

COMMUNICATION POLICY

(Including Grievance Procedure)

POLICY NO: OP/001

Background

Prepared/Adapted by:	TASSA Council
Date Prepared/Adapted:	9 November 2010
Number of Pages:	19 + 5 + 1
Monitored by:	Admin
Review by:	TASSA Council
Date for review:	2013
Status:	Approved
Endorsed by:	TASSA Council
Endorsement date:	10 November 2010
Template Base/Adapted from:	Castlemaine Steiner School and Kindergarten (26 May 2010)

Communicated

Date	Method	Comments

Document History

Version	Date	Comments
1	09/11/10	Endorsed by TASSA Council
2	2013	Review Due

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APPENDIX 1: MEDIATION PROCESS

The need for imagination, a sense of truth and a feeling of responsibility - these are the forces which are the very nerve of education (Rudolf Steiner)

Social harmony, health and a positive, creative living environment are the guiding motives for our school policies and rules. A healthy social life is dependent on the cultivation of social responsibility based on individual insight and sound observation and listening skills.

The health of our school community as a whole is reflected in our commitment to clear, open communication and transparency of educational and organisational structures. High levels of professional confidentiality are maintained to ensure confidence in school communications.

The school community seeks to address issues of grievance and conflict in a constructive manner. We acknowledge that the manner of involvement, commitment and communication by parents and staff, have an exemplary and motivating influence on the pupils.

These guidelines are to facilitate the smooth functioning of the school and to assist students, staff and parents to work successfully together. The guidelines complement the regular, informal communications that already take place between members of the school community.

SECTION 1: COMMUNICATION BETWEEN EDUCATORS AND PARENTS/CAREGIVERS & STUDENTS

Respectful communication, with the child's needs always at the centre, is required between teachers and parents/caregivers at all levels of these processes.

1.1. Communication between the Teachers and Students

In the classroom and throughout all school activities, there is an expectation that the communication from the teacher to the student is clear, respectful and with definite and well understood boundaries. In addition, teachers are expected to be sensitive to and able to act upon individual and group needs, both inside and outside the classroom.

Students, likewise, are expected to behave respectfully and to communicate clearly to all adults at the school. If and when an infringement occurs, students are guided to understand the full consequences of their actions and given the opportunity to redress any harm done. If necessary a Behavior Management Policy will be used where disrespectful communication occurs.

Teachers exercise authority in the classroom in different ways as the children journey through the school. The three approaches to authority – imitation, guidance and respect for expertise – provide a context for communication in the classroom or school context.

1.2. Communication between the Teachers and Parents/Caregivers

1.2.1. *Class Meetings*

Teachers will hold a **class meeting** one evening each term. These class meetings will be advertised in week one of each term with the date and time and have a clear agenda circulated in advance. Topics may include a report on curriculum, discussion on developmental stages of children, class dynamics and events in the life of the class. The class meeting should also provide an opportunity for parents/caregivers to share experiences and support for their children through their class life together. Class teachers may also provide regular class news bulletins throughout the term, to provide information on class activities.

1.2.2. *Parent Teacher Interviews*

Twice per year **parent teacher interviews** are conducted to exchange information about the progress and qualities of each child. These are always undertaken with the interests of the child as the focus. These interviews are an essential part of the school assessment and reporting procedures and as

such are to be conducted professionally and with documented feedback on each child's development in the class. Individual meetings are to be arranged at mutually convenient times with the acknowledgement that both parents/caregivers and teachers lead busy lives.

1.2.3. Communicating a Concern with a Class Teacher

If parents/caregivers have a concern with their child and/or their **child's education** in any way, the first step is to speak directly with their class teacher.

