Stay out of court, often saving tens of thousands of pounds, and always saving a lot of stress and distraction, in commercial/financial settings

And it is partly due to the quality and consistency of our mediation service that we were proud to gain formal recognition of our company with our **ISO 9001 Accreditation** in 2012, within the timeframe for the Public Works. This is a unique achievement for a mediation

company in the UK, and accompanies our equally impressive ‘Investor in People’ award, although won in 2006, prior to the requisite timeframe.

6.1.5 Summary of the impact of this part of the public works

This first part of the public works is the creation of a successful mediation company. The impact of this is:

- Uniquely in the mediation field, my qualifications in relationally-focused dispute resolution are on Ofqual’s Qualifications and Credit Framework.
- For the first time, properly accredited mediation courses with extensive international recognition are now accessible from a non-lawyer mediation training company.
- My high quality, relationally-focused video material is now in use in tens of organisations in the UK and beyond.
- In spite of rapidly growing and increasingly aggressive competition, the company has survived and thrived, including through periods of recession in the UK (especially 2008-2009)
- Thousands more mediators are now properly qualified and in a position to practise relational, non-adversarial methods of dispute resolution.
- The Jordanian judiciary, and all of the government bodies in Gibraltar who we have trained, are now practising my version of relationally-focused mediation.

6.1.6 Skills & Knowledge relating this part of the public works

A key asset relating to this part of the public works is my knowledge and ability as a qualified adult education tutor. I know how to construct, plan, and assess programmes of learning. This has of course required collaboration along the way with my employed trainers, my affiliate trainers, and the accrediting bodies, to whom I am indebted. My skills and knowledge as a therapist have helped me develop conflict coaching, which bears more resemblance to therapy than to coaching, as can be seen in the attached Services Prospectus at **SM-5**. My ability to plan, script, and film an audio-visual project has allowed

me to produce the Mediation in Action video, which later evolved into a stand-alone training product.

Quite quickly after its creation, the company had an enormous impact both in the UK and overseas. I grew my skills in collaborating, both with internal and external partners such as my employed and retained trainers, members of the Jordanian judiciary, and the training course accrediting bodies. As the company grew way beyond what I could manage directly, I had to increase my staff and affiliates to cope with the work. I had to become good at delegating, trusting, and actually had to get more confident at allowing others to go and deliver 'my' courses, and 'my' services, which I found difficult at first.

As my company became successful, I learned more about the mediation industry, and about my competitors. I realised that many members of the legal profession were offering a service they called 'mediation', but which was actually nothing more than evaluative case settlement: a process closer to arbitration, where ultimately the lawyer would decide, or at least propose the outcome to a dispute (Moore, 2003). Plus, I learned that there were very loose standards in operation in the industry: 'mediators' were out there without proper training, operating without proper monitoring and supervision, and being accountable to no-one. It was this learning, along with my growing confidence in the field, that led me to explore options for the next part of the public works: the adoption of higher standards for mediation practice.

6.1.7 Evidence for the first part of the public works

The physical evidence, attached in a file of Supplementary Materials, shows the depth, breadth, uniqueness and impact of my work. Items are indexed SM-1, SM-2, etc.

- The UK Mediation Ltd Training Prospectus is included as a supplementary item, at **SM-1**, along with a detailed narrative on the Prospectus. **This shows the breadth and depth of the company's relational mediation training products.**
- To show the **range** of organisations where we have provided **in-house training courses** within the timeframe of the DPpsych., **SM-2** gives a list of organisations we have worked with. For each group of organisations one example is given which describes the work in more detail, showing some of the **uniqueness** of our courses, and the **impact** that our training has had.
- To further illustrate the **quantity, quality, and impact** of our courses, **SM-3** gives a year-by-year breakdown of five years' worth of courses, showing how many courses were run in each year from 2010-2015, with a small and representative sample of ten evaluation forms from each year. The sample of learners comes from both the public and private sectors, and they represent a variety of backgrounds and professions.
- A copy of the DVD-based training package, 'Mediation in Action', is provided in its entirety, with accompanying notes. This is included as a supplementary item, **SM-4**. The footage in the first sections of the DVD illustrate well my **specifically relational, non-litigious approach to mediation**: practising inclusion, working obliquely with projections, and treading carefully around the possibility of shaming the clients, who are both in a vulnerable state.
- Regarding our mediation **services**, a copy of our Services Prospectus is included as a supplementary item **SM-5**. A narrative on our range of services, referring to the

Services Prospectus, and showing the **uniqueness of these relationally-focused mediation services**, is also provided there.

- Included in the supplementary materials at **SM-6** is an article from Pam Millington, the Area Business Manager at MOAT Housing, from 'Housing 21' magazine. This gives good evidence of **the impact of the company's work with a Social Housing Provider**. The readers' attention is drawn to the comment about choosing UK Mediation because they wanted to '...do it properly'.
- A newspaper article from our earliest involvement in training in Gibraltar, showing **international impact** is included in the Supplementary Materials, **SM-7**.
- Also included in the Supplementary Materials, at **SM-8** is a video of a TV interview that was conducted as I opened the mediation conference in Gibraltar in June 2015, again showing **international impact**. The conference flyer is included at **SM-9**, which also points out that I had trained most of the other conference speakers: further evidence of **international impact**.
- I am called upon to occasionally contribute to radio programmes and lifestyle magazines. These publications do want to hear from me about **relational aspects of conflict resolution**, and I am selected to provide such a view. This is evidence of a different kind of **populist impact**. I provide two examples of these, at **SM-10** and **SM-11**
- Materials from the JADEL project in Jordan, where I was appointed in an executive role by the Ministry of Justice, showing the **international impact** of the work, are included in the Supplementary materials, **SM-12**
- The case studies in the body of this document give examples of our mediation work, showing wide impact. **Uniqueness is also evidenced by the relational nature of a mediation service**, being provided by a non-lawyer company

- Some of our mediation service leaflets are included in the Supplementary Materials **SM-13**, showing our **uniquely relational focus**

6.2 Creating widely adopted and recognised standards for UK Mediation practice

6.2.1 The UK Register of Mediators

For this second part of the public works I discuss the development of the UK Register of Mediators, and lead into my third case study.

At an away-day with colleagues in 2009, we were discussing a number of mediation cases (mostly not ours) that we had heard about where things had gone wrong. A colleague asked, 'Well, what would we have done differently?' As an exercise, we did a Root Cause Analysis (Wilson et al., 1993) to get to the bottom of what had probably gone wrong with each of these cases. As a result, we came up with what was effectively a set of practice standards.

Reflecting on the practice standards that we had come up with, we thought that any mediator or mediation organisation that genuinely followed these standards could know and demonstrate that their mediators:

- are properly trained
- are properly supervised
- are insured and indemnified

In addition, anyone using the services of a mediator who subscribes to these standards could know that their mediator:

- is working to a published code of practice
- is subject to a published complaints procedure should things go wrong
- is undertaking Continuing Professional Development

So we decided to formalise some standards and invite people to sign up to them. In conducting some research around what was out there already, I found a number of codes of

practice from various mediation organisations, which I felt were not particularly fit for purpose. I therefore also looked to the codes of BACP (2008) and UKCP (2009).

The existing mediation codes of practice were mostly from legal-based mediation organisations, and were written in such a way that they really just applied to their own mediators. They mostly concentrated on issues to do with conflicts of interest, charging, and how to deal with malpractice, and were in any case in-house documents which had little general applicability. Shockingly, none of the existing codes of practice required that mediators have case supervision, which I was amazed about. In conversations with people about this (mostly lawyer-mediators, it has to be said), I would mostly be told that, 'Well, I'm trained. Why do I need supervision?'

The UKCP and BACP codes, whilst obviously written for a different purpose, clearly had merit in terms of defining the ethics of a helping relationship. So I could see that, given some work, we could write our own code of practice/ethics for mediators.

Regarding the legalities of such an exercise, I needed to do two things. First, I got some legal advice to check over the code of practice & code of ethics that we had drafted. The BACP and UKCP codes had been in our minds, so we needed to ensure that the work we had done represented in law a 'non-trivial' variation to these similar codes. What we wrote had to be technically and legally original. Secondly, we needed to obtain permission from the Secretary of State to use the terms 'Register' and 'United Kingdom' in the title. This arises from the fact in UK law 'Register' implies '...specific objection or function', and 'UK' or 'United Kingdom' implies endorsement or official recognition. This permission was required so that we could also list the company I then set up, 'UK Register of Mediators Ltd', at Companies House.

We were eventually successful in obtaining permission to use these terms, and our code of practice was cleared as being an original work, so we then went ahead with our plans, and the scheme became called the UK Register of Mediators.

The UK Register is now established as a very significant development in the setting of standards for UK mediation practice. I think it significantly raises and standardises the

requirements that people have to satisfy in order to begin to practise safely and ethically as mediators in the UK. It has its own website, www.ukregisterofmediators.co.uk, and a dedicated registrar, who processes applications, checks criteria are met, chases renewals, etc.

Specifically, applicants for the register have to satisfy the Registrar that they:

- have undertaken mediation training of a minimum forty hours duration, which is externally accredited by an Ofqual-recognised awarding body
- are engaged in a formalised arrangement for case supervision, with a suitably trained mediation supervisor
- hold personal indemnity insurance to the value of £1,000,00 for a single incident
- are undertaking a minimum number of hours annually of Continuing Professional Development.
- Are working to the UKRM code of practice, and subject to its complaints procedure

...and in my view this is a significant development in a field that was previously quite devoid of standards to ensure the safe, ethical, and accountable practice of mediation.

In terms of personal reflection on this chapter of the story, I felt excited that WE were the people to be starting a UK Register. Nothing like this previously existed in the UK. My motivation was genuinely to get some decent standards written down, which at least our own mediators would be working to. What has also happened, however, is that individuals and organisations are all signing up in order to assure their potential consumers of the quality, integrity and accountability of their mediation practice. We now sign up organisations who we train.

There were challenges along the way, but I am delighted to have launched and published the Register, proud that anyone who trains or mediates for our company is registered on it, and flattered that other mediators, trained by other providers, and from both the UK and overseas, also see the value of joining the Register.

I am, however, disappointed to note that many mediators who want to join the Register are not undertaking case supervision of any form, and that we have to turn them down for that reason. The need for case supervision is sadly poorly understood in the mediation profession, and sectors of the industry, notably lawyer-mediators, positively pour scorn on the idea that it might be needed.

UKRM was formalised in 2009-2010, just within the timeframe for the public works of the current study. Its impact rolls on, however, and we are still actively working on its content, status, and increasing its acceptance.

I would now like to present case three, which I have called 'Axes to Grind'.

6.2.2 Case Study Three: Axes to Grind

Overview of case three

Having outlined the UK Register of Mediators (UKRM), and the need for tight boundary holding and clear ethical guidelines, the third case is discussed. This case, 'Axes to Grind', is appended. This case highlights the importance of the kind of tightly defined ethics and practice guidelines that UKRM describes.

Contribution to the relational-Gestalt mediation model

Firstly, this case highlighted for me how important it is for the Gestalt mediator to remain in good contact with him or herself, and simultaneously with both parties: practising inclusion and confirmation, whilst not becoming confluent (Yontef, 1999). Confluence within mediation would be perceived as a loss of impartiality and a consequent breakdown in the working alliance.

Secondly, it reminded me that as mediators we are not doing therapy. What can be achieved in the day or so that we have in mediation is far less than we would anticipate in a lengthy therapy contract. There is no time to build up support so that people could begin to modify their positions without shame or loss of esteem (e.g. Wheeler, 1995); they do not have time to express and work through all of their resistance, and the safety and containment that the practitioner offers can only begin to be felt in a short-term mediation. The openness, disclosure and risk-taking would be far less than we might expect in a therapy setting.

But finally, I think this case reminded me that, while it remains crucially important to hold on to the boundaries of mediation, there will be cases that we cannot settle. If situations have gone on for too long, become too adversarial, and/or been backed up by supporters who are advocating for just a win-lose outcome, then people might simply be too late for mediation.

6.2.3 Summary of the impact of this part of the public works

This second part of the public works is the creation of widely adopted and recognised standards for UK Mediation practice. The impact of this is:

- Mediators in the UK can now work to a demonstrably high standard of accountability and ethics, on a nationally recognised register
- Especially for those working on a freelance basis, mediators now have a way to evidence the quality, integrity, and accountability of their practice to potential customers
- Uniquely in the field, clinical case supervision is now an absolute expectation for mediators. It is insisted upon it as a pre-requisite to joining the register

6.2.4 Skills and knowledge related to this part

I think that getting the register established drew on my skill of persistence: especially in not being put off by the red tape of satisfying copyright law, and in needing permission from the Secretary of State to use 'United Kingdom' and 'Register' in this way. I was similarly insistent that to get on the register, people would have to be engaged in supervision, in spite of many voices saying that that would put people off. Having the first-hand knowledge of the BACP and UKCP codes of practice was crucial in being able to formulate and write the codes of practice, complaints procedure and code of ethics. While knowing how to get these through copyright law, something I have needed to do when writing material in my previous company, was important as well.

The achievement of UKRM felt like a further level of maturity for the company. I learned that there was great value in being as tenacious as I had needed to be in getting UKRM established. A number of people and organisations, mostly lawyer-based, have tried to corral the mediation industry and to set practice standards, in my opinion at a very low level. I think the industry has suffered for it, as there are now very many minimally trained, inexperienced mediators in the field, nearly all of whom meet what I consider to be very low

practice standards. My skills & knowledge in being able to define a standard appropriately, to get it over the legal hurdles, and to demonstrate a certain level of persistence when I know something is right, all grew and strengthened as a result of this part of the public works.

Once the UK Register of Mediators was launched and in full operation around 2010-2011, I then had an opportunity to take a step back and to begin to ask questions about the very nature of what we were calling 'mediation'. I had learned that clearly there was a lot of poor practice in the field, including practice that I would not even call mediation. My colleagues, affiliates and I clearly understood that mediation was about rebuilding relationships, not necessarily reaching what would often be temporary (or 'non-stick') agreements between people, just to be able to tick a box. So I used this learning to begin to reflect on what I appeared to be developing: a more relational approach to mediation. This is what I present in the next part of the public works.

6.2.5 Evidence of this part

The evidence provided in support of my claim regarding the establishment of widely accepted standards for mediation practice includes:

- The UK Register of Mediators promotional literature, and codes of practice & ethics, and complaints procedure, are included as supplementary materials at **SM-14**
- Also included as **SM-15** is an article about the mediators we have trained, and which I supervise, at Leeds University. The article comes from the Leeds University magazine, 'The Reporter', and was written about their mediators joining the UK Register of Mediators, all within the timeframe for the Public Works

6.3 The development and extensive application of a relational-Gestalt approach to mediation for interpersonal disputes

For this part of the Public Works, I highlight the following achievements:

- My specific mediation and supervision casework, exemplified here in case studies three, four and five. These are the three cases that fall within the requisite timeframe. Case study four, which is the first example of a commercial mediation case, is discussed below
- The development and application of the relational-Gestalt model of mediation case supervision, which I believe further adds to the integrity of my overall mediation approach

6.3.1 Applying a relational-Gestalt model to a commercial mediation case

Throughout the development of my company and its services it has been, and still is, a significant challenge to try and penetrate an area of business that is conventionally dominated by the tightly-knit ranks of the legal profession. In spite of this, UK Mediation Ltd gained recognition in 2007 as an approved provider of commercial mediation, and was one of the first companies, and at the time the **only non-law company**, to be included on the National Mediation Helpline: a mediation agency and referral service, recognised and accredited by HM Courts Service.

So the *prevailing professional culture* in which I found myself working led me to want to make inroads into areas of practice normally dominated by legal professionals. I was enjoying the cut-and-thrust I would regularly get with lawyers. I liked having to address the passive-aggressive jibes I would get at meetings and conferences, and I regularly heard (and still do hear) references to ‘touchy-feely’ and ‘tree-huggers’ when I let people know I am a psychotherapist. It is testimony to my resolve, nerve, and determination that I have made inroads into this work, and that I continue to do so. In addition, I firmly think that although a dispute may be about financial & commercial matters, what we need to attend to as

mediators is the **relationship** between the disputing parties. I do strongly believe that it is people who come into conflict with other people, and if they can be supported to be in good contact, they can potentially negotiate their way through conflict, whether that be an obviously personal dispute, or a dispute more to do with goods, money, services, or employment contracts

I hope Case Study Four, which I have called 'animal Magic', illustrates how this idea works in practice. This case, which was to do the ending of someone's employment, is described in Appendix 2.

Case Four: Contribution of this case to the relational-Gestalt mediation model

This case was difficult, and it reinforced and nicely illustrated for me the idea of conflict being a state of two figures trying to occupy the same space at the same time. I also thought with this case that it was clear how the figure for one or both parties can be influenced, even dominated, by what they transfer into that situation from their past. It helps for the mediator to at least acknowledge to him/herself that this is happening, albeit that in the very short sessions we have as mediators we can give very little time and attention to this.

In any event, the relational-Gestalt mediator should pay equal attention to both the intrapersonal, transferred process, where people's motivations and needs arise from the there-and-then of their existence (Yontef, 2002) and to the here and now of the immediate encounter with the other person.

