



Schools Conflict Resolution and Mediation

Schools Conflict Resolution And Mediation Competition

An initiative of WADRA
(Western Australian Dispute Resolution Association)

SCRAM MODEL Student & Coach Handbook

Revised February 2011

The SCRAM Program is proudly sponsored by

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Faculty of Business & Law, Edith Cowan University

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SCRAM is an initiative of WADRA.



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Provides a mediation book to the library of the school that wins the Encouragement Award.



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Provides financial assistance to regional, rural and remote schools to enable them to participate in the SCRAM program.



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Provides a professional development training workshop in conflict resolution for staff and/or parents/carers from the runner-up school in the SCRAM competition.

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1. SCRAM Model

1.1 What is SCRAM?

SCRAM is the Schools Conflict Resolution & Mediation Competition 😊

SCRAM develops your skills in dealing with conflict and arguments 😞👍

SCRAM is for Year 9 and 10 students and involves role play in teams 😊

- ❖ The SCRAM competition is fun and creative 😊
- ❖ Uses a mediation process to explore ways to solve problems
- ❖ Each round involves a different, challenging scenario 😊
- ❖ Role players develop characters based on the scenario
- ❖ Students participate as mediators and role players 😊
- ❖ In each round 2 students mediate 4 others in dispute (2 teams)

Have fun while discovering how to manage and resolve conflict. You will be able to use the skills you learn at school and at home. You will learn to manage conflict better with:

- Friends
- Family
- Class mates
- Team mates

“Mediation is a structured problem-solving process designed to encourage the parties to identify the issues that are in dispute, consider options and work toward an agreement that will meet the needs of all parties.”

SCRAM Schools Conflict Resolution and Mediation Competition Queensland Law Society, the Law Society of New South Wales, Law Institute of Victoria.