- a) Individual meetings are to be at mutually convenient times. If a specific issue is to be discussed, lead time needs to be provided so that there is an opportunity for both the teacher and the parent/caregiver to give prior thought to the matter.
- b) Parents/caregivers may request a meeting with their teacher either in person, via a note, or by ringing the office and requesting a message be passed on to the teacher.
- c) At no time will aggressive or disrespectful language be acceptable in any communication between a parent/caregiver and teacher. An interview may be terminated and re-scheduled for another time if required.
- d) Parents/caregivers are to communicate clearly about the nature of the matter and its urgency. This may often be best clarified in writing prior to any meeting between the teacher and parents/caregivers. This enables the teacher to prioritise meetings and be fully prepared with all the necessary information for the meeting.
- e) If a parent/caregiver is **dissatisfied** with a previous communication, the process is to:
 - (i) Write their concerns to the School Principal, stating the issue and requesting that a **facilitated meeting** be established with the teacher within two weeks.
 - (ii) Either party may request to have a support person present at this meeting, however the other party must agree with the choice of support person. Any staff member who does not have a conflict of interest may be called as a party to this meeting.
 - (iii) In some cases an outside facilitator may be brought in to manage the meeting.
- f) The purpose of this facilitated meeting will be to ensure:
 - (i) That the concerns raised by the parent are accurately conveyed to the teacher.
 - (ii) That the teacher fully understands them and that they have been witnessed and recorded by another staff member.

- (iii) That the teacher has an opportunity to respond directly to the concerns and to ensure that the nature of the response has been heard and understood by the parent/caregiver.
- (iv) That a staff member is assigned to support a clearly articulated action plan for taking any next steps.
- (v) All meetings will be fully documented with records kept in the school office.
- g) If this initial **facilitated meeting** does not result in a satisfactory outcome:
 - (i) The parent/caregiver or teacher is asked to address their concerns in a letter to the School Principal to ensure that the matter has followed correct process to date.
 - (ii) Should the procedures be in order, circumstances will now require handling as a **Grievance** (*refer Grievance Procedure – Section 6*).

1.3. School Newsletters

The School Newsletter is the primary means of communication between the School and Families.

All teaching staff are required to provide an update on class activities for each Newsletter.

1.4. Issues of Immediate Concern

From time to time parents/caregivers need to be contacted immediately. The teacher must ensure that all available communication means have been utilised to convey the nature of the situation or incident to the parents in a timely manner.

1.5. Written Correspondence

All written correspondence must be acknowledged in writing within a 2 week period. Mail/correspondence addressed to particular teachers/staff members are to be directed unopened to the appropriate teacher/staff member. In order to ensure confidentiality for the children, parents/caregivers and the teacher involved, please mark the envelope 'confidential'. If using email, your communication needs to be addressed to the School Principal as a signed attachment, to office@alicesteiner.nt.edu.au.

1.6. Confidentiality

Confidentiality is essential for children, families and all staff members in all areas of school communications. Written letters are preferred to ensure sealed correspondence is delivered appropriately. Where incoming E-mail correspondence is

forwarded to relevant staff members, the confidentiality of the content of the email cannot be assured as emails are opened to be forwarded.

All staff are responsible to uphold the confidentiality statement on their Position Descriptions.

Parents/caregivers should not have their children present when they are discussing concerns with the class teacher, unless it is deemed necessary by the teacher and parent/caregiver to have the student present, as mutually agreed.

SECTION 2: COMMUNICATION BETWEEN PARENTS/CAREGIVERS & SCHOOL

Respectful communication between parents and those working in these management and support roles is required at all times.

MANAGEMENT

The school welcomes feedback and information on any aspect of school operations as a part of a philosophy of overall accountability and responsiveness and transparency. Feedback on matters of governance, management or administration should be provided **in writing** to the School Principal who will then ensure that it is addressed in the appropriate forum. The School Principal will always acknowledge communications in writing and confirm the course of action that has been followed within a two week period.

2.1. Communicating with Council

- a) If the matter is related to overall school governance the School Principal may recommend that the communication be addressed to the Council.
- b) Parents or staff members may communicate directly with Council through correspondence to the Chair.
- c) The Chair will:
 - acknowledge receipt of correspondence within two weeks; and
 - ensure that correspondence is tabled at the next available meeting of Council.