Also, both sides in a dispute often feel the need either to swipe and persecute each other, or to withdraw or threaten. This is because they desperately need to defend their esteem and their need to be right. In case four, the resolution came through promoting dialogue within a safe and trusting space, and by giving each side a chance to express feelings without the acting-out that they had become used to. But the conditions have to be right for this: a sufficiently strong, yet temporary bridge has to be built, on which the parties can briefly meet to start problem-solving and working out a settlement agreement. Often, parties prefer to preserve their pride and not back down, meaning that such as bridge

cannot be built, and therefore sometimes no agreement can be made. I come back to this in my discussion of my model, when I refer to how mediation can sometimes end unsuccessfully.

6.3.2 The development of a relational-Gestalt model of mediation case supervision

The manual for the ‘theory-light’ mediation model included a recommendation that mediators should receive, ‘..guidance and supervision on professional and practice issues’, and, ‘...access to de-briefing after difficult sessions’ (Mediation UK, 1995, p. 301). And that was the whole extent of it. Having supervised counsellors and therapists for a time before coming in to mediation, I strongly felt that if people were mediating with a Gestalt-driven model that paid much more attention to self-awareness and interpersonal process, they would need a supervision model that was better suited to the demands and learning opportunities presented by that work.

I considered that a relational practice framework also needed to be supported by a relational supervision model. So I began to adapt the Hawkins & Shohet (1991, 2012) model for this purpose. This is briefly illustrated below in Figure 8, with a key given afterwards.

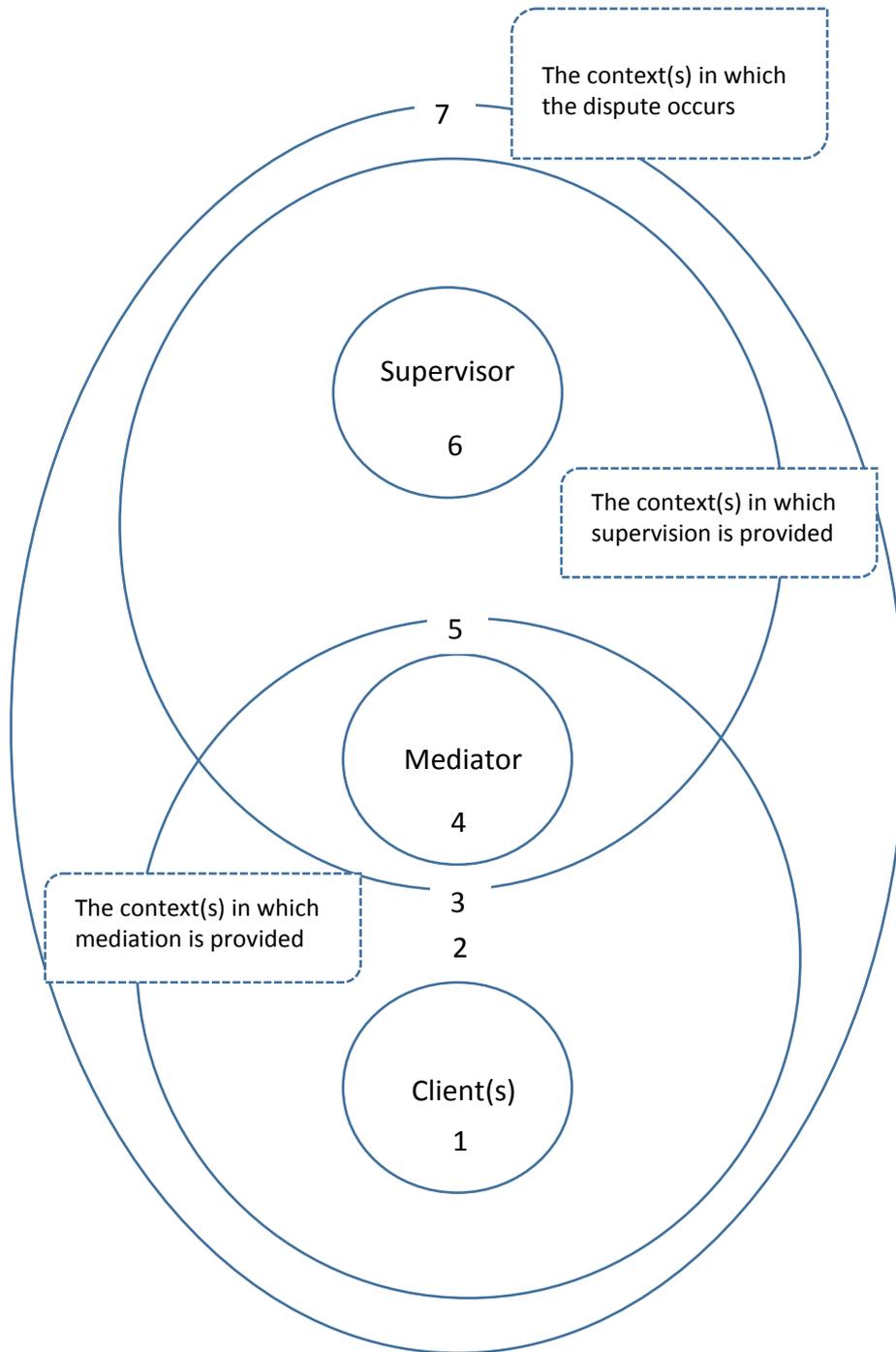


Figure 8: A Relational Model of Mediation Supervision

after Hawkins & Shohet (1991, 2012)

By this time in the company's evolution, I had begun to offer mediation case supervision to some of the organisations in which we had trained the in-house mediators. What I did was to try and use the Hawkins & Shohet (1991) model for this supervision, adapting it as I went along.

So, within that model, but adapted for the supervision of interpersonal mediation cases, mediation, the levels of focus in a mediation supervision session, and their functions, are where:

1. The mediator describes the content / substance of their work with a disputant(s): how the disputing party(ies) presented, and how the mediator experienced them.
The mediator is helped to pay attention to the disputing party ('client'), to their story of the dispute and their part in it, and also to their own thoughts and feelings
2. The mediator describes their interventions / strategies with the disputant(s)
The mediator is helped to reflect on what interventions they used, why, and when.
3. The mediator describes or gives clues about their relationship with the disputant(s)
The supervisor helps the mediator to notice what happened, either in or just out of awareness, in their relationship with the disputant(s). They are helped to gain insight into that/those relationship(s)
4. The worker describes or gives clues about their own felt responses to the disputant(s)
The supervisor helps the mediator focus on how they were/are affected by their work with this/these disputant(s). The mediator is helped to increase their capacity to engage with this/these, and future clients
5. The supervisor focuses on the mediator's 'way of being' with the supervisor
This serves to both maintain and strengthen the alliance between mediator and supervisor, and to explore how their relationship might be playing out or providing a parallel to the underlying dynamics of the mediator's work

6. The supervisor processes their own thoughts / feelings / images as a clue to what happens between the mediator and the disputant(s)
The supervisor attends to their own here-and-now experiencing, in response to the mediator and to the material that is being discussed. This can provide further information about the supervisory or the mediator-disputant relationship

7. The supervisor and mediator attend to the wider context in which the mediation, and the supervision, are taking place.
The requirements of the company or housing provider in which the dispute, mediation and supervision are occurring, their code of practice and their political and financial context are all significant to, and impinge on, 1-6 above.

One peculiar aspect of what we do as mediators is that we see each disputing party on their own to start with, and then we (usually) bring them together for a joint session. Sometimes, we can even break out of the joint session and hold private meetings with each. So, in supervising mediators, I run through the process three times: once for the individual meeting with the first party, once again for the individual meeting with the second party, and then again for the dyad of the disputing couple. I will usually be most curious about the mediator's work with the two parties together, although how each of the parties relates to the mediator when alone with him/her prior to that meeting can also be informative.

Running the supervision this way helps me to be more aware of:

- The mediator's different relationship with each of the parties separately, and whether the mediator shows signs of bias or partiality towards one of them
- Whether the mediator's relationship with each party changes when the parties are together, compared with when they are apart
- Whether in the joint session the mediator's relationship to either party gives a clue as to what is happening in the mediator-disputant(s) relationship(s). Perhaps the mediator is inclined to protect one party from the other, to gang up with one party against the other, or maybe to sometimes become indifferent to the needs of one of both parties

The Hawkins & Shohet (1991,2012) model was designed for use in the 'Helping Professions', and was used in its early incarnation principally in social work, and later mostly for counselling & therapy. My own direct experience and training in the model was initially for the counselling and psychotherapy context. So it is interesting to reflect on how that application of it differs from the application of it in the mediation setting. The following table is intended to illustrate this comparison and contrast.

Stage	In Psychotherapy Supervision	In Mediation Supervision
1	The focus is on the client, what they chose to share in the session, and how they presented themselves. The content of the session under discussion is related to that of previous sessions	I urge the mediator to tell me their story about the disputants, when seen both separately and together. Although there will usually be no previous sessions as such, the mediator may change their perception of the disputants, from having seen each of them alone, to seeing them both together.
2	The focus is on what interventions the therapist used, when, and why	As we are very time-limited, I am interested in the interventions used and how well the mediator has managed to build trust, deduce each client's needs & wishes, address their fear and resistance, and begin to build dialogue.
3	The relationship between the therapist and client becomes the focus: the dynamics of that relationship are brought out	I want to hear how the mediator views the (three) relationships: with each individual and with the dyad. They are asked to describe it as if they were a fly on the wall, encouraging them to try and take a step back from it.
4	The focus here is on the therapist him/herself. Consideration is made of how the therapist is affected by the client. The therapist's support & development needs may also be considered	I enquire about how the mediator both felt and thought in the presence of each disputant, and then in the presence of them both. The mediator often indicates some partiality or bias, which we attend to. If this is profound, or persists across sessions, this may identify a developmental need
5	The supervisor looks at their relationship with the therapist: both to strengthen their working alliance, and to consider whether the client-therapist relationship is, out of awareness, being paralleled in the therapist-supervisor relationship	This is a key area. The mediator may often argue in favour of one disputant's perspective in the dispute, become judgemental about the 'rights and wrongs' of the situation, or may try and persuade me of one party's rectitude or of the injustice that they have suffered.
6	The supervisor attends to their own feelings, thoughts and images, as a further source of information about the supervisory or therapist-client relationship	Only if Stage 5 has been completed thoroughly will this stage have value. This can be the stage of most learning and insight, as my own instincts and awareness of countertransference are brought in. I also like to work with visual images: checking out a picture I may have formed about the disputant-disputant or the disputant-mediator relationship.
7	The social, political and cultural context of the work, along with the organisational setting and any other contextual factors, are all considered	All of the above are then related back to the setting in which the mediation took place, the expectations of the referrer, the wider make-up of the neighbourhood, workplace or family in which the dispute has occurred, and the motivations that brought the disputing parties to mediation in the first place.

Figure 9: Comparison of the use of the Hawkins & Shohet (1991, 2012) Model for therapy supervision and mediation supervision

So, from when I started to supervise mediators, beginning with some of the mediators that I had trained within various organisations, this is the model I used, and with great success. I had to use whichever parts of the model would suit the particular developmental age and stage of the mediator, and to adapt my supervision accordingly. Naturally this changes as mediators grow, mature, and become more confident, so there had to be some consideration of how I would adapt my use of the model accordingly.

Case study five, in Appendix 2, illustrates the supervision model in practice, and I think shows the value of applying a relational approach as much to the supervision of mediators as to the practice of mediation. *This case took place in September 2012, and so falls within the timeframe for the Public Works.*

The adaptation of the Hawkins & Shohet model to mediation supervision is not yet complete, and I continue to develop it further. I need to look at every part of it, but especially to look at issues arising in the many different cultures and hierarchies within the organisations in which mediators work: as a mediator I am often interested in the question of how organisations actually create and perpetuate the conflicts that they later pay mediators to come and resolve, and I would like to get more acknowledgement of this into both the mediation **and** the supervision model.

6.3.3 Summary of the impact of this part of the public works

This third part of the public works is the development and extensive application of a relational-Gestalt approach to mediation for interpersonal disputes. The impact of this is:

- I have changed how people are able to think about the resolution of interpersonal conflict. My impact here is that I have replaced a transactional, stage-by-stage process, simply focused on reaching an 'agreement', with a relationally-focused approach that focuses on building dialogue between people in dispute.

- Mine is the **only** non-lawyer mediation company to be included on the National Mediation Helpline, which is itself recognised and accredited by HM Courts Service. This is a significant aspect of my impact, that mine is the only company on the helpline to be offering relationally-focused mediation, and people are taking notice of this.
- The impact of the supervision model I have devised is that I have a great demand for my services as a case supervisor. To my knowledge, I am unique in being able to provide relationally-focussed case supervision to mediators. Mediators who have trained relationally come to me for their supervision.

6.3.4 Skills and knowledge related to this part

My training as a person-centred counsellor and then as a Gestalt psychotherapist have been crucial in developing this way of mediating. My own mediation training has been important of course, albeit that I no longer practise in the way that I was originally trained, having developed my own, relational approach. Being a qualified trainer of counsellors and psychotherapists has allowed me greater insight and critical awareness of the subject, while being trained and experienced as a clinical supervisor has supported me to develop the relational model of mediation supervision, and to offer case supervision based on this.

In practising relationally as a supervisor of mediators, I have learned a lot from my supervisees, who are themselves all working relationally. This parallels Hawkins & Shohet's (2012) experiences in supervising practitioners in other branches of the helping professions. There has been some particularly valuable learning from my experiences of supervising groups of mediators. Some of the conflict that can arise in supervision groups parallels exactly the kind of conflict that exists between those mediators' disputing clients. As a reflective practitioner, I find my supervision groups to be a great source of learning, and some of what I have learned by developing, applying, and supervising within the relational model of mediation supervision has contributed greatly to my development of the theory-based relational-Gestalt model of conflict resolution, which I discuss next.

6.3.5 Evidence

The evidence I present for this part of the Public Works is:

- **Case studies** three, four, and five, concerning my mediation case work and my supervision work. These illustrate significant **impact**: people's working lives and financial standing being influenced by the conflict that they are involved in and, in the case of 'Animal Magic', a significant personal impact for the individual when his financial dispute is resolved by taking a relational focus.
- An unedited **video interview** with Alison Burns, HR Director at Leeds University, from August 2015, included at **SM-16**. The video nicely illustrates many aspects of my work, and gives service user feedback on the impact of the relational approach, the impact within a large organisation of the broad range of services I have provided, and the uniqueness of what I do.
- **Client feedback**, including some evaluation forms from users of my relationally-focused mediation service, plus an audio recording of a **short, anonymised feedback interview**. The interview is with some of the members of a team of employees for whom I provided some team mediation using the relational approach. **This is direct service user feedback of the relationally-focused approach. The clients on the interview contrast their experience of my approach with their experience of a very transactional and failed intervention that they had previously.** This is all included at **SM-17**.
- The model for relational mediation case supervision, given in pages 77-80. Although this began before the timescale of the Public Works, it is still under development, is still in regular use, and its **significance and impact** roll on into the requisite timeframe

6.4 The development, publication, and dissemination of a theory-based relational-Gestalt model of conflict resolution

The fourth and final section of my Public Works is, I believe, the most significant novel development. This is my relational-Gestalt theory of mediation for the resolution of interpersonal disputes. For me, it plugs a massive gap in current mediation practice, which I contend is almost entirely devoid of a coherent and sufficiently detailed explanation of how mediation works, and why it sometimes does not.

For this part of the public works, I would like to present the following:

- A short review of the specifically Gestalt literature relevant to conflict resolution
- An exposition of my relational-Gestalt model
- The activities I have undertaken to put the model in the public domain
- Some activity I am currently undertaking to advance and develop the model further

6.4.1 Selected Gestalt literature on conflict resolution

I want first to set a context for my theory-based model of mediation, by reviewing some relevant aspects of the Gestalt literature on conflict and conflict resolution. In starting this, I feel it is important to position myself more precisely, and to say that I have not taken Gestalt theory and used it to invent mediation. Rather I have tried to get inside mediation as it is currently practised and, using the theory of Gestalt psychotherapy, to wonder how I can start to explain **what** mediators do and **how** it works a lot of the time. I became a mediator some time after beginning to practise as a Gestalt psychotherapist. With the current work I am trying to explain mediation through the lens of Gestalt theory. So, to begin with, I look at some of what Gestalt-orientated authors have had to say about conflict and its resolution.

Conflict in a general sense is addressed from a Gestalt perspective as far back as 'Ego, Hunger & Aggression' (Perls, 1947). When resolving conflict, I see myself as mediating

healthy aggression, and Perls describes aggression as having an essentially healthy nature and function; as being necessary for development to occur. Also, Perls et. al. (1951) put an emphasis on Gestalt theory being about contact with people, context, history and need (Perls et. al., 1951). For me, interpersonal conflicts do not exist in a vacuum, but are the product of an interaction of forces and conflicting needs, past and present, that exists between people, as well as between people and their wider organisations and systems. Perls' notion of top dog / underdog, often known and used at the intrapsychic level, also resonates with some of my experiences of interpersonal conflict, where the apparently more powerful top dog imposes values, shoulds, and should-nots on an apparently less powerful underdog, who nevertheless exerts his/her power by unco-operativeness and sabotage.

And staying with the general context of Gestalt and conflict, in more recent writing about working with the conflicting forces within an organisation, Nevis (1987), from the perspective of an organisational development (OD) consultant, talks about the importance of staying with people's resistance when trying to resolve their conflicts. Nevis uses the essential Gestalt 'tools' of heightening awareness and building dialogue. And when working this way, Nevis advocates a 'high contact' (strong presence) style of interaction as an organisational consultant, using himself as an instrument of change within the client system.