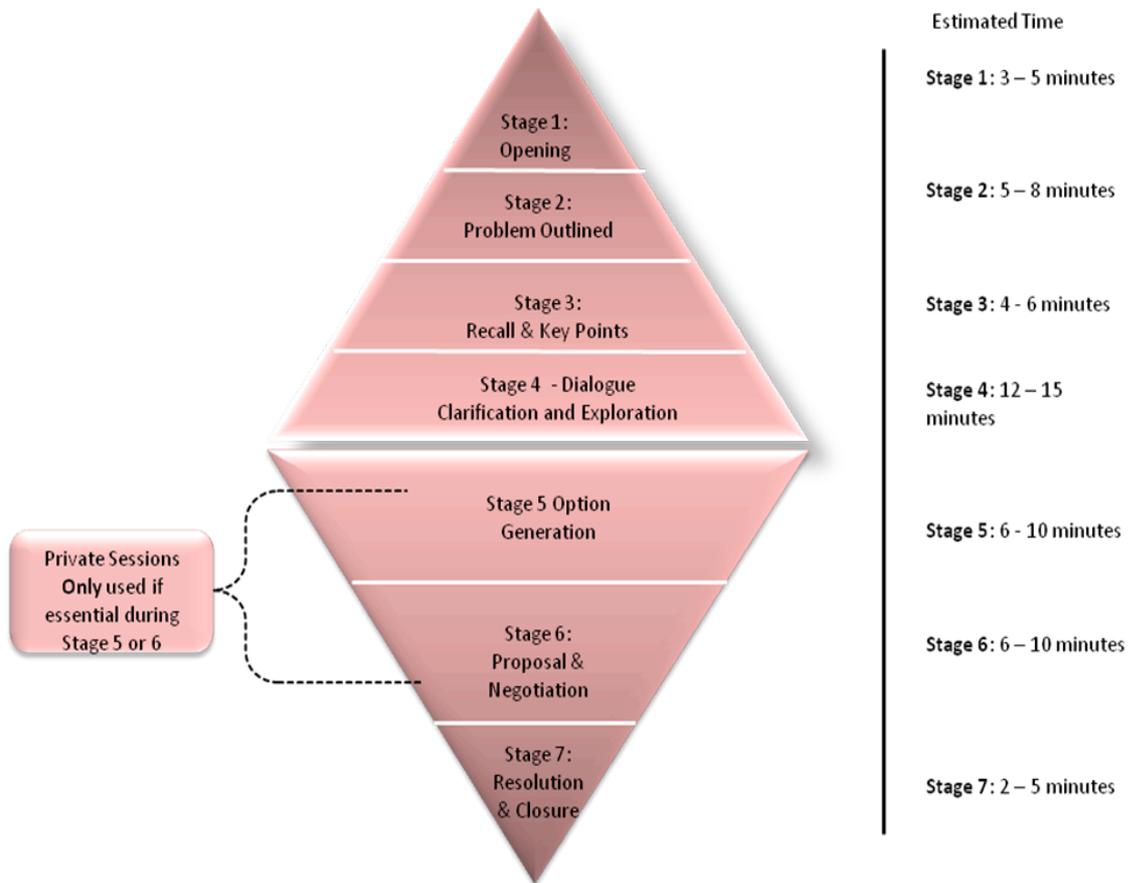
2010 WAS THE 10TH ANNIVERSARY YEAR OF THE SCRAM PROGRAM IN WESTERN AUSTRALIA

This document details the SCRAM Model and Stages of Mediation. For a fuller overview of the SCRAM Competition, see “SCRAM Program and Competition Rules”.

SCRAM + YOUR PARTICIPATION = FUN & LEARNING NEW SKILLS



1.2 SCRAM Model Outline



The diagram above depicts the SCRAM Model which is based on mediation models used by WADRA-SCRAM sponsors. The estimated times are a guide only.

In the SCRAM program the students should be taught about private sessions as a strategy of intervention and they must mention them in the mediator opening statement. However, they are not used in the SCRAM Model (due to time constraints).

ADJUDICATION CONSIDERATIONS

- Each SCRAM team is judged on its skill in following each step of the mediation process according to the assessment and scoring criteria, not on reaching an agreement. A resolution is not required.
- It is important that the role-players give an authentic performance and display a range of emotions and reactions to conflict appropriate to the dispute. When the parties play their roles authentically, requiring the mediators to demonstrate their knowledge of each of the stages and of the appropriate skills, the team will score well.

- Teams are assessed on their ability to follow the mediation process and apply the principles of mediation (impartiality, confidentiality, time-management, respect of people, issue focused, voluntary participation)

1.3 SCRAM Scenarios

The SCRAM committee provides a new scenario for each round. The scenarios are fictitious community disputes relevant to the students' age. The scenario consists of Common Facts and Confidential Facts.

Common Facts

The common facts of the mediation are available to schools at the start of each round to be used for coaching purposes. These common facts will allow the mediators and parties to become familiar with the background of the dispute. The common facts are available from the SCRAM website at the start of each round: <http://scram.business.ecu.edu.au/program.htm>

Confidential Facts

At the commencement of each adjudicated round, the adjudicator will provide each team with separate confidential facts (for Parties A1 & A2, Parties B1 & B2). There is 10 minutes' reading time. Once these facts have been distributed, Parties A and Parties B must be kept separate and the student mediators can only speak with parties after the mediation commences.

The confidential facts are designed to give the parties an opportunity to play their role in a realistic way and give the mediators an opportunity to display their mediation skills. While both parties can disclose all their confidential facts immediately should they choose to, this reduces the total number of points that can be scored by the team because it risks reducing the level of conflict that usually arises in the mediation. The parties can improve their total score by disclosing the confidential facts in a way and a time that would be consistent with their character and responsive to the mediators' interventions

The confidential facts allow interests to be identified, leading to options being generated that were not evident from the common facts. For this reason the preparation should focus on the skills and processes of the team, rather than the substance of the dispute.

THE CONFIDENTIAL FACTS MUST BE RETURNED TO THE ADJUDICATOR AT THE COMPLETION OF THE ADJUDICATED ROUND.

1.4 SCRAM Team Member Roles

1.4.1 Mediators (2 students)

The role of the mediators is to be even handed as they manage the process of the mediation. It is the role of the mediators to facilitate the mediation process by:

- managing the process, and leaving the content to the participants

- identifying each stage of the process and what it aims to achieve
- focusing on what can be done in the future, not about what has been done in the past
- remaining impartial
- using careful questioning to help the parties identify and clarify what's important to them
- helping the parties to identify options
- work towards agreements; and then
- checking the agreements to test if they are workable.

The mediators must work as a team. One mediator might be asking questions of the parties while the other mediator is writing the issues raised or the options generated on the butcher's paper/whiteboard. Care should be taken to ensure that both mediators contribute to all sections of the mediation so they can achieve maximum scores.