2.2. Communicating with Management on Administration Matters

- a) Parents/Caregivers wishing to give feedback or raise concerns about aspects of school management should initially communicate directly with the relevant staff member, and if you are uncertain who has this responsibility, the concern/feedback should be communicated directly with the School Principal.
- b) Parents/Caregivers may request a meeting with the relevant staff member or School Principal, which would then be conducted in a professional manner. In planning this meeting parents/caregivers should give advance notice about what it is you wish to discuss so that adequate preparation can be made.
- c) A record must be kept of any such meeting with a parent: eg. a diary note indicating the purpose of and outcome of the meeting.

- d) Confidentiality is always an absolute priority in communications related to school fees or school finances. These meetings and conversations must be carried out in a suitable meeting space.
- e) If the parents/caregivers or staff member are unsatisfied with the outcomes of this initial meeting/communication, parents/caregivers should write their concerns to the School Principal, stating the issue and requesting that a **facilitated meeting** be established, at which at least one other management team member will be present.
- f) The purpose of this **facilitated meeting** will be to ensure:
 - (i) That the concerns or feedback raised by the parent/caregiver are accurately conveyed to the school.
 - (ii) That the staff member/ Principal fully understands them and that they have been witnessed by another staff member.
 - (iii) That the staff member/ Principal has an opportunity to respond directly to the concerns and that the nature of the response has been heard and understood by the parent/caregiver.
 - (iv) That the staff member/ Principal takes responsibility to support a clearly articulated action plan for taking any next steps.
 - (v) All meetings will be fully documented with records kept in the School Principal's office.
 - (vi) Should this process be unsuccessful the school will offer a mediated meeting according to the Grievance Procedures – Section 6.

2.3. Communications regarding Daily Operations

Parents/Caregivers have a responsibility to read communications from the school, eg. class notes, school newsletter, website messages and school policies. All information regarding the daily operations of the school can be obtained from the office.

- The office is open from 8.30am to 3.30pm.
- Parents/Caregivers can communicate with office staff via the phone, email or with a note.
- It is **essential** for parents to read the fortnightly **newsletter**.
- Office staff do not have a role to receive or deal with complaints of any kind.
- Parents/Caregivers have a responsibility to advise office staff of current contact details.

2.4. Written Correspondence

Mail/correspondence addressed to particular teachers/staff members is to be directed unopened to the appropriate teacher/staff member.

2.5. Confidentiality

Confidentiality is essential for children, families and all staff members in all areas of school communications. Written letters are preferred to ensure sealed correspondence is delivered appropriately. Where incoming E-mail correspondence is forwarded to relevant staff members, the confidentiality of the content of the email cannot be assured as emails are opened to be forwarded.

Respectful communication between all staff members is required at all times.

SECTION 3: COMMUNICATION BETWEEN STAFF MEMBERS

All staff will commit to behaving according to the agreed Code of Conduct.

All staff commit to respect, value and look after their colleagues.

3.1. School Management Communication

- a) The School Principal will ensure that communications between staff are healthy.
- b) The School Principal is responsible for organising staff meetings as required, and will provide a schedule of meetings in week 1 of each term, with the understanding that some meetings may require short notice.
- c) The School Principal will advise which meetings are mandatory.
- d) The School Principal is required to make available planning and policy documents to staff.
- e) The School Principal ensures communication processes are followed respectfully.
- f) Human Resource Management matters, including matters related to employment conditions, are directed to the School Principal, apart from specified responsibilities undertaken by a Human Resource committee.
- g) Where a staff member acts contrary to this or any school policy, the School Principal will communicate the concern to the staff member and keep records of all meetings related to the matter.
- h) The School Principal will ensure that all matters relating to a particular child and/or class are communicated directly with the Class Teacher.

3.2. Communication between Teachers and all Staff Members

- a) Teachers are to attend all mandatory meetings.
- b) Class teachers are to communicate at meetings any relevant information regarding particular classes, children or school activities.
- c) Staff are requested to take any issues they have with a student, a class, or parent/caregiver:
 - (i) directly to the class teacher in the first instance; then

- (ii) to the Principal if the issue is not resolved.
- d) Administration team members meet at least twice per term.
- e) All Class Teachers are to participate in a process of peer review annually.
- f) Weekly and term notice boards are kept up to date with school events in the staff room.
- g) School events are published in the School Newsletter.

