



Schools Conflict Resolution and Mediation

# **SCRAM Workshop**

Teachers, Coaches, Adjudicators  
Program Overview, Roles & Responsibilities

17 February 2010  
Introduced by Max Lewington (Convenor)

# Workshop Program



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- ❑ Overview of SCRAM Program – Max Lewington
- ❑ Role of Teachers – Michelle Gore
- ❑ Role of Coaches – Gillian Eattell
- ❑ Role of Adjudicators – Margaret Dixon
- ❑ Presentation – Margaret Halsmith  
“Student Skills & Learning Outcomes”
- ❑ Administration & Practical Questions – Julia Carr
- ❑ Close – Max Lewington

# Sponsors



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- ❑ WADRA: West Australian Dispute Resolution Association
- ❑ ECU: Edith Cowan University  
**Principal Sponsor - Faculty of Business & Law**
- ❑ LEADR: Association of Dispute Resolvers
- ❑ IAMA: Institute of Arbitrators & Mediators Aust.
- ❑ Relationships Australia WA
- ❑ Citizen's Advice Bureau
- ❑ Legal Aid WA
- ❑ Centrecare

# SCRAM Overview



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- ❑ 2010 is 10<sup>th</sup> anniversary of SCRAM in WA
- ❑ SCRAM Competition
- ❑ New Handbooks for 2010
- ❑ Materials available from website:  
<http://www.scram.business.ecu.edu.au/index.htm>
- ❑ Key changes from 2009:
  - ❖ Private Sessions Not Used in SCRAM Model
  - ❖ Scoring Communication Process
  - ❖ Use of new Handbooks
- ❑ Enjoy the year !!

# SCRAM Feedback



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- ❑ SCRAM Committee monitoring changes
- ❑ Positive, negative input & ideas for improvement
- ❑ Please send feedback to [j.carr@ecu.edu.au](mailto:j.carr@ecu.edu.au)
- ❑ Emphasis on experiences of participants
- ❑ Seek to continually improve the program
- ❑ Meet needs of schools, students & teachers
- ❑ Align with WADRA and mediation philosophy



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# Tips for Teachers

Michelle Gore

# Ten Tips For Teachers:



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- ❑ Constantly affirm & model the value of what is being learned
- ❑ Make the experience enjoyable & supportive
- ❑ Proactively manage the process anticipating disruptions and offering alternative solutions
- ❑ Build up the team spirit: value each member
- ❑ Use reserves to actively take notes, film training and provide feedback

# Ten Tips For Teachers



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- Be firm about training commitments. Finishing early is seen as a bonus!!
- Use notes/emails to students between training sessions to reinforce coach's advice, adjudication details and preparation for next session
- Ensure availability of extra copies of scenarios etc.
- Be honest with the coach to ensure effective learning
- Rewards work wonders



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# Tips for Coaches

Gillian Eatell



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# Adjudicators

## Roles and Responsibilities

Margaret Dixon

# Adjudicators' General



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- Ensure compliance with rules of the WADRA-SCRAM competition
- Maintain confidentiality regarding all aspects of scoring
- Declare any real or perceived conflict of interest to the SCRAM coordinator

# Adjudicators' Preparation



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- ❑ THE TEACHER IS ALWAYS THE FIRST POINT OF CONTACT
- ❑ Confirm arrangement for adjudication with teacher
- ❑ Scenario and assessment sheets
- ❑ SCRAM Coordinator will email confidential facts prior to adjudication period
- ❑ Allow 1.5 hours: 10 + 50 + 30

