

CLIENT RIGHTS MEDIATION PROGRAM

Introduction

Client rights grievances can be, and often are, resolved informally. In fact, the client rights statute and administrative code allow for attempts to resolve issues informally as part of the grievance process. The Client Rights Office (CRO) can provide trained mediators who will assist the parties in resolving grievances informally at any level.

What is mediation?

Mediation is a voluntary, informal way for parties to resolve disputes without going through all stages of the formal grievance process or going to court. A mediator can assist the parties in reaching a mediated agreement on any number of issues. Mediation is a confidential process that helps the parties work together to reach agreement. This type of agreement will likely be longer-lasting and more satisfying than one imposed by an agency or court. Because the parties work together to choose their own solutions, mediation can also help improve ongoing relationships and avoid recurring problems.

What is the role of the mediator?

The mediator is neutral and impartial with regard to the issues in dispute. The mediator does not take sides. The mediator does not tell the parties what the correct outcome is. The mediator is not a judge and the mediator does not provide legal advice. The mediator solely controls the *process* by which the parties reach their own agreement.

How does mediation work?

The mediator begins by getting the parties to listen to each other's perspectives on the issue or issues that brought them to mediation. Once the parties have an opportunity to hear each other's perspectives, the mediator helps the parties decide which issues to focus on. In the course of discussing possible mediated resolutions to those issues, the mediator helps the parties focus on their mutual interests rather than their "positions". In other words, the mediator encourages the parties to focus not on who is "right" or "wrong," but rather on areas in which their mutual interests overlap and could lead to agreement. The goal of mediation is for the parties to reach a written mediated agreement that they will follow in order to avoid future problems.

Why use mediation?

Mediation provides the parties with an opportunity to practice communication skills that will serve them well in their future interactions. Mediation also allows parties to a grievance to retain control of the outcome that best suits their needs. If parties rely solely on the formal grievance process, the outcome will be imposed on the parties, and neither party may be satisfied with the result. Because mediation focuses on interests rather than positions, mediation helps the parties identify solutions that meet their shared interests. This results in outcomes that will be more satisfying and longer-lasting, which in turn may avoid future grievances.

How can I find out if mediation is right for this situation?

Not every situation is appropriate for mediation. Both parties need to be willing, and both parties must be capable of meaningfully participating in the process. The first step in finding out if mediation is right for the circumstances you are in is to contact the CRO staff. The CRO staff will do an initial assessment to determine if both parties (or a guardian) are willing and able to participate in mediation. If so, a mediator will be assigned and the mediator will contact the parties to schedule a mediation session.

To begin the process, please contact Alicia Boehme, Supervisor, Client Rights Office, DMHSAS, Room 627, PO Box 7851, 1 W. Wilson Street, Madison, WI 53707-7851. 608-266-5525 or Alicia.Boehme@dhs.Wisconsin.gov