This style of 'strong presence' is something I have tried to develop, as a way of having an impact on people's habitual patterns of relating when they are in conflict. Something like this kind of presence is needed to break the cycle of recursive dialogue, where they go around in circles and continually worsen and damage their relationship. Beaumont (1993), talks about the 'mutually creative interaction' that happens between two people, where each participates in the creation of the other. And a commonly encountered characteristic of such interactions can be contempt, considered by Gottman (1994) to be the way that one person who is in conflict considers their adversary as being beneath them or not worthy of due regard. Relationships are said by Gottman to be often destroyed by contempt.

So these theoretical notions begin to apply to how conflict might be caused, and how it might be perpetuated. In terms of the practical application of Gestalt theory to conflict

resolution, there are of course some lessons to be drawn from couples work. Zinker's (1994,1998) 'Good Form' of Human Relations certainly has parallels, in my experience, with the resolution of interpersonal conflict in general, not just within 'couples'. Zinker (sees conflict as being resolved when:

- Confusion & chaos are replaced by clarity
- Mutual blaming and projection become ownership of experience and greater appreciation of the other's dilemma
- Pessimism becomes hope
- Instead of going around in circles, people have some hope for the future

....and I would see the same goals as being present to an extent in any attempts to resolve a workplace or neighbourhood dispute.

Moving on to mediation in particular, Gaynier (2003) makes the same observation as I do, that the current practice of mediation lacks an explanation. She draws on the Paradoxical Theory of Change (Beisser, 1970), and again on the idea of practitioner 'presence', as important aspects of how a Gestalt-orientated mediator might work. Gaynier, however, speculates on the application of the cycle of experience to what happens within mediation, which I discuss elsewhere as being insufficient, and too intrapsychically focussed, to provide the practice-based and field-focussed explanation that is needed.

Melnick (2007) talks about how Gestalt practitioners have a '...lot to say' (p. 165) about the resolution of interpersonal conflict. He refers to a collection of Gestalt concepts that *could be* used by Gestalt practitioners when working with conflict. He speculates on how those concepts, normally applied to working with individual, couples, or group therapy, might be further applied to conflict resolution.

Relating Gestalt theory very directly to issues of community conflict in Northern Ireland, Gaffney (2009) considers how Gestalt practitioners approach issues of community cohesion within the particular socio-political context of that region. Again, this is a look at how Gestalt theory is being/could be applied, rather being a theory-based model of conflict resolution as such. But what is of interest to me is how Gaffney looks first at how people are

related socially (as members of an ethnic/geographical group), then at how they relate functionally (working together/living side-by-side), and then how their tasks cause them to be related (working in a team/sharing a role). Working with conflict, it reminds me of the importance of focussing on the interplay of all of the forces that might either enable, or hinder, people in resolving their interpersonal disputes. This builds on Parlett's (1997) idea of the Unified Field, wherein individuals are treated as interdependent with the systems, organisations and cultures with which they exist: embodying those systems, both affected by them and affecting how they are.

Meulmeester (2009) similarly espouses the value of Gestalt theory for conflict resolution, making reference to how a Gestalt approach embraces, rather than fears, conflict as a means of bringing about change. And for me, this has been an important quality in working as a dispute resolver, being prepared to 'walk towards the flames' of a heated dispute, in a way that many people, especially those in the management structures of organisations, would be afraid to do.

In recent years, Gestalt theory has been applied increasingly in the field of organisational development, of which conflict resolution could be considered to be a branch. The Gestalt Institute of Cleveland (www.gisc.org) has for forty years offered programmes in Gestalt approaches to organisational development. Work continues in relating Gestalt theory to organisational change (e.g. Chidiac, 2013), and Coaching (e.g. Leary-Joyce, 2014). In each of these areas of application, conflict would clearly be encountered, between individuals and within groups, and some of the general lessons about using Gestalt theory in these ways might be considered applicable to conflict resolution.

In searching the Gestalt literature on OD and coaching more thoroughly, what I have found lacking is a specific theory-based model of conflict resolution based on Gestalt principles. I am, however, interested in Barber's (2012) approach to coaching, based on raising people's (especially leaders') awareness and relational sensitivity in order to allow change to emerge. Barber also aims to apply Gestalt theory, as I do, to areas beyond just individual or couple therapy, and to exploit Gestalt theory for its educative and developmental potential. These ideas are at the heart of my own approach: raising the awareness and relational sensitivity

of individuals, dyads and groups, in order that solutions to their conflict, better ways of relating, can start to emerge.

6.4.2 Description and illustration of the relational-Gestalt model of conflict resolution

As a cornerstone of my Doctoral claim, and as possibly the most significant part of my public works, I present here the theory-based Gestalt model of mediation for interpersonal disputes.

The model is illustrated over the following series of figures, and shows:

Figure 10. A summary of the model: from the initial state of conflict, where two figures compete for the same space (Zinker, 1998), to a state of resolution, where the parties integrate their two figures and/or contribute to a new, shared figure.

Figure 11. How the parties' relationship begins in a healthy state: able to have dialogue, to appreciate their difference, and each with a bounded sense of self and other (Yontef, 2002). Then, how the relationship becomes disturbed by conflict, with apparently incompatible needs competing for the same space, and the conflict being affected by influences in the wider field (Lewin, 1952, Parlett, 2008)

Figure 12. The ways that a dispute can worsen and deepen: both parties retrofect aggressive impulses, and simultaneously demonise the other party. As in Case Study 1: 'Love They Neighbour', factional supporters can deepen the projections and fixed gestalts that serve to worsen the stand-off (e.g. Perls, 1951, Melnick, 2007).

Figure 13. How the mediator engages with the parties, offering safe containment (Bion, 2005), practising inclusion and, as reflected in Case 1, 'Love They Neighbour', engendering a sense of safety by aiming to be fully present as an impartial, authentic, bounded other.

Figure 14. Mediation progresses with the mediator creating the conditions in which dialogue can develop. They move closer to the contact boundary, feel safer in expressing aggressive impulses, and begin to see one another more clearly (Yontef, 1999; Zinker, 1998)

Figure 15. Within the safety of the mediation 'container', temporarily insulated from external field influences, dialogue begins to emerge. Retroreflections are undone and projections are withdrawn. As in Case Study 3: 'Axes to Grind', the mediator has to hold tightly to their own impartiality, and to keep influences at bay from the external field.

Figure 16. When mediation ends successfully, as illustrated in Case Studies 1: 'Love They Neighbour', 2: 'Terry and June', and 4: 'Animal Magic', the parties return to having dialogue, and start to integrate their two figures and/or to contribute to a new, shared figure (Zinker, 1998). Some healthy confluence develops as they decide to jointly end their dispute, and to compromise some of their needs in order to bring the dispute to a close.

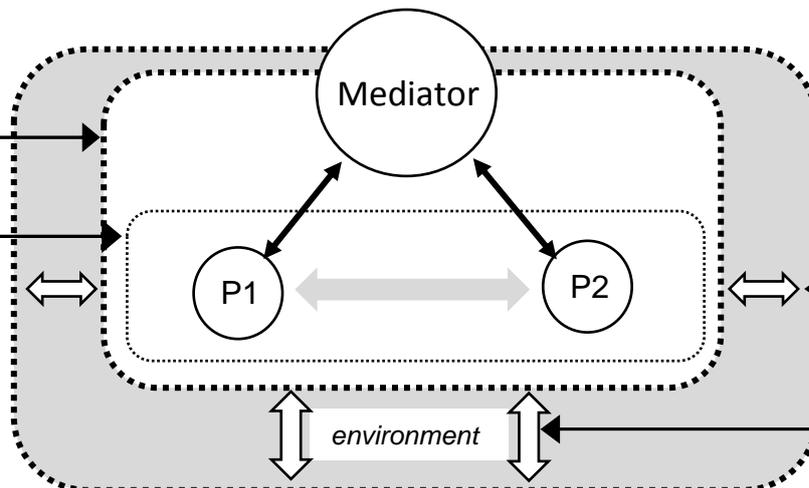
Figure 17 (a & b). When resolution is not reached, it can be due to a failure of the parties to engage with the mediator, or as in Case Study 3, 'Axes to Grind', the dispute has gone on for so long that they have lost trust in one another and/or the referring organisation. It may also, as in Case Study 3, prove very difficult to stop outside influences from contaminating the process.

Figures 10-17 Illustrating the Relational-Gestalt
Model of Conflict Resolution

The disputing parties are initially in conflict when their **two figures** compete for the same space at the same time. They are vulnerable and **out of contact**. They **retroreflect** aggressive impulses, and **project** hostility onto one another. Each has developed a **fixed gestalt** with regard to what they expect and anticipate of the other

The mediator creates a safe container in which to temporarily insulate the parties from the environment. He uses a form of Nevis' (1987) 'High contact interaction' (p. xi). He models active listening and uses phenomenological enquiry. In his impartial role, he supports the **mobilisation of energy**, he **heightens awareness of what is, and facilitates better contact** between the parties.

Certain **field conditions** can worsen and deepen the dispute. Factional, **confluent** supporters of each party may deepen that party's **projections** onto the other. The organisation may impose a quasi-need on the parties, which it wants them to **introject**. Sanctions may be threatened on one or both parties. Their resistance to this causes them to become **isolated** and more out of contact



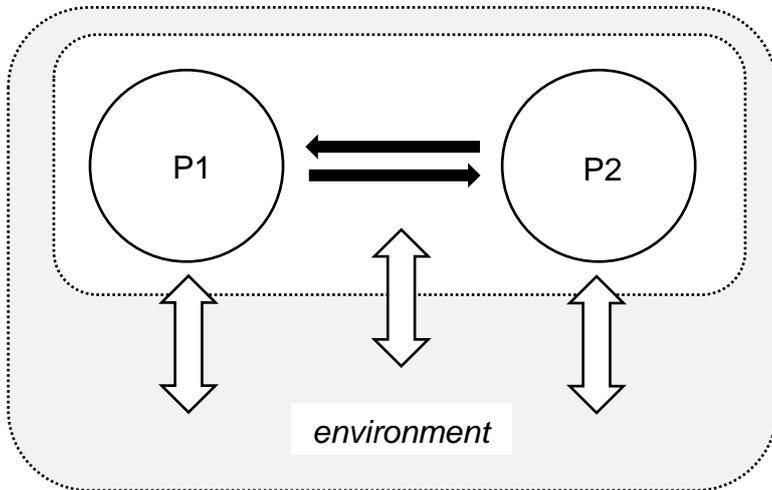
The parties' dialogue begins to re-built when, within the safe container, their **healthy aggression is mediated**: they express anger without persecution, they allow themselves to be vulnerable and present and to express their real needs, they feel sufficiently met and understood that they are prepared to give consideration to the other's needs.

The mediator withdraws at the point when the parties appear able to tolerate their differences, to again manage their own conflict, and to be sufficiently confluent with what the organisation expects of them. Ultimately their better contact allows them to integrate their two figures and/or to contribute to a new, shared figure. Factional supporters become less excited by the conflict and themselves withdraw.

The parties' renewed relationship may move through some healthy **confluence**: 'We need to fix this', albeit that the mediator may wish to ensure that this does not prematurely **deflect** from the discomfort of addressing their conflict

Figure 10: Summary Diagram of the Relational-Gestalt theory of mediation

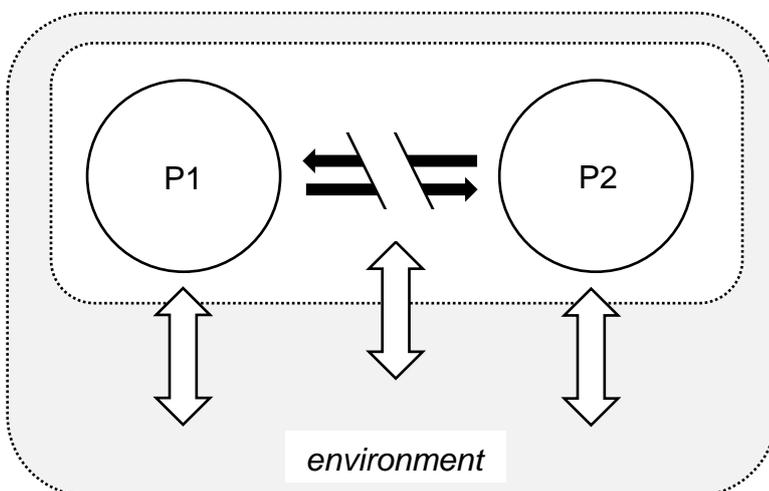
i. The relationship functions well



The two parties (colleagues) have a relationship in which:

- They have dialogue: they can express their differing needs in the relationship, each person as a bounded individual with a clear sense of self and other.
- They are able to give and accept support and challenge, and to manage any conflict between them
- They are able to take support and challenge from the environment, individually and separately: colleagues, management, and the organisation as a whole may interact healthily with each or both of them.

ii. A dispute disturbs the relationship

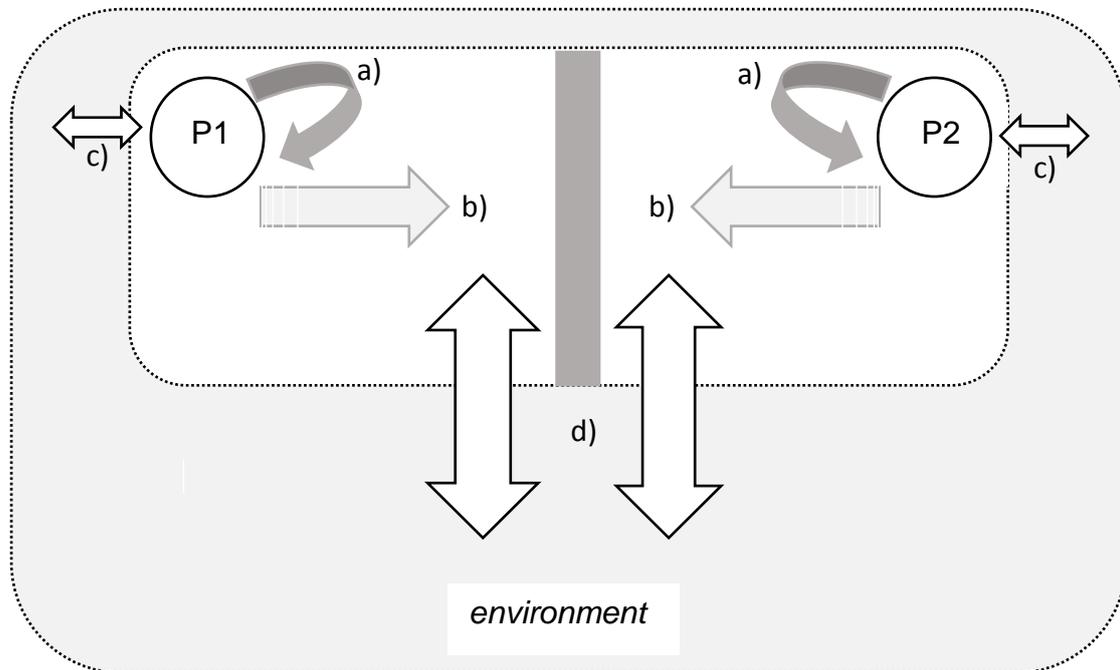


The parties become unable to manage their conflict:

- Their needs become incompatible, and their two different figures (worldviews) now compete for the same space at the same time
- The parties become vulnerable, self-absorbed, and out of contact: with one another as well as with themselves
- Each begins to blame the other for the disturbance, and to develop a fixed gestalt, maintained by projection, in which everything the other does confirms each person's negative view of them. They consequently mistrust each other
- The organisation may require the parties to have a relationship that is incompatible with one or both of their needs. This environmental influence can worsen the dispute

Figure 11: An Interpersonal Relationship Affected by Unresolved Conflict

iii. The dispute is maintained and deepened

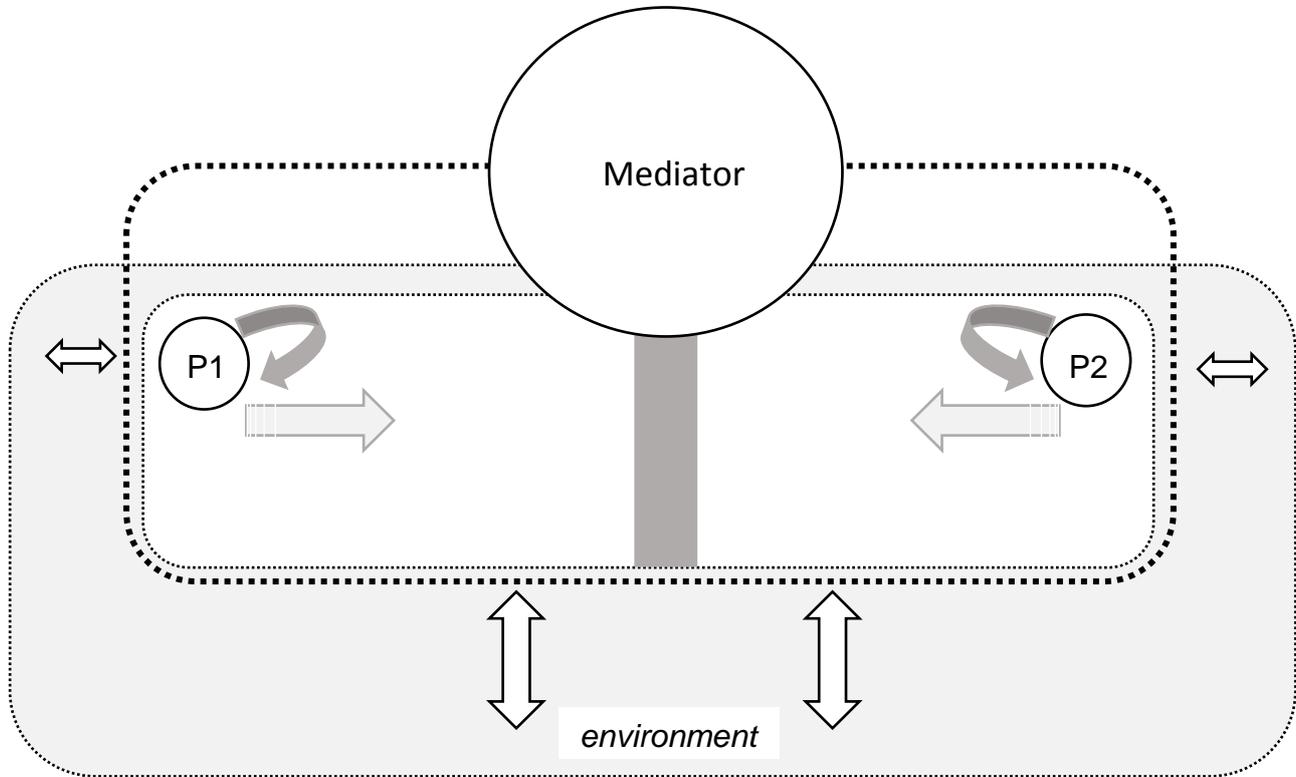


The parties withdraw from one another, and draw away from the organisation. Each of them blames and persecutes the other for the conflict, taking up opposing sides. They also blame and persecute people who represent the organisation.