3.3. General Procedures in Staff Communications

- a) Meetings and general communication should be held in an appropriate space and at a time as mutually agreed.
- b) If a staff member requests a third person to be present at any meeting, this request must be met.
- c) Notes may be taken at meetings, including agreed outcomes which are passed on to other parties.

3.4. Written Correspondence

Mail/correspondence addressed to particular teachers/staff members is to be directed unopened to the appropriate teacher/staff member.

3.5. Confidentiality

Confidentiality is essential for children, families and all staff members in all areas of school communications. Written letters are preferred to ensure sealed correspondence is delivered appropriately. Where incoming E-mail correspondence is forwarded to relevant staff members, the confidentiality of the content of the email cannot be assured as emails are opened to be forwarded.

All staff are responsible to uphold the confidentiality statement on their Position Descriptions.

3.6. Communication Problems between Staff Members

If a communication problem occurs between staff members:

- a) The first step should always be to 'go direct' to the person/s. That is to communicate the issue directly to the person/s concerned in a space and at a time which allows for respectful exploration of the concern.
- b) If a staff member is dissatisfied with a previous communication, the next step in the process is to clearly outline the concern in writing to the School Principal stating the

issue and requesting that a **facilitated meeting** be established within a two week period.

- c) Either party may request to have a support person present at this meeting, however the other party must agree with the choice of support person. Any staff member who does not have a conflict of interest may be called as a party to this meeting.
- d) In some cases an outside facilitator may be brought in to manage the meeting.
- e) The purpose of this facilitated meeting will be to ensure:
 - (i) That the concerns raised are accurately conveyed.
 - (ii) That each of the staff in conflict and the School Principal fully understand the concerns.
 - (iii) That the teacher or staff member has an opportunity to respond directly to the concerns and that the nature of the response has been heard and understood by the other.
 - (iv) That the School Principal manages a clearly articulated action plan for taking any future steps.
 - (v) All such meetings will be fully documented with records kept in the School Principal's office
- f) If this **facilitated meeting** does not result in a satisfactory outcome:
 - (i) The staff members are asked to address their concerns in a letter to the School Principal to ensure that the matter has followed correct process to date.
 - (ii) Should the procedures be in order, circumstances will now require handling as a **Grievance** (*refer Grievance Procedure – Section 6*).
- g) If the problem involves the Principal, then the concern should be directed to Council in writing.

SECTION 4: COMMUNICATION BETWEEN COUNCIL AND OTHER PARTIES (including staff and parents/caregivers)

The Council has authority when it meets as a group of elected members, with some exceptions to Executive members.

Concerns by staff and parents/caregivers may be directed to Council in writing, only if other procedural options have failed.

SECTION 5: COMMUNICATION BETWEEN PARENTS AND PARENTS (including caregivers)

Communication between parents and parents (including caregivers) will be respectful at all times while parents/caregivers are on school grounds.

Telephone numbers and contact details of families, as provided by the school, are confidential documents and are not to be passed on to other parties.

The enrolment process will include an agreed Code of Conduct for parents/caregivers.

The school will not attempt to resolve disputes between parents.

SECTION 6: GRIEVANCE PROCEDURE AND MEDIATION

Rationale

This Grievance Procedure is to be followed only in situations when the above prescribed steps have been followed and one or both of the participants are still unhappy with the outcomes, on the grounds that they were:

- unfair or unreasonable; or
- that they believe that due process as described above was not followed.

The school supports, resources and advocates the benefits of Mediation. The following Grievance and Mediation procedures will be followed where problems of communication between staff members and/or between staff members and parents have been thoroughly explored using the above communication processes and where all the above processes have not been successful in resolving the problem.

The school reserves the capacity to make every effort to facilitate resolution to communication problems or grievances, with the involvement of trained staff members who have management responsibility and who are accountable to the Council, prior to mediation.

The school will not attempt to resolve disputes between parents.