1.4.2 Parties (4 students – A1 & A2 and B1 & B2)

Parties should stay in character, and should do so in a way which is true to the common facts and to the confidential facts. They need to provide challenges to mediators, particularly in the early stages. Then they should respond in character and appropriately to the mediators' intervention strategies. As the session progresses it should become evident that the parties are becoming more cooperative as they develop an understanding and empathy for the other points of view. Maximum scores are obtained when all 4 students contribute equally to the mediation. It may be within the role for a party to remain silent and subdued. Adjudicators will be aware of the common and confidential facts and a party will not be penalised for playing an appropriate role. Generally, parties will demonstrate a shift from a passive or an aggressive outlook to an assertive outlook as the mediation progresses to the option generation stage.

Each team member makes an opening statement. The two students in Party A form a cohesive unit, as do the two students in Party B. However, individual team members will have different interests that need to be identified during the Dialogue stage and included in the Negotiations and Resolution stages.

2. SCRAM Stages of Mediation

The following pages outline the main mediation elements which should be demonstrated by students to meet the adjudication criteria and earn maximum points.

Stage 1 – Setting Up

Mediators' Role in Stage 1

Preliminaries – Room arrangement in advance

- The mediators arrange the room in advance with tables and chairs so that the 2 mediators are centrally located. It is important that the tables are

arranged so that the mediators can clearly see the parties. The positioning of chairs should signify that each party has equal status in the mediation.

- The recording space (White Board or Flip Chart and markers) is set up behind the mediators. Ensure the recording board is set up where all parties have a good view.
- Marker pens, pads, pens, water jug and glasses, tissue box are provided on the table.
- Mediators must have a clock or watch to assist with time management.

Opening Statements and Introductions

It is essential that this section is handled in a friendly and business-like manner. The mediators will be doing most of the talking at the start. They set the tone of the mediation by being friendly, polite and optimistic. The mediators will be firm and show balanced teamwork.

- Each mediator introduces themselves.
- One mediator asks both members of each party to introduce themselves and to state how they would like to be addressed (preferred name throughout the mediation – these can be written on the White Board).
- Ask each party to agree to use these names.
- Welcome the parties and commend them for coming to mediation as it is often difficult for people to make this effort.

Explain the Mediation Process

- Mediation is a structured problem solving process. The mediators are independent and impartial facilitators that assist the people to identify issues in dispute, develop options, and consider alternatives in an endeavour to reach an agreement that will meet the needs of all parties.
- Explain each stage of the process to inform the parties what to expect, including Private Sessions.

Explain the Mediation Principles

- Mediation is a VOLUNTARY process and can be terminated by either party or the mediator if they believe they cannot continue.
- Mediation is as CONFIDENTIAL as the law or school rules allow. All notes taken are destroyed afterwards. The content of the discussion will not be relayed to any party outside the mediation. Ask parties if they will be able to maintain confidentiality. In the event that an external party is to be provided with information, the details of such disclosure will be agreed and determined at the end of the mediation by the parties.
- Mediators will be even-handed (IMPARTIAL). They will facilitate the process, assist the parties to identify the issues and possible solutions and work toward an agreement.
- A similar amount of time will be offered to each party at each stage.

Explain Mediation Guidelines

- Each person is to be allowed to finish speaking.
- Speak politely and respectfully to each other.
- Spending time with mediators if a decision is made to leave the session.
- Confirm agreement on the mediation guidelines from all parties.

- Ask parties if they have any questions.

Parties' Role in Stage 1

- Listen to mediators' opening statements.
- Ask for clarification if they need it.
- Role play in character.
- Respond appropriately to mediator interventions.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Established friendly, firm tone, even handed • Explained the principles – confidentiality, voluntary, role of mediators, impartiality, timing • Explained the mediation process - each stage (including private sessions) • Set agreed guidelines • Displayed balanced teamwork • Used clear, concise language • Handled interruptions • Provided opportunity for questions • Future focused 	<ul style="list-style-type: none"> • Role-played in character • Asked appropriate questions

Stage 2 – Problems Outlined

The purpose of stage 2 is for the Parties A and B to give their 'Opening Statements' (tell their story or version).

The importance of this stage is that it allows each party to hear the other parties' points of view. This is an important part of resolving differences.

It is also important as it gives the mediators the opportunity to become familiar with the dispute.

In this stage Parties A and Parties B will do most of the talking, taking it in turns to speak and allowing each other to speak without interruption or over-talk.

Mediators Role in Stage 2

Explain purpose of stage

- Opportunity for each party to speak without interruptions.
- While each party is speaking the mediators take separate roles.

Take notes

- **Mediator 1:** will be taking notes of what is being said. Direct quotes are jotted down to use in the next stage of the mediation.

