

Assignment Coversheet

Student name	Maheen Mainuddin
Student ID number	u3187569
Unit name	Counselling for Dispute Resolution
Name of tutor	Rhiân Williams
Tutorial time	Tutorial 2; 12.30pm – 2.30pm
Assignment name	Letter to Recommend Mediation
Word count	1628
Due date	Friday 1st Nov

You must keep a photocopy or electronic copy of your assignment.

Student declaration

I certify that the attached assignment is my own work. Material drawn from other sources has been acknowledged according to unit-specific requirements for referencing. I certify that I have read the Unit Outline requirements and am aware of the assessment criteria.

Signature of student: _____

Date: _____

Assignment feedback

General comments

Date of submission

Dear Rachel,

I am writing to you to discuss a dispute that has occurred between you and your friend Farah. I hear that this dispute has been ongoing and that both of you have been struggling to put it to rest. Therefore, I am inclined to recommend mediation as a means to settle your conflict. I have written to Farah as well about this recommendation. Hopefully what we gain from this is that mediation has resolved what has happened between the two of you and that going into the future this has improved the quality of your relationship with each other.

It is important I check that I have a general understanding of what has occurred in your dispute. From what I've gathered the both of you have been friends since high school. You both attend the same university. Recently you moved into a small apartment together that is close to your university as there were some travel issues one of you had been experiencing prior to moving in. You're both getting used to living together as this is a new experience for both of you and while you're very close with each other, being roommates is a whole other level of closeness. The key conflict that has arisen between the two of you is the fact that you're still adjusting to living with each other. You've mentioned that the both of you grew up with completely different lifestyles and do certain things differently from each other and this has affected the way both of you maintain the apartment. It has made coordinating house chores particularly difficult. In addition, the difference in lifestyles has also put a strain on your friendship.

Having identified what the conflict is, I will move on to why mediation is the most suitable option to help settle your dispute. Mediation will give an opportunity for you and Farah to discuss your issues in a controlled environment. This will encourage open and honest conversation with the help of the mediators. You will be able to express yourself clearly without any fear of confrontation. Mediation is also a self-empowering process as one of the purposes of mediation is to emphasise responsibility in making decisions in your own lives. Lastly, mediation is a very constructive form of dispute resolution so it will give you the chance to discuss your key conflicts in a way that is rational and without clouded judgement.

Overview of the mediation process including mediator's role

First of all, before any mediation can take place, both of you will go through an intake or pre-mediation meeting and you will both meet with the mediator/s separately. This intake will either be conducted via phone or face-to-face. Intake is a chance to decide whether the conflict is actually suitable for mediation or whether another dispute resolution process should be considered to resolve it. During intake you will have the chance to openly discuss any doubts or concerns you might have in general and to decide whether any arrangements should be made. The mediation process will also be briefly explained to you by the mediator just so you know what to expect. Intake is confidential, so you trust that whatever has been said between you and the mediator/s will not be disclosed to anyone else.

The mediation process is one that is voluntary, confidential and non-adversarial and is facilitated by a neutral third party (i.e. the mediator). By voluntary, this means that you are coming to mediation willingly and on your own terms, and that you have not been forced to come. You are also welcome to leave mediation at any stage if you feel that it is not working for you. The mediator's role is quite clear. For any successful mediation, the mediator must remain neutral and impartial. This means that they cannot take sides. They are also not authorised to make decisions on behalf of you and Farah. They can only aid you in coming to those decisions on your own and help you identify needs and interests. Secondly, mediators have a duty of care to you and Farah.

The mediation process begins with the opening statements of the mediators. They will make introductions and also ask you to introduce yourselves. The primary mediator will explain their roles pertaining to neutrality, impartiality and confidentiality. They will state mediation's voluntary nature. They will also have you sign a consent form stating that you are agreeing to be a part of this mediation. The secondary mediator will explain ground rules of the process. One of these is that you are allowed to speak without any interruptions by the other party. Mediator two will also describe the mediation process and clarify any queries you might have.

The next stage will be your opening statements where either one of you will outline your side of the conflict and the issues you are facing. During that the primary mediator will be listening to what you have to say while the secondary mediator will be taking down a summary of your concerns. Then the same thing will happen where it is the turn of the other person to outline their opening statements. After the both of you have outlined your issues and concerns, mediator two will read back your summaries and clarify with you if they have missed anything or need to add anything else. Meanwhile mediator one will begin to list the key issues that you have between each other and setting up an agenda for those key issues. This agenda will be used as a checklist during mediation. The mediators will check the agenda with you to ensure everything you wish to discuss has been listed and whether it needs to be adjusted.

The next stage will be exploration where you and Farah will start communicating directly to each other about the conflict, ensuring that all the key issues on the agenda are being covered. If new issues are identified, they will be added to the agenda. Once all issues have been discussed, the mediators will summarise what has been said.

After exploration is the caucus or the private sessions where the mediators will talk to each of you separately while the other person steps out. This will be where the mediators will see how you're going so far and to check in with you how you're feeling with the mediation process. They will also ask you to state the reasons why you've come to mediation. Like intake, whatever is said in the caucus remains confidential.

The second last phase is the post-caucus negotiation where you and Farah will come back for a joint session to look at where to from here, or in other words, to discuss what can now be done. Mediators will explain this phase and what will happen. The focus will also be shifted from past to future so that negotiation can begin. Points of common interest will be identified by you and Farah and mediators will check with the agenda to ensure all points are being acknowledged and will add to it if anything new has come up from the private sessions.

Finally, the last phase is where you and Farah will discuss outcomes and agreements. Mediators will thank you for your cooperation so far and will begin writing down points for agreement and once again you will acknowledge points of common interest between yourselves. Mediators will check the agenda and see if all issues are being covered again. Final resolutions or agreements are either given in verbal or written form. The mediation process will end with the mediators' closing statements and will remind you that you can contact them again if need be. Confidentiality will be reassured once more and mediators will check with you if you have any further questions.

Benefits that mediation may offer to those involved in the dispute

There is a wide variety of benefits that mediation can offer. Firstly, mediation is a gateway for you and Farah to come to a fair and balanced settlement about your issues, leading to a better outcome and an emotional payoff. In other words, as you are given an opportunity to resolve the issue yourselves with the guidance of the mediators, it is more likely that your settlement is one without judgement and one that has not been pushed to resolution. Rather the decision to come to a negotiation comes naturally. Another benefit may be that for future conflicts, you will learn to be more constructive in dealing with your issues, having learned that skill in mediation.

I have outlined a recommended list of mediation service providers in your area that could provide the assistance needed to resolve this dispute:

Conflict Resolution Service (CRS)

This mediation service has been supporting the ACT region for 30 years as said on their website, so you can trust that they are quite experienced in alternative dispute resolution. CRS have dealt with a variety of disputes such as those with family, community, in the neighbourhood and in the workplace. Your conflict with Farah is somewhat of a domestic dispute so CRS might be a suitable option.

DIPAC

DIPAC offers mediation, counselling and therapy services. Their website states that they deal with a variety of issues and that they charge affordable prices and offer private billing.

Relationships Australia

This organisation provides relationship support services and they are community-based. Their services include counselling, family dispute resolution and various other programs in family and community support and education. Their services are accessible to anyone regardless of background or sexual orientation.

I hope this letter has made you consider whether mediation is right for you and Farah. I look forward to hearing your response soon and hope that you have come to a decision.

Kind regards,

Maheen Mainuddin