# Adjudicators' Adjudication



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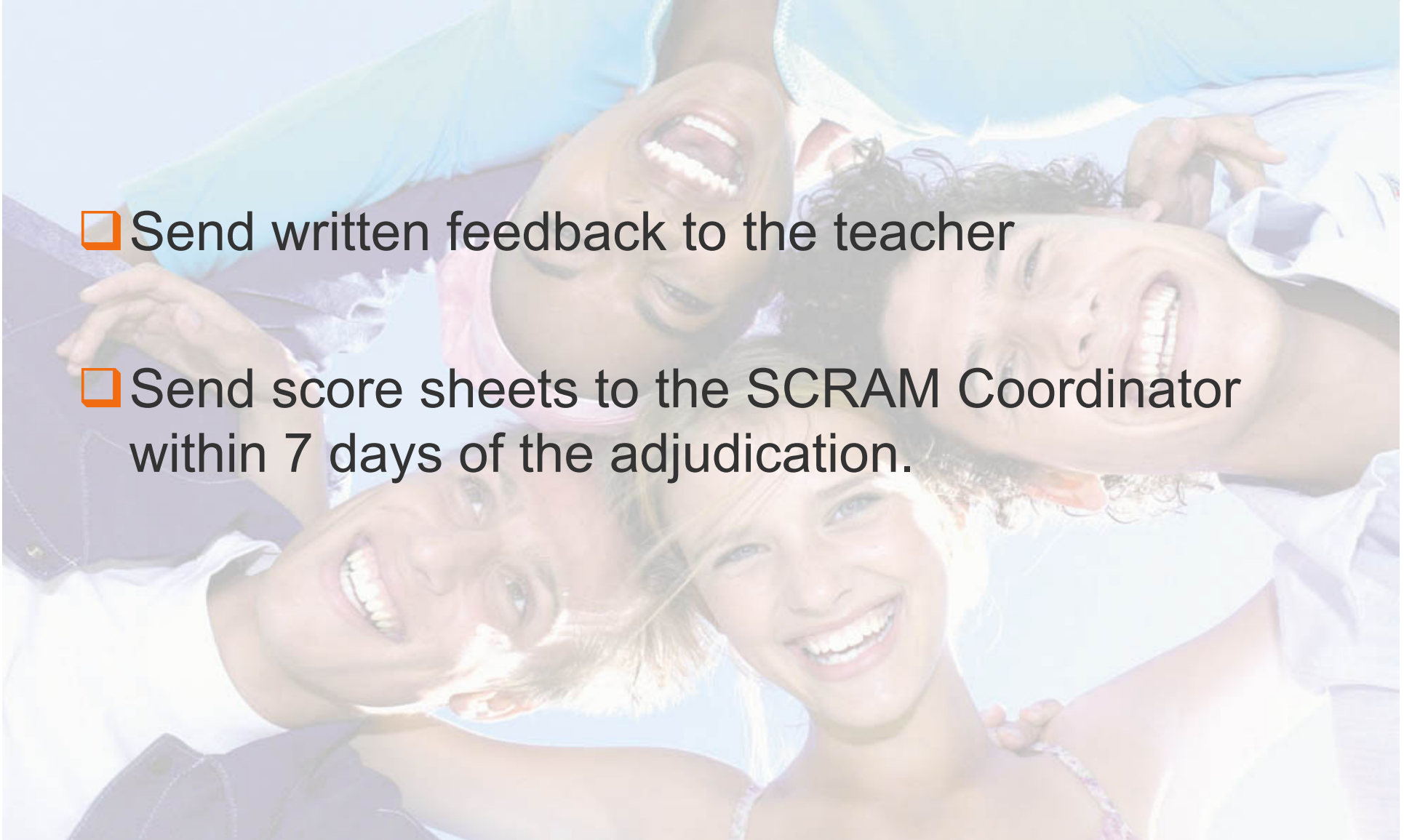
- ❑ Teams are assessed on each stage of the WADRA-SCRAM model and the skills and strategies demonstrated.
- ❑ Private sessions.
- ❑ On conclusion of the mediation;
  - Debrief and re-role the role players
  - Give verbal feedback to the team
  - Collect confidential facts

# ADJUDICATORS' FINAL STEPS



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- Send written feedback to the teacher
- Send score sheets to the SCRAM Coordinator within 7 days of the adjudication.