- **Mediator 2:** will be summarizing the main points. These main points will take the form of single words, simple concepts or questions to assist with the agenda setting.

Prevent interruptions

The mediators ensure that each party can speak uninterrupted. The role-players may have to be reminded that they will have an opportunity to speak and to be listened to.

Parties’ Role in Stage 2

- Parties A explain the situation, how they have been affected by it and what they would like for the future.
- Parties B explain the situation, how they have been affected by it and what they would like to the future.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of this stage • Demonstrated active listening skills • Handled interruptions appropriately • Gave parties opportunity to add or correct or clarify their issues 	<ul style="list-style-type: none"> • Gave clear statement of incident • Incorporate personal needs and concerns • Incorporated some confidential facts (not all) • Displayed appropriate positional behaviour in keeping with their role

Stage 3 – Recall/Key Points

The aim of this stage is for the mediators to confirm what each party has said and to assist the parties to develop an agenda of issues to be discussed.

Each party must be satisfied that the mediators have listened to them and have been able to show that they have a good recall of each party’s point of view.

A high level of skill in the “recalling” process will establish the mediator’s credibility as an impartial listener.

Through the use of direct quotations the mediator will gain the confidence of the party being quoted.

In this stage the two mediators do most of the speaking.

Mediators’ Role in Stage 3

Mediator 1: (Summary)

- The mediator that took the notes thanks the parties for their co-operation.
- Explains that the purpose of stage is to:

- confirm that the mediators have understood the parties' perspective of the dispute;
- agree the issues in dispute that will need to be discussed further.
- The mediator who took notes reports back what they heard each party say using reported speech (second person) "you said... you went on to say...I heard you say" (Report back to each party individually and gain approval before moving to the next party).
- Ask each party to confirm that the mediator accurately reflected back what was said and give them an opportunity to add points, clarify or correct statements.
- Each party confirms, adjusts or adds to their statement when the mediator reads it back.

Mediator 2: (Agenda Setting)

- The key points are written on the whiteboard or butcher's paper. They have an important task in that those key points will form the basis of the dialogue to follow.
- The key points must identify the problems common to both parties, in an impartial way to help steer the mediation toward mutual agreement.
- Explain the purpose of the agenda.
- The other mediator reads back the key points for confirmation, or clarification.
- Note on the whiteboard all common key points raised for discussion and seek assistance from the parties.
- Only key points, which all parties agree to, are added to the list on the board.
- The aim is to have one list of issues which both parties are willing to discuss.

Parties' Role in Stage 3

- Think about the agenda and provide input as appropriate to ensure it is a mutual agenda.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of stage • Correctly recalled the main aspects and emotions of the parties' opening statements • Identified and listed issues on whiteboard • Confirmed agenda with parties • Involved parties in refining the 	<ul style="list-style-type: none"> • Helped refine agenda • Confirmed agenda • Role-played in character

agenda	
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Stage 4 - Dialogue

The aim of this stage is for the mediators to encourage the parties to talk directly to each other. The parties do most of the talking. This is where the parties can express emotions and behaviours that may be associated with their character based on the circumstance of the scenario and the confidential facts.

The mediators use their skills to keep the parties focused on one issue at a time to enable clarification of each party's perspective.

Mediators' Role in Stage 4

- Explain the purpose of stage.
- Remain seated other than when writing on the white board.
- Parties are encouraged by the mediators to clarify and to discuss their issues. One mediator asks a party to select an issue to start the discussion.
- Mediators ask **open-ended questions** that encourage the parties to engage in conversation. Limit the number of closed questions.
- Encourage parties to communicate with each other.
- Reaffirm guidelines if the discussion becomes heated or to manage behaviour, rather than correcting one of the parties.
- The mediators ask a different party to select the next item for discussion and the process repeats until all items have been discussed.
- It is important for the mediators to keep summarizing and reporting back progress to acknowledge agreed outlooks and to keep the parties moving forward.
- The parties are developing doubt regarding their position as they are assisted to listen to the point of view of the other party.
- To move on stuck arguments, the mediators will need to use their skills to draw attention to parties' common ground or mutual interests rather than their differences. This help parties to understand each others' point of view. Do not give any indication that you agree or disagree – remain impartial.
- Time Constraints - It will be necessary for the mediators to keep a track of the time spent on each key point, and on this section in general.