- a) They see the other as malevolent and threatening. They each retroflect their aggressive impulses, holding on to what they would really like to say or do to the other person.
- b) The thought of undoing the aggressive retroflection is embarrassing, frightening and guilt-inducing. Consequently, they each retreat from the contact boundary, and their interest in, and curiosity about the other is diminished.
- c) Others outside the relationship take sides and either support one party over the other (factionalism), and/or behave in ways that support (fan the flames of) the dispute between them. Parties not involved in the mediation can whip up the conflict even when it appears resolved.
- d) The organisation turns its attention to one or both of the people, and either makes threats of sanctions towards them, makes plans to re-organise or relocate them, or subjects them to performance or capability processes.

Figure 12: The Deepening and Worsening of a Dispute

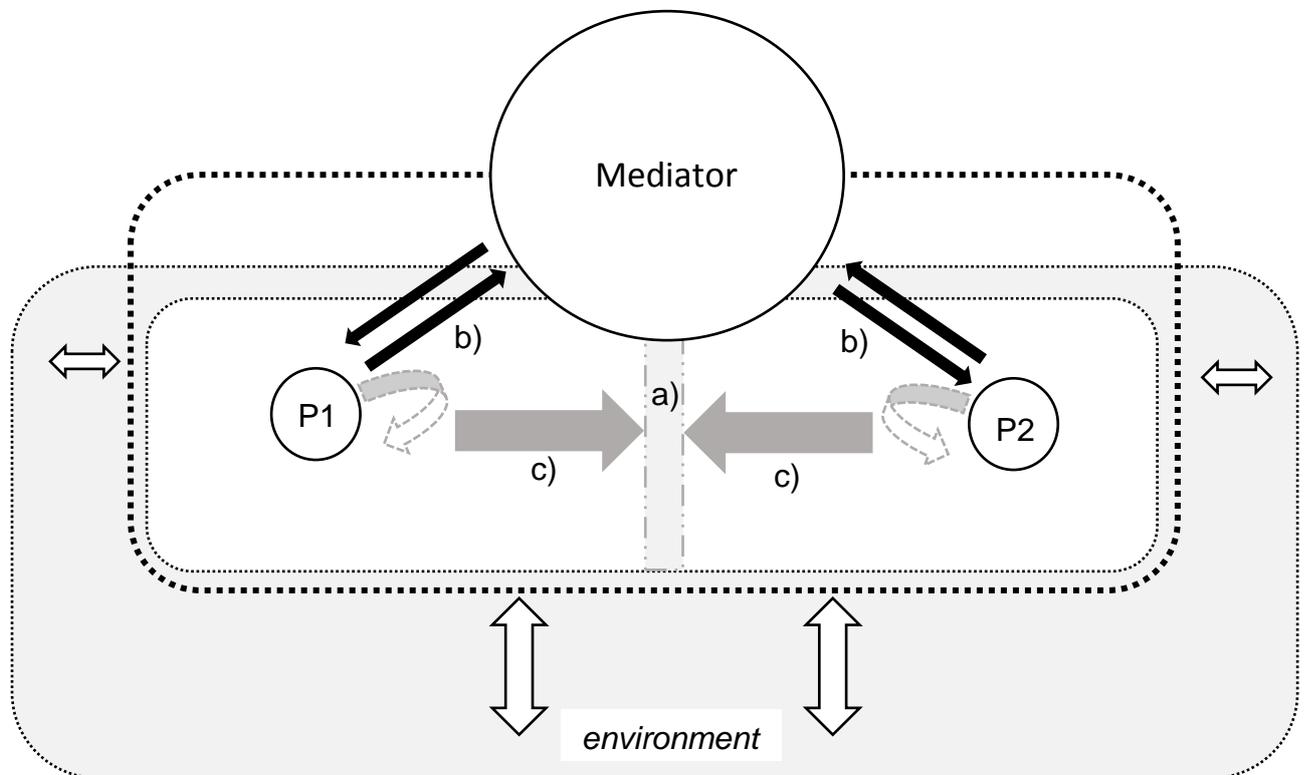
iv. The mediator intervenes



- The mediator contracts with the organisation as an impartial, independent, contact broker, and temporarily insulates the parties from the organisation, the parties' factional supporters, and anyone else within it who is influencing the dispute
- At the point of intervention, the parties still have a diminished interest and curiosity in each other, and are still retroreflecting aggressive impulses.
- The initial aim is to create the conditions for the full emergence, discovery, and exploration of each person's experience of herself.

Figure 13. The Engagement of a Mediator in a Dispute

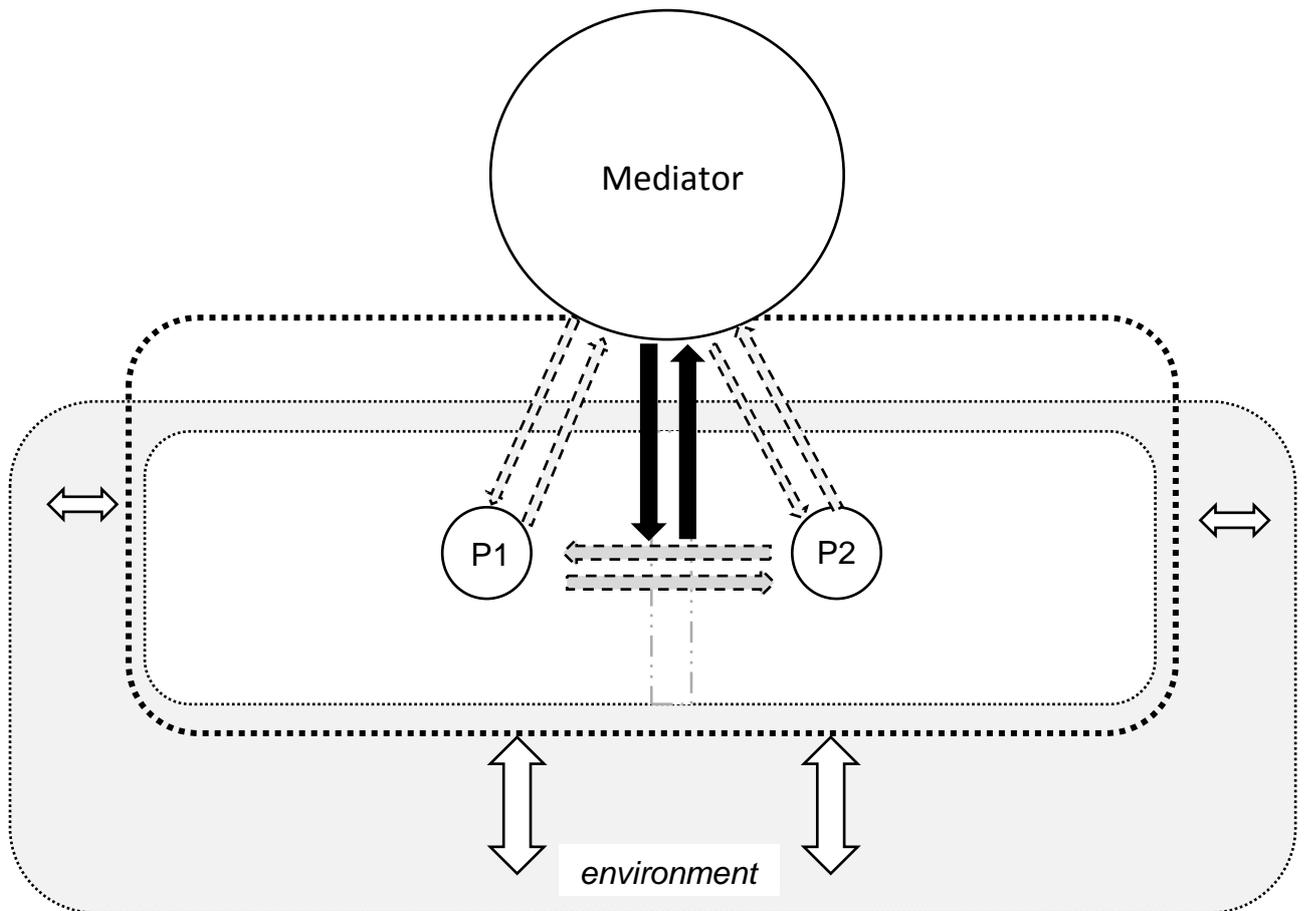
v. Mediation begins



- a) The mediator begins to contain the dispute, and to re-frame it as a shared endeavour for the parties to understand each other better. The parties' curiosity about, and openness to one other is supported. The contact boundary in effect becomes more permeable.
- b) In his dialogue with each party, the mediator uses his own immediate experience, practises inclusion and presence, and makes himself available for contact. Consequently each party feels more supported in exploring her phenomenology: her present experience of herself, as well as her experience of the other person, and of the dispute between them.
- c) They both become less fearful of the thought of expressing their anger and their aggressive impulses to the other, and each moves closer to the contact boundary.

Figure 14. The Commencement of Mediation

vi. Within mediation the parties begin to have more direct dialogue with each other

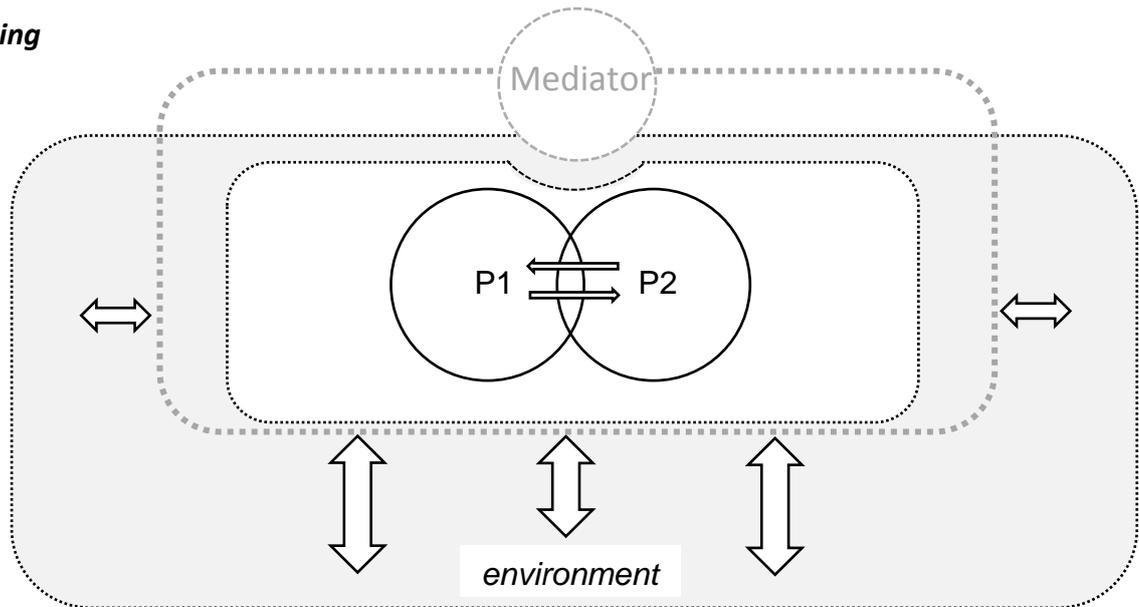


- The mediator now reduces the degree of dialogue with each party separately, and more supports the 'in between' of the party-party dialogue.
- Supported by the mediator, the parties allow themselves to be more vulnerable, especially in how they begin to express their needs more clearly. They move closer, and start to see one another more clearly for the people who they really are: projections start to be withdrawn.
- Now feeling more supported in their direct dialogue, the parties begin to say what they need to say: their retroreflections begin to be undone.

Figure 15. Building Dialogue within Mediation

vii Mediation may end successfully.....

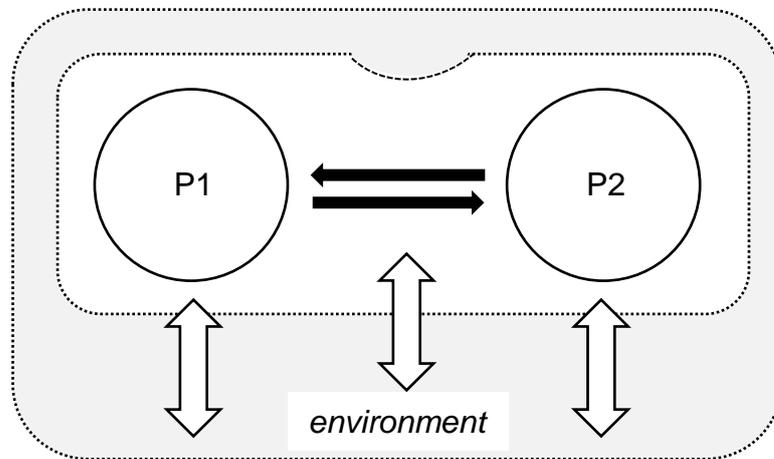
Pre-ending



Pre-ending:

- Just prior to the conclusion of mediation, the parties' relationship includes some healthy confluence: a sense of both wanting the relationship to work by whatever means, even though this can mean that each closes down on some of their needs (by compromising)
- The parties' factional supporters remain curious about the outcome, ready to become involved again.

