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Emotional Intelligence – An essential feature in the mediator’s toolbox

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The University of Central Lancashire (UCLan) is home to the award-winning Centre for Mediation, which offers civil, commercial and workplace mediation services and training. The Centre and the training course were established in 2014 and allow participants to qualify as mediators in the civil, commercial and workplace sectors. Whilst this service is provided by a university, it is fully approved and recognised by the Civil Mediation Council. The training course has included participants from around the world and a wide range of backgrounds, including students, academics, barristers, solicitors and business people. Once qualified, participants have the opportunity to gain experience as mediators in the Centre for Mediation’s Clinic. In addition to operating commercially, the Centre provides a pro-bono mediation service to students and members of the local community and allows them to resolve disputes in a confidential non-judgemental way. It continues to grow, receiving referrals from organisations such as the Citizens Advice Bureau, the Personal Support Unit and the Court.

At a recent training course, the subject of emotional intelligence (EI) was raised and prompted some discussion about how this was likely to be an important factor in any mediation process. Before we elaborate on this, we need to establish what we mean by EI and introduce a helpful model. As with many psychological concepts, there are a number of theories and models supported by different researchers in the field. However, most would agree that EI is concerned with how people recognise, use, understand and manage emotion. This definition is based on the work of two eminent U.S. psychologists, Jack Mayer and Peter Salovey, who introduced the four-branch model of EI in the 1990s (Mayer & Salovey, 1997). They proposed that EI consists of four abilities:

- ability to **perceive** emotion, both in yourself and in other people (*it is also possible to perceive emotion in things like music, writing and art*)
- ability to **use** emotion to help with thinking and decision making
- ability to **understand** emotion
- ability to **manage** emotion (*both in yourself and sometimes in others*).

In situations where people have low levels of EI, or for some reason, do not use their EI ability, they may read each other incorrectly leading to inappropriate responses. With little understanding of emotions, people may not be able to take somebody else’s perspective, resulting in a lack of empathy and reactions that appear to be tactless or inconsiderate. Poor emotion management can lead to an escalation of any conflict situation, often resulting in angry exchanges with words said that may be forgiven but are impossible to forget. Therefore, EI is likely to be helpful throughout any mediation process. Concentrating just on the mediator, how might using their EI be helpful to them throughout the different stages of mediation? Here are some questions the mediator can ask themselves – they may want to just think these through, or at some of the stages, may prefer to write down their thoughts and feelings for their eyes only.

Pre-Mediation

- *How do I feel about the process I am about to start?*

- *Do I have any feelings about the different parties involved? Do I have an understanding of how these feelings may have an impact on my impartiality?*
- *How can I manage these feelings appropriately? (e.g. I can recognise and acknowledge them, but put them to one side for now, or perhaps reframe them as something more positive or neutral).*

First Joint Meeting (all parties together, providing opening statements)

- *What emotions can I read from the different parties?*
- *What is being said, but importantly, what is not being said but expressed in facial expressions, body language and tone of voice?*
- *If there are smiles, do they appear to be genuine or could they be masking other feelings?*
- *How do I feel in this room?*
- *Am I feeling anxious – if so why? Do I need to listen to my intuition here?*
- *Are people displaying emotions that will need managing effectively? What might I say that will help the process? What should I not say ...?*

Caucuses

- *What emotions are being expressed in the private sessions?*
- *Are these different to the ones being expressed more publicly?*
- *Would it be helpful to ask the individuals how they feel as well as what they think about the situation?*
- *How am I feeling? Are there issues that conflict with my own values and if so, how can I manage my emotions effectively so I can remain impartial?*

Final Joint Meeting (all parties together reaching a final agreement)

- *What emotions can I read in the different parties?*
- *How might they be feeling at this stage?*
- *How am I feeling? Do I have negative feelings at this stage (e.g. I may be feeling frustrated at slow progress to a final agreement – is this showing in my words and body language? Or I may be delighted with an agreed settlement – but need to ensure my comments and body language remain professional).*

After Mediation

- *On reflection, did I find that a stressful process?*
- *Did I handle the emotional side of things well (both in myself and in others)?*
- *Is there anything I can learn from the experience that will help me improve as a mediator?*
- *How do I feel now about the process and the parties involved?*
- *What will I do to de-stress and ensure I am not taking negative emotions away with me that could have an impact on my life outside of mediation?*

Because of the very nature of the work, there will be heightened emotions in most mediation cases. The mediator sets the tone for the whole process, which requires a good level of emotional intelligence on their part. If mediators are seen to read the situation well, treat people with respect, show empathy and manage their emotions effectively, they set a good example for everyone else involved and as such, improve the chances of a successful outcome.

REFERENCE

Mayer, J. D., & Salovey, P. (1997). What Is Emotional Intelligence? In P Salovey & D Sluyter (Eds). *Emotional Development and Emotional Intelligence: Implications for educators* (3 – 31). New York: Basic Books.