Parties' Role in Stage 4

- Discuss their issues with each other. Raise some of the aspects of the confidential facts including some more of their interests and concerns.
- Clarify and explore each key point.
- Release information that helps others to understand their interests.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of stage • Assisted the parties to select issues for discussion • Used open-ended questions • Handled interruptions • Facilitated the discussion – encouraged direct communication between the parties • Time managed 	<ul style="list-style-type: none"> • Displayed appropriate positional behavior in keeping with their character • Responded appropriately to mediator interventions

Stage 5 - Option Generation

After clarifying and exploring each of the key points on the agenda the dialogue shifts to being entirely future focused.

Options are generated for each key point and noted on the board to be discussed in Stage 6. It is important to get as many options as possible on the white board/butcher's paper. All parties should be encouraged to make suggestions. It is a brainstorming session. All suggestions will have equal validity and should be written up without allowing discussion.

Mediators Role in Stage 5

- One mediator explains the brainstorming process outlining that in this exercise the parties are encouraged to list as many options as possible, without evaluating them, thus allowing for creative solutions to be suggested.
- One mediator remains seated and facilitates the brainstorming process.
- The other mediator writes the suggestions on the white board. It is very important that the options are generated by the parties, not the mediators.

Parties' Role in Stage 5

- Contribute options which meet their interests based on both the common facts and on the confidential facts.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of stage • Refrained from making suggestions • Listed options on whiteboard • Facilitated brainstorming 	<ul style="list-style-type: none"> • Moved from positional behaviour to showing an understanding of the other people's interests. • Role-played in character

Stage 6 – Proposals

The aim of this stage is to further explore the options and to negotiate. By this stage it is likely that there will be considerable co-operative discussion directly between the parties

It is important that all parties participate in the decision-making.

The mediators should pay particular attention to maintain a future focus so as to encourage resolution.

Mediators’ Role in Stage 6

- Explain purpose of stage.
- Encourage the parties to make proposals that will meet their needs and the needs of the other party.
- If no one wants to start the discussion the mediators may begin by giving an overview of the progress to date.

Parties’ Role in Stage 6

- Put forward suggestions that they think will work.
- Ensure the needs of your character are being met.
- Propose solutions that meet the other party’s needs.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of the stage • Maintained fairness and control of the process • Ask clarifying question • Handled interruptions appropriately • Encouraged parties to focus on the future 	<ul style="list-style-type: none"> • Communicated with each other. • Showed empathy for other needs while retaining respect for self and own needs. • Role-played in character.

Stage 7 – Resolution and Closure

Reality testing is a process of checking that the negotiated agreement will actually work. It is an essential part of the negotiations to ensure that the proposals are workable. The proposals must meet the needs of each party and all issues from the original agenda must be addressed.

The mediators must ensure that it is clear who will do what and when.

The mediators need to time manage the process to ensure the mediation is closed on time. Do not try to rush a resolution. It is better to agree on issues that have not been resolved and to determine the next steps, such as a subsequent mediation or perhaps to do further research and to agree who will do this and how the outstanding matters will be resolved.

Mediators Role in Stage 7

- Explain the purpose of the stage. The mediators may begin by giving an overview of progress to date.
- If an agreement is reached the mediators will need to provide the opportunity for the parties to discuss the next stage which may include:
 - Writing an agreement that each party signs
 - Shaking hands on the deal
 - Reporting to the person who recommended the mediation
- Conclude the mediation.
 - **Agreement:** The mediators thank the parties for their attendance and congratulate them on reaching an agreement.
 - **No Agreement:** Congratulate the parties for participating and summarize what has been achieved. Encourage the parties to decide what they might do next to resolve the remaining matters. If they have decided on another mediation session clarify date, time and venue.

Parties' Role in Stage 7

- Cooperate appropriately – provide information about their proposal and accept other proposals (or part of a proposal) as appropriate to the character's role.
- Hesitate appropriately when proposals do not meet characters needs.
- Demonstrate commitment to agreement.

ADJUDICATION CONSIDERATIONS

Mediators	Role-players
<ul style="list-style-type: none"> • Explained purpose of the stage • Asked parties to evaluate options • Summarised accurately • Handled interruptions appropriately • Gave parties an opportunity to have input to meet their needs • Specified what each party's agreed responsibilities are • Checked agreement against issues on the agenda • Congratulated all, affirmed accomplishments • Thanked them for coming and gave a formalized agreement 	<ul style="list-style-type: none"> • Provide information and clarify their proposals • Raised questions about other proposals • Cooperated appropriately • Hesitated appropriately • Role-played in character. • Displayed potential strengthened relationship