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# SCRAM Mediation Skills Workshop

Margaret Halsmith  
Halsmith Consulting

17 February 2010

# Skills and learning outcomes



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## Skills

What the mediators will do

- ➔ Language
- ➔ Neutrality
- ➔ Listening
- ➔ Questioning
- ➔ Summarising
- ➔ Paraphrasing
- ➔ Reframing

## Learning outcome

What the adjudicators will notice if the skill is being done well

- ➔ Writing on butchers paper/ board/tablet
- ➔ Reality testing
- ➔ Teamwork
- ➔ Appropriate closure/ ongoing relationship

# Language: verbal



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What is the skill?

- Using language that is demonstrably even handed
- Managing communication blockers between participants
- Demonstrating communication enablers
- Mediator is assertive re process; tentative re content

How does an adjudicator know if it is being done well?

- Whatever is said to one party would have been suitable for the other party
- All language exemplifies the principles of mediation
- Parties are assertive

# Language: nonverbal



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What is the skill?

- Choosing when to engage with non verbal communication
  - **Explicitly**
  - **Implicitly**
- Using non verbal language that is demonstrably even handed

How does an adjudicator know if it is being done well?

- Waiting to see if non verbal behaviour is maintained
- Addressing it in private OR
- Addressing it tentatively; face saving
- Open questions

# Communication Blockers: put downs



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- 
- A background image showing four young women laughing joyfully, their heads tilted back and mouths open in wide smiles. They are wearing light-colored clothing, possibly school uniforms. The image is slightly faded to allow the text to be read clearly.
- asking too many questions
  - criticising
  - name calling
  - diagnosing
  - ordering
  - threatening
  - understanding
  - minimisation
  - denial
  - justification
  - blaming
  - judging
  - moralising
  - advising
  - patronising
  - interrupting
  - asking closed questions
  - finishing **their** sentences
  - stereotyping.
  - labelling
  - exaggeration
  - opinions...I feel like
  - should/must/ought
  - one-upping

# Communication Enablers: lift ups



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What is the skill?

- ❑ Phrasing into everything that is said in terms of the principles of mediation
- ❑ Set & maintain the norms of
  - **Self responsibility**
  - **Naming feeling**
  - **Openness to hearing other point of view**

How does an adjudicator know if it is being done well?

- ❑ Questions re substance will be spoken as if by a peer; inclusive; future focussed etc
- ❑ Statements re process will be assertive
- ❑ Parties' body language will become more open
- ❑ Parties will model their communication on the mediator's

# Neutrality



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What is the skill?

- All interventions are
  - **Impartial**
  - **Even handed**
  - **Equally partial**
- Somewhat detached; clear boundaries
- Focussing on running a good process...nothing else

How does an adjudicator know if it is being done well?

- Communication enablers evident
- Voice:
  - **2<sup>nd</sup> person re substance & personal: open questions**
  - **1<sup>st</sup> person re process: statements**

# Listening



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What is the skill?

Putting own responses on hold until experience the other point of view

Listening

- Attend
- Follow
- Feed back

LATE

LARS

How does an adjudicator know if it is being done well?

Parties generally find

- Summarising
- Paraphrasing
- Reframing

to be a catalyst for moving forward

Parties stay at the mediation

# Benefits of listening



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- Get to the main issues faster
- Gather direct information
- Encourage continued communication
- Increase trust and respect
- Respond to other's real concerns
- Save time
- Create a positive atmosphere
- Increase self esteem
- Increase connection, recognition

# Why don't people listen to each other?



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- Assume it is too time consuming for small benefits
- Belief that own view will be rated second
- Concern that willingness to listen will be mistaken for agreement
- Fear of getting too close
- Fear of information overload
- Concern about losing control

# Questioning



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What is the skill?

- Ask rather than tell
- Foster curiosity
- Even handed
- Neutral

How does an adjudicator know if it is being done well?

- One question at a time
- Same or similar questions to each party
- Questions being asked on behalf of participants, not for mediators' benefit
- Open questions re substance:
  - 'How...
  - 'What...
- Closed questions re process
  - 'Do...

# Summarising



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What is the skill?