Ending



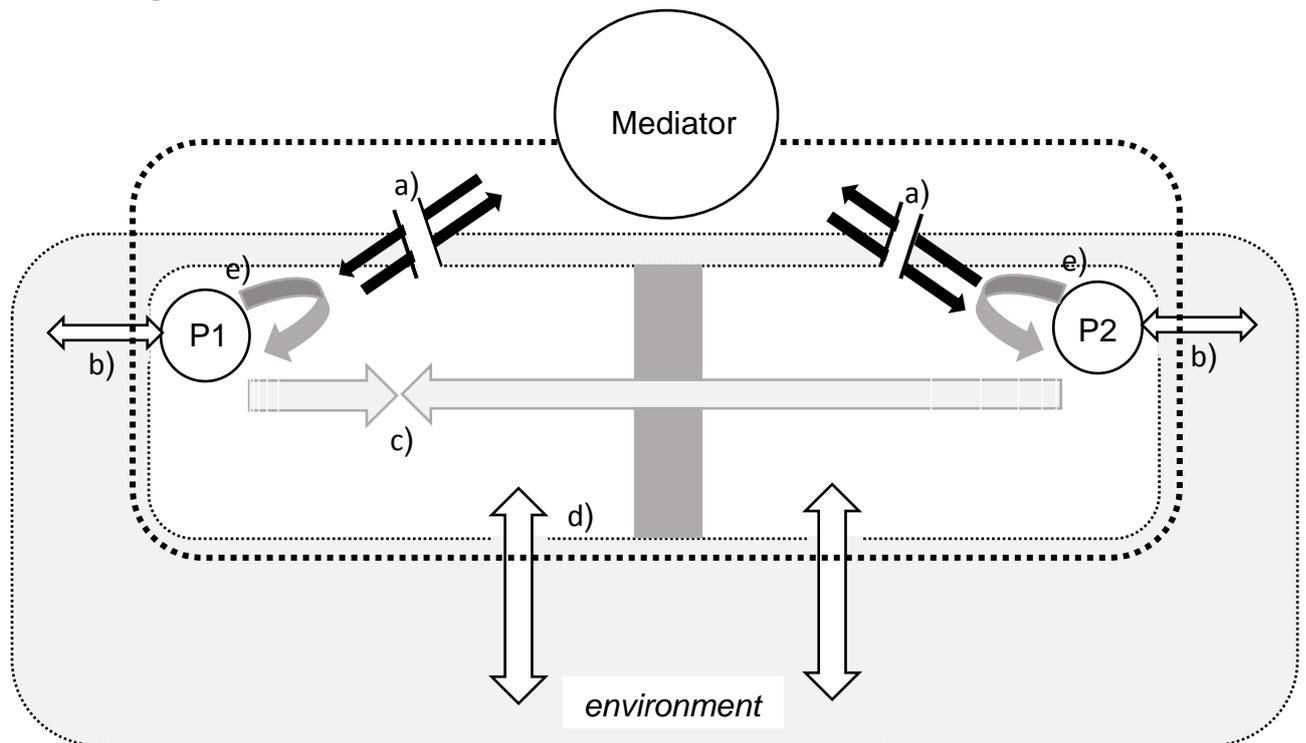
Ending:

- Post-mediation, the parties return to being in better contact: having dialogue, integrating their two figures, and/or contributing to the formation of a new, shared figure.
- The factionalism dissolves as each parties' supporters realise their own champion no longer wishes to be confluent with them
- Those in the environment (management, the referrer) re-engage with the parties
- The parties' relationship continues to be affected by having taken part in mediation

Figure 16. Mediation Ends Successfully

viii ...Or mediation may end unsuccessfully

Pre-ending



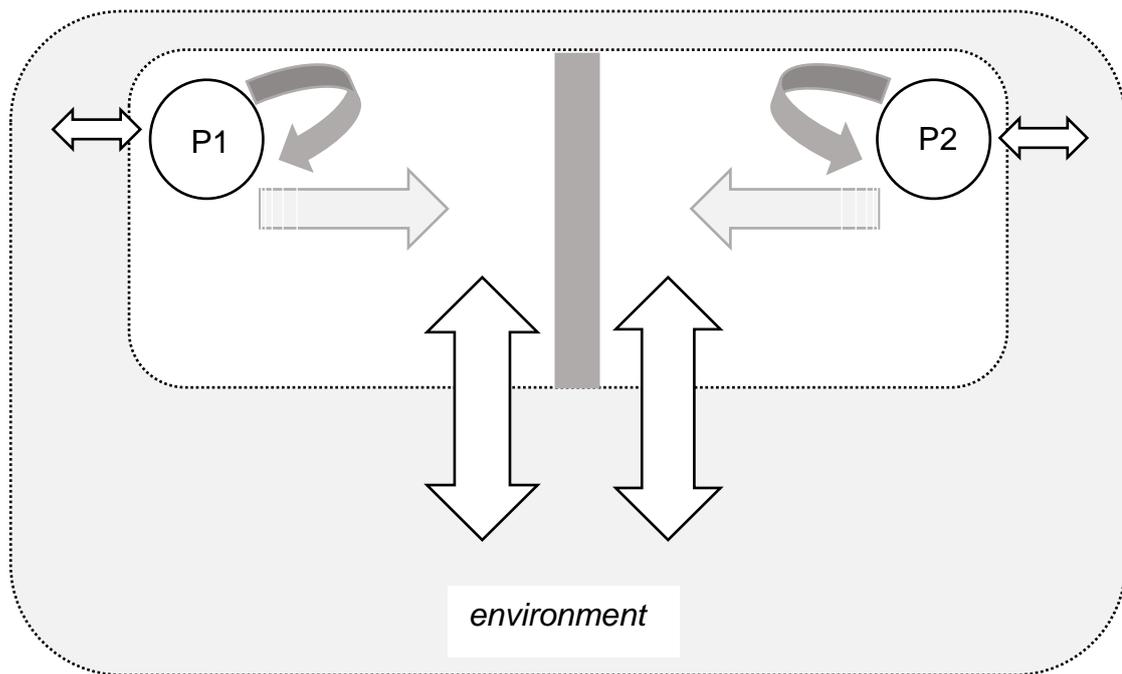
Pre-ending:

A number of field conditions may lead to an unsuccessful mediation:

- a) The parties fail to engage with the mediator, usually because they project onto the mediator their dissatisfaction with the organisation
- b) The factional supporters stay involved, often with telephone contact during the mediation day. The safe container is breached
- c) One or both parties are so annoyed that they use the mediation setting to try and persecute the other party: shouting, name-calling, talking over. (In this case, the mediator stops the process as quickly as possible)
- d) The organisation tries to influence either the process or the outcome of the mediation, thereby breaching the safe container
- e) Parties are either so fearful of the other, or so shamed at the thought of displaying their anger, that they continue to retroreflect, and do not speak their minds

Figure 17(a). Mediation Ends Unsuccessfully: *Pre-Ending*

Ending



Ending:

As mediation concludes unsuccessfully, the relational situation is slightly changed from how it was prior to mediation:

- The parties remain out of contact, with themselves and with one another. Their fixed gestalts may have been reinforced by seeing that the other's behaviour during the failed mediation was 'Typical'.
- They retroreflect aggressive impulses, and have diminished curiosity and engagement with the other. If there have been unbounded expressions of aggression during the mediation, then this interruption to contact might be worse than previously.
- Blame and mistrust are still prevalent. Now, however, they might also blame one another for the failure of the mediation
- Factional supporters again get involved, siding with their own champion and supporting their even more negative view of the other
- The organisation provides support and challenge to the parties and their relationship, except now there can be more challenge, because the parties have '...failed to make use of mediation'.

Figure 17(b). Mediation Ends Unsuccessfully: *Final Ending*

6.4.3 Summary of the impact of this part of the public works

This fourth part of the public works is the relational-Gestalt theory of mediation for interpersonal disputes. A great benefit of doing the D. Psych. by Public Works is that I have needed to write up and reflect on my model, and to begin to think about how to further test its impact. The impact so far has been:

- Having this model available to me has greatly enhanced my mediation and supervision practice. For the first time I feel as though there is a way to fully understand, and to explain to others, why mediation works and why sometimes it does not. And uniquely, this model is based on a rich combination of theory and practice: a qualified and experienced Gestalt psychotherapist-turned mediator, who has completed some hundreds of mediation cases over the last seventeen years.
- The model was put into the public domain early in 2015 when I wrote an autoethnographic account of my development of this model in the peer-reviewed *European Journal of Qualitative Research in Psychotherapy* (Talbot, 2015).
- I also presented the model in an interactive workshop at the 8th Biennial Conference of the European Association for Integrative Psychotherapy in Bucharest in May 2015. Feedback was excellent, and I also used the case studies ‘Axes to Grind’ and ‘Animal Magic’, effectively putting these cases in the public domain.
- I have had dialogue with a number of people in the mediation field about refining the model and testing its current and potential impact. Firstly, professor Liz Stokoe of Loughborough University and I have discussed a research collaboration. The idea is that we might devise a way to evaluate the notion of mediation leading to improved dialogue. We are discussing how to measure the **quality of a dialogue** between people who are in dispute, to evaluate the relational-Gestalt model against a number of other models, and to see how well each of them improves that dialogue. Secondly, I am discussing with Dan Simon of the Institute for the Study of Conflict Transformation about how the relational-Gestalt model and the transformative model are inter-related. Dan is an enthusiastic proponent of the transformative mediation model, (e.g. Simon, 2011), and I have recently had Skype

conversations with him about my own view on the transformative model (previously described). In short, this model is the only extant model that I would consider in any way relational, albeit that it is quite devoid of theory. It contains no credible explanation of why it works or sometimes does not. As if to confirm this, Dan's comment on our recent Skype in relation to the greater depth of the relational-Gestalt model was, 'Erryou seem to have the detail here!'

6.3.5 Skills and knowledge related to this part

With regard to the skills and knowledge that I bring to this fourth part of the public works, it feels like the formulation of the relational-Gestalt model is the culmination of everything else that I have so far described in this autoethnography. My early experiences of poorly managed conflict, my (partly reactive) favouring of rationalism: having people work things out for themselves based on reason, my management and corporate experience, my professional career in psychotherapy, supervision and mediation, have all led to the point where I have wanted a better theory-driven model for conflict resolution. The great opportunities I have had to set practice standards, get a company around me, and put my ideas out in the professional field, often running against the herd of lawyer-based 'mediation' providers, have all delivered me to this point.

In terms of how my skills and knowledge have grown with this final achievement, I realise that the theory and technology of Gestalt psychotherapy have this other, greater area of application that I had not fully realised. Although mediation takes place within quite different boundaries, and is really time-limited compared to long- or even medium-term sessional psychotherapy, it can be adapted. But I also learn that drawing on my years of practice, and relating them to Gestalt theory, is perhaps half of the story I need to ultimately tell. I have taken the opportunity of the D.Psych to write up the theory-driven model as the culmination of this piece of work. What I now need to do is to both invite peer review of the theory, and to look at how I can relate the theory back to practice. I have therefore come up with a strategy to try and bring about both of these tests of the work that I have produced.

6.3.6 Strategy for engaging with the community: disseminating and testing the relational-Gestalt theory of conflict resolution

What I have so far done is:

- Submitted a paper to British Gestalt Journal. This paper concentrates on the Gestalt theory within the model. I want the peer review from Gestalt practitioners who are not necessarily familiar with mediation, but who can see that this is a new application of the theory. I want to invite argument and informed challenge so that I can respond.
- Submitted a different paper to the peer-reviewed journal, 'Mediation Theory and Practice'. I have chosen this as it is the converse of the above, being a journal for mediators who are not necessarily familiar with Gestalt theory. I want the peer review of (possibly non-academic) mediators who can see that this is a new theoretical model, again to invite the challenge so that I can respond.
- Started discussion with some publishers about writing what I consider will be the first theory-based handbook of mediation. The furthest-advanced discussion is with Jessica Kingsley publishers, to whom I have now submitted a proposal for a book outline.
- Begun to post on social media some of the ideas from the relational-Gestalt model. I appreciate the more immediate, vernacular and informal nature of this method, compared to journal submissions, the review and publication for which will take around six months. I want to generate some more immediate comment and feedback from the community, and I do these posts just to see what comment I can get back.
- Continued to talk with Professor Liz Stokoe and with Dan Simon about collaborating with them to record and codify some live mediation sessions in order to start to evaluate the model against some others. There are ethical and methodological challenges with this: I hope to collaborate with these two in order to overcome these.

So as I approach the end of this study, my reflection here would be that I find myself transitioning from being an entrepreneur/business owner into being more of a scholar practitioner and influencer. My thoughts on this are provided as a short 'epilogue' section before my conclusions, and after I now summarise the evidence for the fourth part of the public works: the relational-Gestalt theory of conflict resolution.

6.3.7 Evidence for this part of the public works

- The paper from the European Journal of Qualitative Research in Psychotherapy is included as a Supplementary item, **SM-18**
- The conference programme from the workshop in Bucharest in May 2015 is also included at **SM-19**. I also include my slides from that presentation at **SM-20**.
- Part of the email trail describing my collaboration with Dan Simon, and some of the ongoing work in testing the model, is at **SM-21**.
- The paper submitted to the British Gestalt Journal is at **SM-22**
- The acknowledgement of the paper submitted to Mediation Theory and Practice, and the paper itself, is at **SM-23**
- The book outline submitted to Jessica Kingsley Publishers, and the acknowledgement from the publisher, is at **SM-24**

7. The transition from entrepreneur into scholar practitioner and influencer

At the conclusion of this study, then, I have produced four public works: Creating a successful mediation company with demonstrable impact in the UK and beyond, creating widely adopted and recognised standards for UK Mediation practice, extensively applying of a unique relational approach to mediation for interpersonal disputes, and the development, publication, and dissemination of a theory-based relational-Gestalt model of conflict resolution.

The last one of these, my relational-Gestalt model, constitutes a piece of practice-based research. This model, which I am now publishing and disseminating, has arisen not just from applying my knowledge and skills, but also from seventeen years of reflective mediation practice, training people in mediation, and supervising other mediators. In the last few years I have become convinced that there must be a better, a more theoretically coherent way to do mediation, and I have endeavoured, both for me personally and for my company, to come up with something like this model.

Particularly in recent years, and especially because of more and more companies and individuals coming into the mediation market and competing with me, I have needed to work hard to keep the uniqueness of what I do, and to continually generate a certain level of business and profit. Consistent with Bager-Charleson's (2014) thoughts about the impact of cultural and personal expectations on practice-based research, the relational-Gestalt model as one of my research products has not been created in a vacuum, but in the context of me the researcher being an entrepreneur, in a competitive environment, and needing to run and to continually develop a profit-making private company.

As I now publish and disseminate my novel idea, being prepared to refine and modify the model in response to feedback and criticism from the community, building collaboration along the way, I have transitioned from being an entrepreneur to being a scholar

practitioner and influencer. I am completely at ease with that idea. Where I am now, in late 2016 and aged 56, is that I have a company with a strong identity and presence in the field, a very large customer base, some tried and tested, yet continually evolving products and services, and a very good personal and corporate reputation. I am happy to take on more in the way of publishing, writing and speaking about my unique approach, while the company to a greater extent looks after itself.

The other side to this, however, is my need to support the company's future success by generating business out of my model. This is consistent with the idea of 'academic entrepreneurship', such as discussed by Wood (2011). The premise behind academic entrepreneurship is that the products of research may have commercial applications capable of generating revenue for the researchers. The literature on academic entrepreneurship tends to emphasise scientific research, and tends to see universities as the places where research takes place, to the extent that the notion has also been called the 'university spinoff' phenomenon (Shane, 2004). It is in fact commonplace for universities to have technology transfer offices dedicated to turning ideas into businesses and profit-making ventures (Lockett et al., 2014). I fully identify with the notion of being an academic entrepreneur, even though my work has come not from being a researcher within a university but from being a reflective mediation practitioner running a private mediation company.

I have generated and written here about four public works. The fourth of these, and the product of my practice-based research, is my relational-Gestalt model. I have taken the opportunity of the D. Psych. to stop and reflect on my achievements over recent years, as well as to pull together all the elements of the model into one coherent place. I feel now as though I have one foot in the camp of the scholar practitioner, comfortable with influencing the field towards a greater need to be able to explain how and why mediation works, and one foot in the camp of the academic entrepreneur. I look forward to the two challenges ahead: of both testing, disseminating and refining the model, and at the same time continuing to support my business's future success by capitalising on this product of my practice-based research.

8. Conclusions

In summary, what I hope I have done in this piece of work is to show how:

- The skills, knowledge, qualities and values that I have described have all come together in a particular context to allow me to make my significant achievements
- My skills, knowledge, and abilities have all grown with each of these achievements.
- From my early experiences of poorly managed conflict in my family, I have developed a curiosity about how conflict can be better tolerated, managed and resolved, and I have now turned that curiosity into something unique.
- As someone who rejected an orthodox and toxic form of religion in favour of rationalism and humanism, I have found a niche in a humanistic area of work in which people are supported to work out their own solutions to their conflicts and interpersonal problems.
- Having realised early on in my career that I would struggle to be managed in a conventional sense by anyone in whom I did not have sufficient belief or confidence, I have ended up starting, running, and developing my own company.
- Within that relatively self-supporting entrepreneurial setting, I have forged collaborations with others, which have also assisted in my personal and professional development.
- I am someone who enjoys the cut-and-thrust of working in a market and professional environment where I experience regular challenge, even hostility, in my case from the legal profession. I have shown how I enjoy tapping into that and turning it into innovation.
- Having been inspired by my psychotherapy training and the Gestalt psychotherapy model, I have found a way to apply this model to mediation, and I have proven its effectiveness.
- Through my mediation company, the only one to my knowledge to be run by a psychotherapist, and certainly the only exclusively relationally-focused mediation company, I have demonstrated a significant impact of this method of conflict resolution.

- I have not just run a successful company for the last seventeen years, but have made some unique practical and theoretical achievements, and have now taken these into the public domain
- I have, through my work in relationally-focussed mediation over the last seventeen years, demonstrated my leadership in the field, culminating in the current work and soon to be furthered by a number of publications, including what will be the first genuinely theory-based handbook for mediators, based on the extensive practical experience of a scholar practitioner.
- Significantly for the fields of both mediation and Gestalt theory, I have also demonstrated, and continue to demonstrate, my capacity to be a change agent, influencer, and academic entrepreneur.

21,034 words.

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10. Appendices

Appendix One

Curriculum Vitae of Mike Talbot

Mike Talbot

BSc. (Hons), MA, MSc, Dip. Couns.

Curriculum Vitae

Profile

I am a UKCP-registered psychotherapist, a registered mediator, and the founder and CEO of UK Mediation Ltd, one of the largest mediation and mediation training providers in Europe. I have worked in management in the public and private sectors, have been a clinician in the NHS, have run a private therapy practice for a number of years, and have run a computer company prior to my current role. I set up UK Mediation in 1999, and as well as running the company I now run training courses, mediate a wide range of disputes, supervise other mediators, and continually develop our range of conflict resolution services.

