

Obtaining participants' permission for a mediator to be observed

Observations form a valuable part of the portfolio. Mediators who have been trained and are working towards accreditation need to both observe (so that they can see what good mediation looks like) and be observed (so that their PPC can make an assessment on areas of strength and areas for improvement).

Mediation participants need to consent to a mediation session being observed. Some mediation participants may be unwilling to be observed as they feel that this may add to an already stressful situation or the observer will make them feel uncomfortable. It is important that mediation participants are at ease with any observer. You may find the following helps clients feel at ease and be more inclined to agree their being observed:

- Setting out your proposal
- Explaining who the person is
- Explaining that the person is there to observe
- Asking if the participant consents

Some examples are:

I'd like to bring in a colleague to observe the session, if you agree. He's training to be a family mediator and would be looking to see what I do, and how I mediate. Would that be okay with you?

I'd like to bring in a colleague to observe the session, if you agree. It's something mediators are obliged to do as part of their professional development. She'll be looking to see what I do, and how I mediate. Would that be okay with you?

At the beginning of a session which is being observed, introduce the observer, remind the participants why the person is there, and if the person is going to take notes, explain that these are for training purposes.

As an example:

This is who has come to observe me today. Just to remind you, she is looking to see how I work, and she's not here to observe you. She'll be taking notes from time to time, in order to feedback to me. Are you happy with this?

Including a paragraph in the mediation agreement also reinforces that observations are a normal part of the professional development process. Different precedent agreements will word this in different ways, but you may find it useful to include a paragraph similar to this:

'I/we operate a learning and professional development practice. From time to time, colleagues may work with me for the purposes of their own professional development and/or my own (this would be at no extra cost to you). If you would prefer that your mediation does not involve my colleague/s, then please let me know. I will not involve another person/colleague without your joint agreement.'