- ❑ Content: Tentatively repeating back to a participant the essence of what they said, using the participant's language and turn of phrase.
- ❑ Process: providing to all participants, in an abbreviated way, a precis of the process using the participant's language and turn of phrase.

How does an adjudicator know if it is being done well?

- ❑ Mediator summarises to the participant who spoke
- ❑ Summary is confident & tentative
- ❑ Participant adds more information
- ❑ Summary includes substance + personal aspects
- ❑ Reported speech

# Paraphrasing



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What is the skill?

- Tentatively telling a participant, in an abbreviated way, the essence of what the mediator has heard, using the mediator's language and turn of phrase, identifying a targeted construct eg interests, emotions, options.

How does an adjudicator know if it is being done well?

- Parties affirm the paraphrase
- Parties may add, clarify or correct
- It is expressed in the same tone and with the same emphasis as the party expressed it
- Reported speech

# Reframing



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What is the skill?

- Tentatively providing those present with the opportunity to shift their perception regarding substantive, procedural or personal events
- Tentative restatement, in the form of a closed question, of participant's comment in a way which shifts the statement from positional to principled constructs

How does an adjudicator know if it is being done well?

- Identifies interests
- May put a series of statements into a sequence
- Parties affirm the reframe
- Parties may add, clarify or correct
- It is expressed in the tone and with the emphasis of the mediator
- Direct

# Reframe to interests



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- ❑ Heard in mediations last week...
- ☹ She's the most uncooperative employee I've ever had.
- ☹ I want the house. It's rightfully mine.
- ☹ She's so mean. I can't believe she would do this to me.
- ☹ Everyone knows he's so tight...
- ☹ These people are cold and unfriendly...

# Whiteboard writing



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## What is the skill?

- Recording progress of mediation on the board
- Focus on the issues, not on the people
- Capturing mutual aspects for participants to share
  - **Agenda**
  - **Options**
  - **Agreements**

## How does an adjudicator know if it is being done well?

- Neat, legible, large
- Lid on textas
- Use mostly black
- The w/b is a live document
- No horizontal lines are drawn
- Few, if any, vertical lines are drawn
- Everything on board relevant to all participants
- Mutual, neutral **agenda**
- Plenty of space
- Remain seated most of the time
- Almost no other notes are taken by the mediator
- Participants' words for **options** and **agreements**

# Reality testing



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## What is the skill?

- Hypothesising re workability & durability for participants & constituents
- To facilitate the adjustment of aspirational agreements to workable, durable agreements
- To bring 'issue exploration' material to the table

## How does an adjudicator know if it is being done well?

- Open questions
- Tentative reference to issues raised in the 'issue exploration' stage, leaving ample scope for parties to have changed their minds
- Referring to parties shared concept of reality; not to mediator's
- Mediator asks parties to consider all usual constraints: time, cost
- Mediator asks parties to consider points of view of others who may be affected

# Teamwork



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What is the skill?

- ❑ To share the role of mediator in a way which contributes to the flow of the mediation

How does an adjudicator know if it is being done well?

- ❑ Each mediator is demonstrably a mediator for both parties
- ❑ Interventions flow from one to the other
- ❑ Aspects of the role are shared approximately equally

# Closure



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What is the skill?

- The mediators maintain their roles until after the parties have left the building.

How does an adjudicator know if it is being done well?

- The mediators affirm the parties for their roles in the mediation
- Mediators make an optimistic comment re the future; maybe re the relationship
- Mediators check whether there are outstanding issues

# Principles of mediation



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- 
- A background image showing a group of children laughing joyfully, with their heads tilted back and mouths open, conveying a sense of happiness and positive social interaction.
- Interests focused**
  - Value creating
  - Voluntary, consensual**
  - Flexibility
  - Participatory
  - Informal
  - Norm creating**
  - Collaborative
  - Situational, individualised
  - Person-centred
  - Relationship oriented**
  - Future focussed
  - Peer-based**
  - Private, confidential
  - Network
  - Process focussed

after Boulle 2005