Work Experience

Founder and CEO of UK Mediation Ltd, Belper, Derbys : **May 1999 – present**

- Managing a company of trainers, consultants and mediators
- Mediating a range of disputes from workplace grievances to high value commercial matters
- Supervising and mentoring mediators
- Delivering training courses at all levels
- Resolving conflict among teams and groups

Freelance psychotherapist, trainer, supervisor & organisational consultant:
Jan 1996 – May 2004

- Providing short- and long-term counselling psychotherapy & critical incident debriefing
- Supervising a number of counsellors & therapists, including many in training
- Providing training to Masters level on a number of university programmes and college courses
- Consulting on stress management, conflict resolution & emotional health in the workplace

Managing Director of Dolphin Systems Ltd, Worcester, UK: **Jan 1992 – Dec 1995**

- Running an international company that designed and implemented computer adaptations for people with disabilities
- Managing a workforce of 18 UK-based staff, and a dealer network throughout the world
- Researching and implementing methods of adaptive access to computers

Clinician and assessor, Sandwell Health Authority, W. Bromwich, W. Midlands, UK:

Apr 1987 – Nov 1991

- Working as part of a multi-disciplinary team, assessing and designing adaptive technology for people with disabilities
- Specialising in communication aids for people with speech impairments
- Working with those with life-threatening progressive neurological conditions, helping to maintain communication as their speech failed

Researcher and ergonomist, BT research Labs, Martlesham Heath, Suffolk, UK:

Jun 1983 – Apr 1987

- Human factors research: developing new and better ways to access technology
- Designing and conducting research into the usability and interface design of new technology
- Working with engineering teams on interface improvements, especially in relation to the use of speech technology

Education

First Degree: BSc (Hons) Psychology, class 2:1
Southampton University SO17 1BJ. **Oct 1980 – June 1983**

Masters Degree: MSc. In Work Design & Ergonomics.
Birmingham University B15 2TT. **Oct 1983 – June 1984, full-time**

Masters Degree: MA Gestalt Psychotherapy
Derby University / Sherwood Psychotherapy Training Institute, DE22 1BG. **Oct 1997 – June 2001, part-time**

Vocational Training

Accredited Mediation Training
Commercial, neighbourhood, interpersonal. **May 1999 – Dec 2003 part-time**

Supervision Training
Bath Centre for Staff Team Development. **May 1999 – Sept 2001 part-time**

Adult Education Qualification: C & G 7307, parts 1 & 2

N. Warks College, Hinckley CV11 6BH. **Sept 1997 – Jun 1998 part-time**

Diploma in Counselling: Dip. Couns.

Sandwell College, W. Bromwich B70 6AW. **Sept 1988 – June 1990 part-time**

Critical Incident De-briefing training:

ICAS, Milton Keynes MK5 6LB. **Feb – March 1997 part-time**

Appendix Two

Mediation Case Studies

Case One: Love Thy Neighbour

This was my very first mediation case, conducted in July 1998. It involved a dispute between two neighbours.

Overview of case one

My colleague and I applied the standard mediation model to this dispute and got a fairly successful result. It is presented here as an example of using the theory-light mediation model. This case, one of my first, took place in September 1998: long before the timeframe for the current public works. It is included here to illustrate the starting point for my mediation practice, at a time when my only training was my initial training course.

Background to the dispute

This case involved two neighbours in a row of terraced houses, who were alleging noise nuisance, litter problems, shared fences being damaged, and threatening behaviour between the two when things went wrong. The case was referred by the community police officer who would occasionally drop by our mediation office. He had spoken to both neighbours following repeated incidents between them, including one where one neighbour had threatened to assault the other. The police officer thought the dispute between the neighbours could be resolved by mediation, and if so, this would preclude the need for an arrest and/or investigation. It seemed likely that, unless the conflict was resolved, at least one of the men was heading for a prosecution.

The mediation

Firstly, the service's existing mediator and I together visited each the neighbour separately, for a strictly limited 1¼ hours each, so that we could hear both sides of the story. One neighbour wanted to take up more time, but we declined.

The model unfolded like this:

- Both sides needed time to offload. I listened actively, responded empathically, reminded them of the purpose of our visit and of mediation in general, and got their commitment to take it forward to a joint meeting between the two of them. The first neighbour was not pleased to see us, and reacted angrily to our presence, feeling that we were intruding, and that we were there to tell him what to do.
- My partner and I took it in turns to speak, to advance the mediation by asking open questions and determining their 'interests': what it was they each wanted to achieve through the process. We emphasised that we were not there to snoop on them gather data to lead to an eviction or arrest, or to make any judgement about who was right or wrong.
- The second neighbour wanted to know what the first had said. I politely declined to tell him, but he did want to be aggressive towards me, and questioned the value of a process in which he could not hear the 'allegations' and answer them. Each person wanted to apportion blame and fault to the other side, and to portray the other side to us very unfavourably. We kept our impartiality, mostly, although I think at times I could have been seen as agreeing with the rather dim description of the one neighbour as inconsiderate and thuggish

We then arranged to get the two of them together at our office, and continued from there:

- They each had some time to offload, while the other listened. We had to stop them interrupting and shouting each other down a couple of times
- We formulated a joint agenda of issues that they wanted to address. These included what time limits they should observe for playing music and entertaining, how they should ensure that litter stayed only in their dustbins, how a broken fence could be fixed, and how it could be ensured that such damage did not re-occur, and how they should conduct themselves if there was any friction or disagreement in the future.

The session concluded with a written agreement on all of these issues. At the telephone follow-up four weeks later, the two gentlemen both confirmed that '...things are fine now',

and so we wrote to close the case, with a letter to the effect of, 'We're glad everything is now OK'.

As a slightly unfortunate postscript, the wife of one of the parties (who had not attended) read our closing letter and phoned the service to give me an ear-bashing along the lines of, 'What do you mean, 'Everything's OK now?'....it's worse than ever.' And a great learning opportunity presented itself there: we had of course had to contain the mediation and make it manageable. The practicalities of one side working shifts, one of the husbands being out during the day, etc, made it difficult to get everyone to come to mediation. However, with hindsight it might have been helpful to have the neighbour who had phoned up post-closure to attend the mediation as well. We had focussed in on just one person from each side, and clearly all they could give us was their own unique perspective.

I was left wondering if there was a way to include the opinions or views of both members of each household, without necessarily having them attend in person. Otherwise, the neighbour who attended for each side, and made an agreement with their hitherto adversary, would then have to sell the agreement back to their non-attending partner, who had not have the benefit of the mediation day, and of seeing the mistrust and anger fall away, to the point where concessions could be made without any sense of losing the battle. The absent partners experienced the conciliatory moves of the attending partners to be a climb-down.

Case Two: Terry and June

This was my first workplace mediation case, conducted in May 1999.

Background to the dispute

Terry and June both work in IT support within a publishing house. They have a workplace dispute, which has led to June lodging a grievance, alleging bullying and harassment by Terry. The two used to work at the same level of seniority and had a good enough working relationship. Following a re-structure, however, Terry now manages June. Over the course of the last six months, their relationship has deteriorated. June now accuses Terry of micro-managing her, while Terry alleges that June is uncooperative and truculent.

They have cut off all civil communication with each other and have also started to gossip to colleagues about one another. They argue about time-keeping, attendance, the level of reporting between them. June gets her manager, and then the Human Resources Department involved, which Terry is on the defensive. He feels got-at by June's decision to get the 'big guns' involved.

The mediation

I began with private individual meetings with each of the people, hoping to build rapport, to explain to them what mediation could offer, and to start to deduce their particular interests.

In her initial meeting, June was very suspicious. She checked and re-checked with me what the arrangements for confidentiality were. She was very blaming of Terry, saying that the '...promotion had gone to his head', that, '...he's a bully', and that, '...everyone says the same about him'. She was initially adamant that she would not move from her position of taking him through a formal process, but nevertheless agreed to come in to a joint meeting with him. In a brief moment of frank self-disclosure she mentioned that because of all this she had been suffering sleeplessness, tearfulness, and aches and pains, and had seen her GP who had suggested she was 'mildly depressed'.

In Terry's initial meeting, he had a different demeanour to June. He shrugged when I reassured him about confidentiality, etc. He was disappointed that June had tried to '...haul him over the coals' as he saw it. He had been enjoying his new responsibilities, but this had soured the experience. He wanted her to accept that he was now her manager, and to get used to the idea. Although he was not optimistic about the prospect of it, he agreed to come to a joint session.

In terms of how Terry was dealing with all of this, he commented that he was engrossing himself in the more enjoyable aspects of his new role, trying not to dwell too much on June's actions and resentment against him, and avoiding interactions with her unless it was purely to do with work matters. When he had been through a 'bad day' in relation to what was going on with June, he had gone home 'via the pub': having a couple of drinks and, as he put it, getting things into perspective'.

So, concealing my nervousness, I followed the tried and tested procedure, learned from the neighbourhood mediation model. Along the way with both clients, I was noticing the times that I would drift from doing mediation to doing something close to therapy, and back again. We had a very short time, so there was a limited chance to use interventions I might use as a Gestalt therapist, and I had to resist that temptation at times. Within the classic remit of a mediator, I was at liberty to listen closely, paraphrase, respond empathically, summarise and question, and check my understanding. As a mediator, I am supposed to concentrate on the future prospects for the parties' relationship. So I had to try and mostly deflect from my curiosity about the past. I also had to bracket off my interest in anything outside of work or outside the narrow timeframe in which this dispute existed.

In the joint session, I was confident enough to lean back on the staged mediation process. From the neighbourhood work, I was now very familiar with this. There were some hostile exchanges between the parties, but not of the degree that I had witnessed between neighbours: there was a greater sense of decorum and moderate behaviour, given that this was a workplace. So, in some regards, it felt easier that some of the disputes I had mediated up to this point.

Ultimately they agreed to the write-up of a short behavioural agreement between them which they would go on to implement, albeit begrudgingly on June's part, to the extent that they were talking and co-operating, just about, when I followed up the situation six weeks later.

Reflections on the mediation

With this being an early workplace mediation case, I was keen to apply the model that I knew, to resist the urge to conduct psychotherapy with the parties, and ultimately to get a good result for the paying organisation.

- The process was actually helping them to come down from their rigidified positions, and the support I gave them helped them to feel safe enough to do so. I had to check myself that I was not urging them to move more quickly than they were ready to do. I noticed that more progress was made when I eased off and tried not to push them along. This is entirely consistent with the Paradoxical Theory of Change (Beisser, 1970).
- June's rigid position of, 'I'm taking a grievance against you: you can't do this to me' was a less challenging position to take than choosing to have dialogue with Terry. She was really very nervous about that. The adversarial position, where potentially she would be proven right and he would be in the wrong, was evidently also more supported by her peers, who backed her up and egged her on to, 'let him have it'.
- I was in a great position to be able to relate what I was learning on my MA course to the work I was doing in mediation. Often on my Gestalt MA, I would experience an 'a-ha!' moment when relating course content to mediation cases that I had in mind: particularly when learning about the Gestalt formulation of the notions of awareness and contact.

Case Three: 'Axes to Grind' Holding Mediation Boundaries Tightly

This case took place in February 2012, within the time frame for the DPW, and was part of my workshop at the EAIP Conference in Bucharest in June 2015

Background to the dispute

The dispute, within a branch of a professional society, involved a younger female clerical officer, who we call Martha, and her older male manager, call him Will. When it was referred to our service, the dispute had been ongoing for about three years, based around Martha's allegations of harassment, and Will's accusations of disciplinary breaches. The service had tried coaching and counselling for Martha, and management training, coaching, and mentoring for Will. In the few months prior to mediation, Martha was progressing towards possible dismissal. She was in the throes of preparing a high-value discrimination claim against her employer, and a damages claim against Will himself, whom she believed had 'got it in for her'. To avoid any further incidents occurring between them, Martha had been re-located to an alternative office, and Will had been told only to speak to her in the presence of a third party.

Setting up the mediation

Now that I employed a full-time case manager, I could insulate myself from the parties prior to actually meeting them on the day. The case manager would bat off all the various calls from people who had their own axe to grind about the mediation and its setup and likely outcome. This insulation proved important, as during the run-up to the mediation we had the organisation's HR director calling up to try and influence the process; we had Janet's UNISON (Trades union) Representative calling up to speak to me about her claim, and at the eleventh hour, John's solicitor wanted to know all about me and my experience in employment law. There was a real sense that, because of the passage of time and the number of processes that had been invoked, there were now a large number of people involved, all with their own ideas of what the outcome of mediation should be. Each of them wanted to influence me in what they saw as my 'determination' of the case.

We did not want to begin mediation while any of the formal processes was still running. Martha's tribunal claim had not yet been lodged, and we had to wait until the outcome of a disciplinary hearing against Martha (one of several) had been concluded.

Part of our UKRM code of practice is that parties to workplace mediation must attend on their own and speak for themselves. Another part is the strict impartiality of the mediator, and the fact that his/her role is not to determine or adjudicate a case in any way. A third is that we do not mediate while a formal process is underway, because the relative informality and openness of mediation are contrary to the formal, evidential nature of a disciplinary case or tribunal claim. We had formalised the UKRM two years previously, but still each time something like this challenge would come up, my colleagues and I would still check with each other as to the tightness of the Code of Practice: 'We covered that, didn't we?'

The mediation day

We finally arranged a mediation day after much to-ing and fro-ing with the various parties involved. At 4.30 on the day before, Martha's UNISON representative called to insist that she be present at the mediation to advocate for Janet. This was declined, much to her annoyance.

Finally, the mediation took place. As is the norm, each party was firstly given some private time with me, the mediator, to describe their version of events and to outline what they wanted from the mediation. Martha was first, and in her private time was keen to impress on me how appallingly she had been treated by both her employer and her manager. Every anecdote and example confirmed her view of Will as this sexist bully, and how could I not see that? I explained I could not back her up regarding the allegations of discrimination, and my role was not one of taking a view or forming a judgment, but of helping both sides equally to reach a resolution. What I could see very acutely, however, was how she felt oppressed, discriminated against, side-lined and humiliated by her whole experience. She was, from her point of view, up against a sexist, macho immovable object, and there was no hope for reconciliation, with Will himself or with her employer.

Will then had his private time. Like Martha, he wanted me to see things his way: how could I not see how Janet was making his life hell? He told me how awkward and militant he found her, how she had spread stories about him and set people very viciously against him. Everything he told me about Janet backed up his story of her as an uncooperative, divisive troublemaker. Again, what I *could* see was the awful way this was leaving him: furious with the colleague who had previously been an ally, even a friend, stressed by the situation of having to watch carefully every word he said and every instruction he gave. And no, I did not agree with him that this was gross insubordination and that she should be punished or sacked.

I was not optimistic for the outcome of the mediation, but persisted. I wanted to really enter into these two people's worlds, showing that at least I could empathise with each of their predicaments. I hoped that, if, if they could witness my doing this, then they could start to see how the disputed events had affected the other. If they could then both start to realise how **their actions** had impacted the other, there was a chance of them beginning to have a little dialogue. But all of this would have to be done without me blaming or taking sides.

In the joint session, it was clear that all they really wanted was for me to pass a judgement about who was in the right. Each worked hard on me: wanting me to find in their favour, and join with them in demonising the other. I explained I could not do that, and yet I *would* work to try and help them appreciate how the other person thought and felt about what was going on, and to talk about this. I punctuated this, just a little, with some self-reporting of what I thought, and very discriminately, just a little of how I felt. They had little interest in my attempts to help them build any understanding, and just as little interest in what I thought and felt. All they each wanted to hear was that I agreed with them.

I eventually found that I was working harder than either of them to build a bridge between them, and this felt like it was entrenching them further. Each of them had some well-rehearsed arguments around every aspect of the long history of their dispute. My hunch was that these arguments had been formulated with the help of their advisers and supporters.

I wondered to them whether they still needed to keep fighting over the past, or whether they might at some point be ready to talk about the future. This prompted them to again blame each other for what was happening. They then became verbally attacking of each other, so I put them in separate rooms. I then 'shuttled' between them for a time, spending equal time with each of them in turn, trying to honour their resistance to any conciliatory moves, but at the same time wondering if there was now any chance of going forward with this.

Eventually it became clear that they were both so entrenched in their separate, diametrically opposed views that mediation was not going to shift them. The principle figure for both of them was to prove that they were in the right. Not only that, but I had the impression that each of them had become so fired up by their various representatives and advocates, that it would have felt like too much of a climb-down to have made any concessions or given any ground. Eventually I had to let them go, and I could see that, hardly had they stood up to leave, but they were back in full battle mode again.

Following the mediation, Martha's UNISON rep, who had brought her there but had been made to wait outside, wanted to collar me to get a de-brief, which I refused to give. We also had a letter from Will's solicitor a few days later, saying that, although he '....respect(s) the confidentiality of mediation....', could I nevertheless confirm a couple of things his client had said were mentioned in mediation. He got a short answer as well.

Reflections on the mediation

The main agenda for both parties here, and their many supporters and advocates, was to get me to take sides. It really tested my ability to remain completely impartial. Clearly everyone had dug in with their opposed points of view: everything that Will did or said confirmed Martha's view of him, and everything Martha said or did confirmed Will's view of her. In Gestalt terms, the two parties' perceptions have become bound in a fixed gestalt (Perls, 1951; Yontef, 1999). This has been referred to in the psychology literature as 'Confirmation Bias' (Nickerson, 1998), and has now come to be acknowledged to a degree in literature on conflict resolution.

Then, the two of them are absolutely bound to the past. The figure for each of them was how to prove that they were right about what had happened up to this point, and the other was wrong. These two people's phenomenologies were entirely at odds with each other, and with the passage of time had become more so. Yet how absolutely real each phenomenology was to its beholder. They craved my confluence, desperate to get me on their side. Yet I knew that the worst thing for me to do would be to side with either of them. I felt empathic towards each of them, and yet it was important for me to retain my sense of separateness: to practise inclusion and *not* to become confluent, yet still to be empathic. There was a real challenge to me to not get caught up in their downward spiral, and yet they each wanted to jump in there with them.