Mediation

“Mediation is usually considered to be a process in which the participants, with the assistance of the dispute resolution practitioner (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator is usually regarded as having a facilitative role and will not provide advice on the matters in dispute. The mediator may have no particular experience or expertise in the subject area of the dispute but should be expected to be experienced and have expertise in the mediation process itself.”¹

The school supports this process as it believes that appropriate mediation:

- Leads to *learning* by all involved; that is by the two disputing parties and by the school.
- Leads to the *empowerment* of people to take responsibility and positive actions for change.
- Allows the formal recognition of being fully heard.
- Creates *trust* that the organisation cares for the welfare of all involved.

The school makes a commitment to train staff in mediation skills on a regular basis.

¹ http://www.nadrac.gov.au/www/nadrac/nadrac.nsf/Page/What_is_ADRMediation

6.1. Grievance Procedure

- a) To begin a formal Grievance Procedure a *written request* must be filed with the School Manager stating the belief of unfair or unreasonable treatment and the grounds for the belief that due process has not been followed. If the grievance is with the School Council the written report of the grievance must be lodged with the Chairperson of the School Council.
- b) The School Principal or Chairperson will acknowledge the receipt of the letter within 2 working days.
- c) The School Principal or Chairperson will assess the nature of the complaint and assign the relevant school representatives or Grievance Team to follow up the matter. The School Principal will, in most instances, act as the school representative. The “school representative” or Grievance Team will be understood to be:
 - (i) The School Principal; and /or
 - (ii) a relevant Staff Member who is without a conflict of interest.
 - (iii) an “outside the school” representative/s as needed.
- d) An appointed member of the Grievance Team will contact the writer to discuss their written statement and to inform them of the next steps.
- e) An appointed member of the Grievance Team, in consultation with the Grievance Team, will then promptly initiate appropriate actions to resolve the grievance. Appropriate action includes but is not limited to:
 - (i) making enquiries about the circumstances of the grievance;
 - (ii) if relevant, ensure that all the previous steps of the Communication Policy have been followed;
 - (iii) reviewing *reasons* for the contentious decision or the cause of grievance;
 - (iv) reviewing the *process* of arriving at the contentious decision or the cause of grievance;
 - (v) forming a panel and/or appointing an independent consultant to carry out an investigation;
 - (vi) engaging in negotiations between the people involved; and
 - (vii) engaging external mediators to work towards conciliation .
- f) The school representative will then be responsible for:
 - (i) Tabling a report to the Chair of the School Council, or if it is the Chairperson acting as the School Representative, the report shall be presented to the full

Council. This report will include clear recommendations for the resolution of the matter.

- (ii) Providing a complete and written reply to the complainant informing them of the outcome.
- g) All parties to the grievance are to sign and date a written agreement to the resolutions to the grievance.

6.2. Mediation

- a) For disputes which have been thoroughly and exhaustively through the above steps of the Communication Policy and are seen to be suitable for Mediation (see below), the school will, in most instances, assign an **external mediator or Mediation Body**.
- b) Mediators used by the school should always have undertaken mediation training.
- c) Mediation is appropriate when:
 - The nature of the dispute and the consequences of not resolving it may warrant an attempt at mediation. For example:
 - * communication issues, misinterpretation, misunderstandings, misconceptions;
 - * there is an ongoing relationship between the parties;
 - * less serious allegations/conduct;
 - * participants are interested in resolving the matter.
 - Both parties are willing to mediate.
 - There are no legal, industrial or formal investigative actions underway.
- d) Mediation is inappropriate when:
 - There is a history of broken agreements.
 - One party has been coerced into participating.
 - One party is seeking an outcome inconsistent with usual mediated outcomes (eg. revenge)
 - One or more parties are not participating in 'good faith' (eg. using mediation as a delaying tactic).
 - There is a *significant* power difference between the parties.

6.3. Mediation Procedures

- a) If mediation is deemed appropriate and agreed to by all parties the mediation process will follow the school's **Mediation Process** document. (*See Appendix 1 to this Policy*).