The amount of time that had passed, and the number of people and processes that had become involved, were also highly significant here. There had been a profound absence of dialogue between the two parties, and yet a presence of advocates who clearly wanted to entrench their respective clients and get them to become even more polarised in their views. Right back to basic principles (Fisher & Ury, 1986), we are looking as mediators for the win-win outcome: a situation where both parties get what they really need. Here, all the advocates and their two clients were only out for a win-lose.

From a relational-Gestalt point of view, I thought that perhaps my endeavour could have been successful some years earlier, but not now. What I try to do is help people to resolve

and integrate their differences without loss of esteem. Put plainly, to help them to climb down without loss of face. Zinker (1998) describes this process in couples work as a precursor to then supporting the 'we' of the relationship, helping the two sides to find a '...creative integration of their divergent qualities'. (p.184). In this case, the great deal of time and adversarial process that had gone by, fuelled by the various backers and advocates, meant that there was a massive amount of ill-intent and malice being projected by each side onto the other. My sense was that withdrawing those projections would entail such a loss of esteem, in fact such a great sense of shame (e.g. Wheeler, 1995), that it would be intolerable for either of them. In a longer, more therapeutic contract there might be a chance, but all these had was a day's worth of mediation.

And finally, I had found this piece of work exciting. In the cut and thrust between these two, I had felt the 'lively involvement' with their dialogue (Yontef, 1993, p. 35). I definitely needed to offer care and support to the situation. They really needed that. They were frightened, and so were their representatives. I really had to hold my ground with regard to the ethical principles that we had put down with writing the UKRM code of practice as well: strict confidentiality, impartiality, non-adjudication.

Case Four: Animal Magic

This case took place in June 2014, within the timeframe for the Public Works. The case was referenced in my workshop at the EAIP conference in Bucharest, June 2015

Overview of case four

This was a commercial mediation case, aimed at agreeing a financial settlement to a potential employment claim. The legal case had stalled, and a judge had recommended mediation, which had been tried once and failed. When I mediated it, paying attention to the *relational* aspect of the conflict, rather than the legal or financial points, I was able to settle the case for both sides.

Background to the dispute

This was one of my first commercial mediation cases, and concerned a vet, James, whose employment was in the process of being terminated. He was threatening employment tribunal action against his employers, and they had offered him a compromise agreement. The vet had already been disciplined within his employment for harassing a number of employees, who were principally young veterinary nurses, when he then, in his employer's eyes, re-offended repeatedly, and in spite of warnings. His employers suspended him because of the severity of the allegations, some indicating possible assaults, and launched an independent investigation and, before publishing the (rather damning) outcomes, offered him a sum of money to leave quietly.

The mediation

On the mediation day, in a rural hotel, the two employers, Lisa and Lee, were there with their three lawyers, waiting in the allotted rooms. James' two lawyers were there but there was no sign of James. I set off to find him. In the hotel lobby I came across two men sat talking quietly together on a sofa. As I approached, and said, 'James?', one of the men slowly lifted his eyes and glared angrily at me. 'And you are...?'. So this was my first impression of James.

In an opening round-table session, I had to ask James not to interrupt or, effectively, to interrogate the employer side as they made their opening remarks. It was tense. In the ensuing private sessions, the employers were clear that they would not have James back, and the mediation was only to determine the size of the settlement. For James, he could not see why he should leave: he enjoyed his job and wanted to get back to it. His manner was very aggressive with me. I had to be firm at times, including asking him to please not wag his finger close to my face. The employers were sitting on their investigation report. They said if there was no settlement at mediation, this would be their main piece of evidence in James' dismissal case. After the employers had jostled a little with their advisers, the offer of £30,000 was made for James to agree to resign. Evidently, this was where they had got to in the previous mediation, and this was their current stalemate. Both sides were trying, and failing, to win.

My sense was that James' current fury was not all to do with his current relationship with his employers. Although in mediation the boundaries are not suited to carrying out any form of therapy, it is nevertheless appropriate for the mediator to hold a sense of the past, and to bring that into the here and now: to infer how someone's incomplete fixed gestalts may be influencing how they relate in the present moment, and of course how they relate to the person(s) with whom they are in conflict. His anger belonged partly here, and partly somewhere else.

Everyone, including his own lawyer and brother-in-law, was trying to tell James that the £30,000 was absolutely the top limit of what he might get if he proceeded to employment tribunal, and the legal fees he would have to spend in getting there would take a considerable slice off that. I think he already knew, but there was no way he would settle for anything close to that kind of payment.

I asked to speak to John privately, using an excuse to pull him away for a few minutes. I could see that, in his reality, the employers were uncaring, penny-pinching goliaths, and needed to be brought down. I could at the same time see that the employers saw James as a dangerous monster who, one way or another, had to be kept away from their other staff.

I asked James if I could please play a hunch. He nodded. I began: 'I'm guessing the £30,000 doesn't come close to paying for the insult you feel they've caused you? He teared up, glancing at the door to check no-one was coming. I moved and sat a little in the way of the door just to reassure him that no-one could come in while he was upset. I could see that this man had backed himself into a corner, and was going to need a way to back down with his dignity intact. The challenge was to find a non-shaming way to make that happen. I proposed he might talk in private, with me present, to one of the directors. He liked the idea, so with his consent I went and spoke to the two directors.

Lisa and Lee wanted to tell me how they had this investigation report: it 'proved' what James '...was really like'. They told me not to be fooled by him: he was awful. Privately, I did not think he, or they, were awful at all, only frightened. I suggested that, just for now, they could put aside trying to 'win' this (and I reassured them I would say the same to James), and they might decide for one of them to come and have a private talk with James.

In the dialogue that followed with James and Lisa, I firstly set some ground rules to engender safety, and also asked them not to mention money. When they challenged this I said I would make it a condition of my involvement that they should not do so. I encouraged them to speak from 'I', and to listen and respond to each other, and I asked them to try and avoid arguing about past events, which they clearly were not going to agree on. Although they thought me strange, they agreed to give it a go. Some time later, when they had included in their dialogue references to what they thought and felt in response to events, they finally got to a point where they agreed to try and work out an agreement in which:

- The company would not be seen as soft, or a push-over: they wanted no precedent to be set
- If James did leave, he would be in a position to quickly pursue other employment with his reputation intact
- This would be the absolute end of the dispute
- James was not admitting any misdemeanour, and the company was not admitting any impropriety in its HR processes

- No-one would know the terms of their agreement

With some help from those assembled, and agreement was drafted, which included a confidentiality clause, a payment of £30,500 (they let James have the last word on the £500), a reference, and an agreement to a clean break and full and final settlement.

Reflections on the mediation

The Gestalt mediator's role is as a contact-broker: what I can offer to a situation like this is my skill in being able to make effective contact, and being able to make a relationship within a context of trust and safety. Firm boundaries have to be agreed and held in order to bring about that safety and I as the practitioner also have to work hard to be trusted.

Case Five: Applying the Relational Supervision Model

*This supervision sessions were with two mediators at Leeds university in September 2012. The work at Leeds is partly the subject of Alison Burns' video interview attached at SM****

Overview of case five

I supervise a number of mediators who make up an in-house mediator panel within a university, sometimes in a group, other times in ones and twos. The following extracts are from recordings of two separate one-to-one supervision sessions that took place over the space of about six months. I hope to show here some of the ways that the seven-eyed model can be used when supervising mediators.

First mediator: Carolyn

Background

Carolyn had trained in a group led by my colleague some six months previously, and I had been back three times so far to supervise Carolyn and her peers. Carolyn had completed four mediation cases in six months, and had brought each of them to supervision, each time with very tidy, typed notes, and a very ordered and measured 'case presentation'.

The supervision

Carolyn began, as she had with previous cases, with some narrative about her first party, Colin, and the history of his career at the university. She gave more detail than I felt I needed, including some speculation about how and why he might have come into conflict with his colleague. I started to get bored and out of contact with Carolyn and her story-telling. As I had done some work previously with Carolyn, and as I felt she could tolerate some challenge from me, I intervened:

Mike: 'Carolyn, it's helpful to know about Colin's background, and I think I have enough to go on for now. Could you tell me a little about how Colin presented on that day, and how you experienced him?'

Carolyn: (Showing me that she had 2 more pages of notes to go through) *'But I haven't finished! Don't you want to hear about the re-structure in his department that had led to the grievance?'*

Mike: *'The background is helpful, and if at any time we need more detail, I can ask you, and you could refer to your notes.'* For now, I'd really like to know about how he was with you, and how you found him on the day'.

Carolyn: *'Don't you want to know...(tails off)... 'What? Like what I thought of him?'*

Mike: *'That could be interesting. (pause)'*

Carolyn: (frustrated, after a pause). *'Well, if you want to know, I thought he was a bit of a twat! Senior manager, been here donkey's years, and seems to think the mediation service is a bit of a joke.'*

Mike: *'Sure. You didn't have too high an opinion of him?'*

Carolyn. *'Too right. Nor he of me (harrumph!).'*

Mike: *'So you reckon he didn't think a lot of you?'*

Carolyn: *'No. I felt like he was testing me, waiting for me to slip up'*

Reflections on the supervision

Carolyn's initial description sounded more like a medical history. She was trying to give me a 'perfect' background story, from her typed notes. I could have smiled through it, hiding my boredom. However, when I challenged and was more present with her, we revealed a projection of a critical figure onto Colin, and I assumed there was something of that in the way that Carolyn was seeing me in the role of her supervisor. We later brought that into the room and had some dialogue about it.

Relating this to the supervision model

Here, in mode 1, the mediator is not letting the first disputant come into the room. I know Carolyn's 'perfect' story and her speculations on Colin's predicament, but only when she describes her experience of him, do I get to hear about her experience of him as another person. As soon as that arrives, we know more about her relationship to him (mode 3), the

projected material that she has taken in from him (mode 4), and potentially her relationship to me (mode 5)

Second mediator: Luke

Background

Luke had been mediating for about two years, and had probably done around twelve cases. He was a skilled mediator, not afraid of high-conflict disputes, and was able to work spontaneously and energetically.

The supervision

Luke was presenting a mediation of a dispute between two lecturers. There had been allegations of plagiarism between them, and each alleged that the other had been backstabbing: making derogatory comments to colleagues about the other. Luke had already talked about their individual meetings with him. Then he described how, in the joint session, amid an angry exchange, one party had begun to appeal to Luke in a way that suggested she wanted his protection.

Luke: *'It was getting quite heated. She said to me, "Don't you see what he's like? You need to get something done about this". Like she was asking me to sort her colleague out or something'*

Mike: *'Referring to what goes on in the office?'*

Luke: *'Yeah'*

Mike: *'Like she was asking for protection?'*

Luke: (laughs) *'Yeah. I mean I'm hardly gonna come down and fight him off her, am I?'*

Mike: *'What happened?'*

Luke: *'I told her I couldn't intervene as such, that I'm a mediator and we're impartial, and that she'd have to speak to HR or something if it was about harassment'*

Mike: *'And how did you feel?'*

Luke: (brusquely) *'How did I feel? Dunno really.'*

Mike: *'OK. Pause a sec. You wanna try something?'*

Luke: (pauses) *'Sure'*

Mike: *'You've done it before. Take a breath and then straight off the top of your head: who does this party remind you of? Don't think too hard about it'*

Luke: *'err.. well any number of my own staff who come to me with tittle-tattle: all the 'he said, she said' (mimics some 'tittle-tattle'), expecting me to be their bloody mother or something.*

Mike: *'Right.....so that's who this party reminds you of?'*

Luke: (thinks for a moment). *'Yeah, that's it'*

Mike: *'That's her, then: one of your staff who wants you to 'mother' them, as you say'*

Luke: *'Yeah, (slows down) I can think of one in particular'*

Mike: *'OK. So what do you really wanna say to that person you're thinking of?'*

Luke: *'Well, like I say, I'm not your blinkin' mother'. Go and tell someone who gives a damn!'*
(laughs)

Mike: *'And how does that person you're thinking of differ from the party in your dispute?'*

Luke: *'What, physically?'*

Mike: *'How are the two of them different?'*

Luke: *'Oh, all sorts of ways, but I guess I don't manage the party in the mediation, do I? And as her mediator she's trying to tell me something'*

Mike: *'Like what?'*

Luke: *'That's she's frightened'*

Mike: *'Frightened?'*

Luke: *'Yeah, of her colleague'*

Mike: *'So what do you want to say to her?'*

Luke: *'Wow. Well I'd say, "you sound scared when your colleague behaves like that'.*

Mike: *'Anything else?'*

Luke: *'Well, yeah. I'd invite her to tell him about it, so he could know it and respond to her'*

Reflections on the supervision

Here, I am focussing on the supervisee: mode 4. I notice his stern reaction when his disputing party asks to be protected or nurtured by him. His response, which seems cold, and from what I know of Luke, uncharacteristic, is a way of resisting this request. We could speculate that, due to this party's unmet need for nurturing, she projects the 'nurturer' role onto the mediator, and he 'counters' that role by being officious and laying down the law to her.

Relating this to the supervision model

So, we get clues about the projected material taken in by the mediator from the way he responds in trying to counter the transference role. Once that is picked up by the supervisor, it (the countertransference) can be brought into awareness, and the mediator gets to respond rather than react to the disputing party.

Appendix Three

The History of Mediation, its Models and Approaches

Mediation: a History

In terms of its roots, what I found is that mediation has a long and varied history in almost all cultures of the world. Several thousand years ago, mediation was in place in China, as a dispute resolution method thought to be helpful in achieving a more harmonious society. It was used for the resolution of civil offences and minor criminal disputes, called '*Xi Gu*', literally 'small accidents' (Shiming & Jingyi, 1997). In Jewish communities in biblical times, rabbis and rabbinical courts mediated disputes between members of their faith, which mediation process still survives today as '*Peshara*', meaning 'compromise' or 'discretion' (Augsburger, 1992), and in ancient Greece, disputes were often settled by the widely-used non-marital mediator, known as a *proxenetas* (Parselle, 2005). It was in the later years of Roman civilisation, as first recorded in the legal handbook of the time, Justinian's *Digest* of 530 - 533 CE, that the term 'medius' and later 'mediator' first came into use. (Merryman & Pérez-Perdomo (2007).

And then one of the earliest documented references I could find of Quakers using mediation was in 1774, before the American War of Independence, when David Barclay and John Fothergill attempted to mediate between the British Cabinet and Benjamin Franklin (Yarrow, 1978). Later on, another Quaker, Joseph Sturge, also tried to mediate an international conflict, this time between Denmark and the Duchies of Schleswig-Holstein (op cit.). Both of these attempts at mediation were unsuccessful.

Then, in more recent examples, Yarrow (1978) also reports, In India in 1945, Horace Alexander and Agatha Harrison supported the negotiations between Gandhi and the British Government over Indian Independence. Later, Adam Curle and Joseph Elder, with other Quakers, were involved in reconciliation efforts following the 1965 war in Kashmir between India and Pakistan.

And then, coming up to modern day, the link back to the Quakers is in the public application of their ideas during the Industrial Revolution, forming the basis of modern labour law, and then the formation of the American Federal Mediation and Conciliation Service from 1913 to 1947. Liebman (2000) describes mediation as being accepted as a means of improving

labour relations at this time. It appears then to have been a small step to incorporate mediation into American civil law, where it began to be used in the courts. Then in the early 1980s, with the publication of 'The Handbook' a standardised mediation training programme began to be taught, with a direct lineage back to the early Quakers, and the production of the theory-light model in which I was trained.

With this standardised mediation model, and evidently with mediation coming across the Atlantic thanks to the Quakers, mediation took hold in the early 1980s especially in community and neighbourhood settings. By 1985, there were two actual mediation **services** in existence, both in London: one in Newham and one in Edgware. These were both dealing with neighbourhood and community conflict, as well as with the process of restorative justice, which is a way of working to reconcile victims and offenders following serious criminal acts (Marshall & Walpole, 1985). These numbers grew to seven services by the following year, and have grown considerably since (op. cit.)

And I pause there to reflect on this religious connotation of mediation. For someone who had 'spat out' the only religion of which I had direct experience, I was now getting ready to practise something that had a religious basis. Although Catholicism that I was exposed to as a child, could not be more different. Although I have issues with many aspects of their beliefs, in particular what they say about 'God', 'Jesus', 'Heaven' and an 'afterlife', I do really warm to some aspects of Quakerism. I especially admire their peace activity, I identify with their conviction that love is at the heart of existence, and their belief that all human beings are equal (Quakers in Britain, 2005). Overall I find it a very benign, inclusive, and relatively humanistic religion, especially their idea of people having a passionate and peaceful engagement with the world. These ideas are, for me, in stark contrast to the very doctrinaire, toxic, and oppressive form of fear-based Irish Catholicism that I was brought up in.

Coming across Quakerism, both back when I first trained, and up to the present, has let me see that there can be better forms of religion. Although these days I am an ardent rationalist and humanist, I have in the last few years run courses at the Woodbrooke Quaker Centre in

Birmingham, and once had a beautiful experience of sitting in on their 'meeting', where the Quakers sit mostly in contemplative silence, and where I had a strong sense of our common humanity, and a form of gentle connection with others there.

Mediation: theoretical bases

So the Mediation UK (1995) Training Manual, which was in widespread and almost exclusive use at the time I was trained, described what the mediator should do at each of each of seven stages. It was more of a summary of what mediators (historically, Quaker mediators) had found to be effective, rather than a theoretical model. It failed, in my view, to explain why mediators should do what they do, or to explain how or why mediation would be expected to work. The only exception to this criticism was to be found in implicit references to the ideas of 'Principled Negotiation' (Fisher and Ury, 1986): an approach to negotiation that had become prevalent within business settings since the 1980s.

Then, as now, I wanted to know if there were any other theories of mediation, which might have value in explaining how and why conflict could be successfully mediated. For the current work, and especially given that I am reporting how I have applied the theory and practice of Gestalt psychotherapy to mediation, it is important to know what other approaches there now are. So what I will do is describe the ideas of Principled Negotiation, followed by an exposition of the two other extant mediation models: narrative mediation and transformative mediation.

1. Principled Negotiation

Principled Negotiation is a way of attempting to make negotiations more effective in bringing about a mutually acceptable solution. It is based on four maxims:

1. Separate the people from the problem
2. Focus on interests, not positions
3. Invent options for mutual gain
4. Insist on using objective criteria

In **separating people from the problem**, the idea is that conflict is mostly about people's different perceptions. What we need to do is to ensure that both sides in a dispute hear

each other clearly, acknowledge each other's differing views, whether or not they agree with them, and try to jointly resolve the situation that is causing their dispute. This means moving away from apportioning blame, and toward a shared endeavour to reach a solution that is satisfactory to both.

Focusing on interests, not positions, refers to the need to deduce what people actually want and need, rather than concentrating on what they say has got to happen. So, for example, when two people battle repeatedly over ownership of a single orange, they seemingly cannot settle their dispute in any way other than one person taking the whole orange, or the two of them taking half each. However, if they deduce their underlying interests: that one actually needs the juice for a drink, and the other really needs the rind to make a cake, then they have a potential solution.

When **inventing options for mutual gain**, the disputing parties are helped to come up with a range of possibilities for how to end their dispute, and to do without judgement. They brainstorm a wide range of solutions that potentially meet each side's interests, and suspend their judgement of these until late in the process. Then they are supported to evaluate which of the options is workable, and which of them will simultaneously meet the shared interests of both (such as juicing the orange for one and conserving the rind for the other).

And in **insisting on objective criteria**, the task becomes deciding the basis on which the final settlement terms should be decided. More suited to financial and contractual disputes, the idea here is to avoid one party imposing his or her will on the other, or on choosing some purely arbitrary basis of defining the outcome to their negotiations. This aspect of the Principled Negotiation approach comes to the fore in financial and contractual disputes (Moore, 2003).

So the parties to a dispute over an insurance claim for a written-off car might debate whether a settlement figure should be based on replacement value, market value, cost price minus depreciation, or a combination of all three of these. Importantly, and regardless of the kind of dispute being settled, the mediator's role is to stay impartial, and to facilitate the

parties themselves to come up with the criteria for defining the basis on which the settlement will be deemed to be fair or not.

Principled negotiation, coupled with the staged model derived from the Quakers' work, together make up what is today referred to as 'Facilitative Mediation'. Often also referred to as the 'Problem-Solving Approach'. This is the model I initially trained in, and is still the most widely used model or approach in use today for workplace, neighbourhood, and some intra-family disputes.

2. Narrative Mediation

The narrative approach to managing and mediating conflicts was formulated by Winslade and Monk (2000), largely as an alternative to the interests-based (facilitative) model. Some of its roots are in Narrative Family Therapy (White & Epston, 1990).

Narrative mediation attempted to re-examine the facilitative approach by examining the stories (or discourses) we tell about our conflicts. Winslade & Monk (2000) challenged the assumption that our interests when in conflict are "natural" and they argued that what we want does not stem from internal desires or interests. Instead we construct conflict from narrative descriptions of events, and our interests are conditioned by the stories we tell about these events. Mediation is then seen as very much a story-telling process, which contends that our identities, and therefore our conflicts, are shaped by the accounts of our lives found in our stories or narratives.

This approach acknowledges that we tend to tell stories about our conflict in which we cast ourselves in the role of victim, and the other in the role of antagonist (Cobb, 1994). In Narrative Mediation, the mediator uses techniques to help deconstruct this conflict-saturated story, by 'undermin[ing] the certainties on which the conflict feeds and invit(ing) the participants to view the plot of the dispute from a different vantage point' (Winslade and Monk 2001, p. 72). That vantage point is set up by 'externalisation', whereby disputing parties, '...objectify the problem and place it outside themselves, as if it were a separate entity' (Taylor, 2002, p. 136). "They are given the chance to view the problem as an imagined other, a third entity in the relationship... and are both positioned simultaneously as 'victims' to the problem's tyranny... they are spoken of as on the same side" (Winslade, Monk, and Cotter 1998, p. 32)

So, the narrative mediation framework is intended to create a safe place for disputants to tell their personal stories about the conflict, **and** their relationship to it. The mediator then works to break down the conflict into its component parts and stories, and works to uncover the assumptions that each party brings to the conflict. Once the biases and assumptions about a conflict are uncovered, alternative approaches are considered and new stories

about the conflict are created; the aim being to move disputants from seemingly intractable conflict situations to new stories based on understanding, respect and collaboration.

In a sense, narrative mediation is bringing postmodernism to the field of conflict resolution by recognising that people's points of view can never be completely objective, and that any account of an event is intrinsically linked to their point of view. Their point of view, by extension, comes directly out of their socio-cultural context (Winslade and Monk 2001).

So, unlike in the standard, principled negotiation, problem-solving model, there is no one 'truth' to discover, merely individual interpretations of the past, present, and future of the conflict. The accuracy and truthfulness of people's accounts are not tested or challenged, and the clients identify their own problems and resolutions. Clients are given more control in the creation of their own stories, and their own identities within the conflict.

And for me, the big contrast with narrative mediation and the standard model (and thereby principled negotiation) is that the standard model is orientated towards settlement, tending to emphasise problem-solving and substantive issues, whereas the narrative approach emphasises the relational needs of the conflicting parties, placing substantive issues as a secondary aim. This for me feels much more empowering of the parties, and it is an approach that could help them to address any relational, and probably any new substantive conflicts in the future.

In the context of the current public works, it feels that Narrative Mediation has an advantage over the facilitative approach in that it acknowledges people's relational needs, and also their differing realities about what might seem to be the same events. People are allowed the power to define, on their own terms, who they are and how they are affected by the conflict, and there is a shift away from blame and fault by making 'the conflict' a third party to be taken on jointly by the immediate disputants.

What feels lacking is a sense of driving more directly into the discomfort, shame, and embarrassment of being in conflict. There feels to me to be a big deflection (Perls et al., 1951), where parties are invited to look for common ground in their discourses, to

'externalise' the problem and so to make it a common enemy, and to very much work with a solution-focus (DeShazer, 1994), focussing away from the present moment. The task of exploring the annoyance, irritation and fury that people often feel towards each other when in conflict, is glossed over in favour of seeking a solution. Plus, I think the practitioner themselves can have an influence on how the parties behave when in mediation, and this is given little attention in the narrative approach: as though the mediator's identity and presence have no effect on the thoughts or feelings of the parties.

3. Transformative Mediation

Transformative mediation (Bush & Folger, 1994), by way of contrast, sees conflict as a crisis in human interaction. Bush & Folger describe conflict as a situation in which the parties' experience of both self and other is destabilised, so that they interact in ways that are both more vulnerable and more self-absorbed than they did before the conflict. Each party's sense of weakness and self-absorption is then said to be perpetuated and intensified by the other as the conflict proceeds, so that the interaction between the parties becomes destructive and alienating. The transformative model aims to change the quality of the parties' interactions to return them and it to a place of relative self-confidence and relative responsiveness to the other. They restore their sense of empowerment and they become less self-absorbed and more open.

Transformative mediation has an implicit basis in humanistic theory, and in my experience of transformative mediation practice, the practitioner can be seen to be taking a very person-centred approach to the work: 'following the parties around' (Bush & Folger, 1994, p.41), looking out for opportunities for empowerment and recognition, and highlighting these to the parties. There is an emphasis on letting the parties' dialogue emerge and proceed in its own way, and on letting the parties lead both the process of the mediation (what happens) and the outcomes (what, if anything, they agree).

In fact, the authors of the transformative approach specifically state that they do not lead the parties toward agreement, and that the goal is on transforming the parties' interaction, whether or not that then leads on to agreement. Reaching an agreement is optional, and a good outcome in transformative mediation is not necessarily an end to the conflict, but an improved quality to the parties' interaction (Bush & Pope, 2003).

Although it is in fairly wide use today, this model has often been criticised (e.g. Gaynier, 2005) for lacking a sound theoretical basis, and for having emerged from its authors' observations rather than from any process of applying theory to practice. There is no reference to a theory of human development, nothing to guide the practitioner other than certain injunctions to remain impartial, to be non-directive, and to let the parties lead both

process and outcome. Seul (1999) in fact criticises the authors for not just failing to incorporate or to offer a theory of human development in their model, but of ignoring the models that do exist.

My own observation of the transformative model and its practice is that it does indeed create the conditions by which the parties can have a better conversation. With the intervention and skill of an empathic, non-directive, and impartial mediator, parties can explore how the conflict is affecting them, and can articulate what they feel and think about the other party, and sometimes what it is that they need to happen. As with narrative mediation, the parties will be empowered to explore and resolve the conflict for themselves, and would most likely find that their relationship improved even beyond the current conflict.

Its focus is narrow, however, and depends just on Bush & Folger's notions of empowerment and recognition. What is missing for me, apart from the important underlying theoretical model, is any attention to resistance (which is often high in mediation), and any considerations of what may get in the way of people being available for contact. In practical terms, the model may also value client self-determination and empowerment to the expense of making the process safe: there is a real risk of a more powerful, articulate, and skilled negotiator taking over the negotiation, under conditions where the transformative mediator would actively refrain from intervening to prevent this happening.

Plus, the authors state that the aim in mediation is to promote moral growth, specifically to give an opportunity for, '....growth in two critical and interrelated dimensions of human morality...."strengthening of self" and "reaching beyond self to relate to others" (Bush & Folger, 1994, p.81). These aims are laudible, but the authors give no clue as what these concepts mean, other than loosely defined notions of greater confidence, capacity for choice, and (I infer) an increased sense of entitlement, in the sense of strengthening of 'I' (Yontef, 2002)

And my other main concern with the model is that it fails to acknowledge how the mediator can affect the dynamic of the process. For me this is an important factor in conflict

resolution: how do the parties experience and react to the mediator, and how does his or her manner and presence affect what happens in the room? This is not given consideration by the authors of the transformative model.

And just to pause at this point, with what I know **now**, I can see that there is a connection with what Bush & Folger (1994) are proposing and, although they do not mention it, some aspects of Zinker's (1994, 1998) 'Good Form' of human relations. These similarities have also been noticed by Higginbotham (2003, p.205), and are partly reproduced here.

Zinker refers to several aspects of the 'good form', which seem to coincide closely with aspects of Bush & Folger's 'empowerment' and 'recognition', as shown below in Figure 2.

Zinker's (1994,1998)' Good Form ' of Human Relations	Bush & Folger's ' Empowerment '	Bush & Folger's ' Recognition '
Confusion & chaos are replaced by clarity	People are less confused, and more clear	
Mutual blaming and projection become ownership of experience and greater appreciation of the other's dilemma		People who were incapable of stepping outside their own frame become able to see more of the other's perspective
Pessimism becomes hope	People are less fearful and more confident	
Instead of going around in circles, people have some hope for the future		People become less defensive and 'stuck' and more open to new possibilities

Figure 2: Comparison of Zinker's (1994, 1998) 'Good Form' with Bush & Folger's (1994) 'empowerment' and 'recognition'.

Systems Theory and Mediation

There is not yet a recognised model of mediation called ‘Systems Theory Mediation’, as such. However, in this summary of mediation models it is worth mentioning that there have been attempts to apply systems theory in this area. In relation to the current public works, in which I have applied Gestalt theory to mediation, it is informative to consider other comparable work that had also tried to enrich a relatively theory-light field with some existing theoretical model. The key work in this area has been done by Regina (2000, 2011), and although it relates only to mediation work with families, it could also be extended into other areas of conflict.

The theoretical model is Bowen Family Systems Theory (Bowen 1971, 2002). This theory has been applied to a variety of disciplines, including organisations and leadership (Friedman, 2007), education (Dillow, 1996), and aspects of family functioning (Carter & McGoldrick, 2005). There seem to have been many instances of this theory being applied to different disciplines and professional fields. Mediation is another.

For me, this is the first theoretical framework that acknowledges the reality and challenges of working with people as they **actually** present at mediation, and responds to that reality and challenge in a consistent way.

Specifically, Bowen Family Systems Theory would say that:

- The anxiety, reluctance and hostility often felt by parties at the start of the mediation need to be addressed so that the parties can start to think, converse, and problem-solve. The mediator can influence the parties’ own emotional state by remaining calm, being committed to the performance of the task, and staying impartial to the outcome of the mediation.

This theory would actually frame this in terms of decreasing emotional arousal, being aware of brain physiology, and the mediator remaining ‘differentiated’, i.e. having a high

capacity to ‘...function as a distinctly separate organism, while remaining in intimate connection with others and its environment.’ (Regina, 2011, p.11).

- Good rapport-building, making an intense connection to the parties’ different realities about the situation, and being strongly empathic, are key factors in remaining impartial and gaining the parties’ commitment to work. If the parties can feel understood, valued, and not judged, they will be more ready to accept some mild challenge from the mediator later on.
- Inviting the parties to consider changes in their language, such as the greater use of ‘I’, will foster greater self-responsibility, will lessen the tendency to blame the other, and, in terms of Bowen Systems Theory, it fosters ‘self-differentiation’, as ...‘the emphasis shifts from other-focused reactivity and blaming to self-focused thoughtfulness and accountability.’ (Regina, 2011, p.13)
- After negotiation is concluded, and a written agreement is prepared, it is acknowledged that the parties will have experienced something empowering, and that even people who enter mediation cautiously, suspiciously, and firmly entrenched in their positions, will have a ‘transformative’ experience (Regina, 2011, p. 16) The parties will achieve a degree of what this theory refers to as ‘functional differentiation’, which in this case means a more co-operative way of being with each other, and a tendency to discuss underlying needs and interests, rather than to compete for positional supremacy. The outcome of this, whether an agreement is reached or not, is that the parties will be better able to negotiate difficulties in their relationship into the future.

So, the potential application of Systems Theory to mediation would seem to add in a number of important factors: an acknowledgement of the reluctance (resistance) and hostility that could get in the way of them conversing and problem-solving, an awareness of how the mediator’s manner and presence will affect what happens in the room, and a clearer definition of what can result from mediation: the parties’ increased awareness and greater sense of entitlement.

Mediation: different models

In the mediation world, people tend to talk less about different theoretical bases for mediation, and more about different mediation 'models' (e.g. Whatling, 2012). Most mediation practice in 2015 is still theory-light, and the vast majority of mediators are still trained in either a facilitative model, or alternatively what is now referred to as 'evaluative mediation'.

Evaluative Mediation is used just in financial and contractual disputes, and is, in effect, a softened form of arbitration. A practitioner, usually a lawyer, weighs up the merits of the two disputing sides' legal arguments, amplifies the risks that they might potentially be taking by taking their case to litigation, and gets the two of them to compromise on their claim and counterclaim/defence. It has little to do with mediation in my opinion, particularly as the practitioner evaluates the merits and weaknesses of each side's legal arguments, and then predicts what would be most likely to happen when the case is heard. Parties settle for a compromise figure at evaluative mediation because they are persuaded that they could do worse than that figure if they proceeded to court, with all of the ongoing legal expense and delay that that would entail. It gives a nod to the ideas of Principled Negotiation, but otherwise is just an extension of the legal Settlement Conference (Baldwin, 1985)

Figure 3 illustrates where this variant of mediation fits in, and how the various models are related to mediation's theoretical bases.

	Type of Mediation				
	Facilitative	Narrative	Transformative	Systems Theory Approach	Evaluative
General Approach	Based solely on the idea of principled negotiation. Parties surface their 'interests' and negotiate around these in a stage-by-stage process	Draws on Narrative Family Therapy. Recognises subjectivity, people's relationship to the dispute, and its socio-cultural context	Promotes 'empowerment' and recognition' by a non-directive, Rogerian-like approach.	Not an established model, although is used in family disputes. Has potential to be an effective mediation model. Acknowledges the presence and impact of the mediator him/herself	Lawyers weigh up the strengths & weaknesses of each case, and scare the parties into a compromise on their claim & defence
Theoretical Basis	Principled Negotiation: Moore (2003) and Fisher & Ury (1986)	Dedicated theory of Narrative Mediation: Winslade & Monk (2000)	Dedicated Theory of Transformative Mediation: Bush & Folger (1996)	Bowen Systems Theory, Bowen (1971, 2002), partly adapted for this application	A nod to the underlying assumptions of Principled Negotiation, but otherwise none.
Main Objective	To reach an agreement that satisfies both parties' interests equally and so avoid the sense of a 'winner'	To co-construct a new narrative about the conflict, which ends the 'right' and 'wrong' perspectives of the mutually blaming parties	To have the parties feel more empowered, more responsive to one another, and more ready to have dialogue	Similar to Narrative Mediation, a greater sense of 'Functional Differentiation' and hence an increased tendency to co-operate and to express needs and interests	To get a financial compromise and so to avoid litigation

Figure 18: A Comparison of Extant Mediation Models and Their Theoretical Bases