- b) All parties directly involved in the mediation must abide by the agreements which arise from the Mediation Process. These agreements are binding.
- c) Should a staff member continue to make vexatious complaints or to communicate in a manner contrary to this policy, or refuse to communicate on a matter of concern, the School Principal, in collaboration with the Chair of the Council, may commence disciplinary action.
- d) Should a parent continue to make vexatious complaints or to communicate in a manner contrary to this policy, or refuse to communicate on a matter of concern, the School Principal, in collaboration with the Chair of the Council, may request a re-consideration of the enrolment of the child at the school.
- e) If the mediation fails any party may appeal to an appropriate external body. For example, but not limited to, the NT Department of Education & Training and the Australian Human Rights and Equal Opportunity Commissioner.

The Alice Springs Steiner Association Inc

MEDIATION PROCESS

(Addendum to the Communication Policy)

In order to ensure impartiality and that there is no conflict of interest, **for disputes**, which have been through the appropriate steps of the Communication Policy and are seen to be suitable for Mediation, the school will in most instances, assign an **external mediator**. It would be expected that this mediator work through the process as described by the National Alternative Dispute Resolution Advisory Council process as summarised below.

The Mediator will:

- wherever possible, be fully trained in mediation by a recognised authority;
- have no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution (NADRAC 1997); but
- may advise on or determine the process of mediation whereby resolution is attempted (NADRAC 1997);
- work with and be appointed to any mediation by the School Manager or Council Chair;
- be perceived to be impartial to the issue being mediated;
- have credibility;
- be free of conflicts of interests;
- be able to anticipate and manage strong emotion;
- have sound communication skills; and
- be an appointed independent person where an added significant level of confidentiality is required.

The ***role of the Mediator*** is to encourage the parties to identify the disputed issues and communicate these issues with each other - and develop options and consider alternatives and endeavour to reach an agreement for the resolution of the disputed issues by:

- creating and maintaining a safe non-judgmental atmosphere;
- actively listening so as to attend to feelings and needs as well as facts;
- maintaining impartiality;
- asking appropriate questions;

- ensuring the parties are treated fairly;
- summarising and reflecting back the different parties views; and
- knowing when to call a break if needed.

The Process:

1. Before Mediation consider:

- a) Who is the externally appointed mediator?
- b) Where and when the mediation should take place.
- c) Confidentiality – who needs to know?
- d) What will be the next step if mediation fails?

2. Preparation: *Never underestimate the amount of work required to prepare for mediation!*

The following can be gathered from pre-session discussions, organisational knowledge, documents and witnesses.

- a) The mediator will familiarise themselves with the dispute details.
 - Who exactly is involved, including the wider community?
 - What is the nature of their relationship?
 - What is the context of the dispute?
 - Is there a history and if so what is it?
 - What are the power relationships? (*See guide for 'Sources of Power' below*)
 - Are there any already known needs or concerns?
 - Is there goodwill?
 - What are the expectations of the parties and/or the organisation?
 - Are there fears?
 - What will be the rules?
 - Who will be involved, including support people?
- b) Analyse the exact nature of the conflict. (*See attached 'Conflict Analysis' proforma*)
- c) Mentally prepare – each party will have different perceptions, anticipate emotions (tears, anger etcetera). What support does the mediator have?

3. Revise the 'Role of the Mediator' and the following stages of mediation.

4. Stages of Mediation

a) Opening: A statement is made that includes:

- Welcome to all parties and introduction of the mediator if required.
- Checking the preparedness to participate voluntarily in the process.
- Explaining the role of the mediator.
- Explaining the purpose of the mediation.
- Giving an undertaking in relation to confidentiality.
- Seeking an undertaking in relation to professional confidentiality by the parties.
- Obtaining agreement on rules of behaviour – focus on courtesy principles, eg. allowing a person to speak without being interrupted, no outbursts, respect for the people and the process.

The opening statement is very important and it aims to clearly:

- Describe the process.
- Lay down all the ground rules.
- Establish neutrality.
- Make the parties feel at ease with the process.
- Engender trust in the mediator and the process.
- Acknowledge the positive step of coming to mediation.
- Focus on the hope of a positive solution.

b) Stating the Issues

- Allow the parties to decide who goes first. If this is not possible, make a decision for them.
- Ask each party in turn then to state their issues with minimal interruptions by the mediator and with no interruptions from the other party(ies). Try to allow equal time to each party.
- Summarise back what you understand to be the key issues for each party.
- Clarify issues in the complaint, including any issues in dispute *or* agreement.

c) Exploring the Issues

- Keep the discussion focused on the problem/issue NOT on the people.
- Encourage the parties to keep talking to each other.

- Ask open ended type questions. (*Can you tell us more about...? Can you tell me how that impacted on you? What do you mean by...? Can you help X understand what you saw as...?*)
- Identify and reflect feelings and needs.
- Identify common ground.
- Acknowledge and highlight breakthroughs.

d) Generating Options

- Get the parties to brainstorm options without evaluating their viability and without there being an expectation, at this stage, to adhere to the options raised.
- Get parties to be specific.
- Encourage both parties to contribute.
- You may offer suggestions during the brainstorming but avoid offering personal opinions.

e) Evaluating Options

- ‘Reality test’ the viability of each option. What would be the outcome of each option? Can the option be achieved? What resources would it require and is it possible to provide these?
- Check that each party understands the outcome of each option.

f) Negotiating an Outcome (*See note below*)

- Is there agreement, in principle, on any of the options generated?
- Is there agreement on details? (Who What When How What if?)
- Is the agreement sustainable?

g) Closing

- If an agreement is reached.
 - (i) Supply a copy of the agreement, signed by all parties to each participant.
 - (ii) Summarise, confirm and make a closing statement that:
 - Reminds of confidentiality undertakings made at the beginning of the process; and
 - Congratulates participants.
- If an agreement is **NOT** reached.
 - (i) Emphasise that this does not necessarily mean that the parties have failed or wasted time.

- (ii) Praise the parties for courage and the attempt to resolve, even if they have not moved beyond speaking to the mediator.
- (iii) Express positive expectations for future resolution and give information about other alternatives for resolution, including the possibility of a further mediation session.
- (iv) Remind about confidentiality undertakings made at the beginning of the process.

h) Debrief with the Mediation Team

NOTES

Note to item 4.f) Negotiating an Outcome:

If this process begins to get seriously stuck it may be worthwhile offering **private sessions** to each party. This may be done by someone other than the mediator, to ensure impartiality is adhered to at all times, and to ensure that the relationship is not affected, either positively or negatively, between the mediator and one of the parties. Trust and impartiality is of the essence in mediation. If this occurs, ensure that equal time is available to both parties. In these sessions it can be useful to explore some of the following questions:

- a) What is the most important aspect in this for you?
- b) What would you need if you were them?
- c) How do you think the other person would see this problem?
- d) What do you think the other person would agree/not agree to?
- e) What can you offer?
- f) What would be the consequence for you of not resolving?
 - Best case scenario.
 - Worst case scenario.

Note to item 2.a) 'Sources of Power' guide:

It may be useful to consider the 'sources of power':

Formal authority	Expert/information Power
Association Power	Resource Power
Procedural Power	Sanction Power
Nuisance Power	Habitual Power
Moral Power	Personal Power

B Mayer "The Dynamics of Power in Mediation and Negotiation" *Mediation Quarterly* No 16 1987

CONFLICT ANALYSIS

The Conflict:

Consider the conflict as presented and any other conflict that may underpin the presenting dispute.

Context:

Consider if the presenting conflict is part of a larger or other conflicts. Consider social, industrial, commercial, legal and other contexts that may impact on the resolution.

History:

Consider the relationship between the parties. Are the parties in an on-going friendship or is this a one-off interaction?

Has there been a history of conflicts or attempts at resolution?

Participants:

Consider the participants – complainant, respondent, support people, union or other advocates, family members, workmates, other audience.

Needs, concerns and interests of the participants:

Consider needs – safety, saving face, financial, workplace harmony, reputation, preserving relationships, acknowledgement of behaviours/effects/feelings, apology, resolution of conflict, not resolving their conflict...

Fears and Expectations:

Consider the advantages and disadvantages for resolving the dispute for each participant in relation to resolution or non- resolution of the conflict.