

Mediation — FAQs

What is mediation?

Mediation is a confidential, voluntary, informal, recognised process of dispute resolution in which an impartial third party facilitates the parties in a dispute to find a resolution on which they both mutually agree.

How long does mediation take?

The majority of two-party mediations can be completed within a single working day.

Do I have to mediate?

No. The process is entirely voluntary. The success of mediation lies partly in the fact that it is voluntary — the parties enter the process as willing participants with a common goal of wanting to sort out their differences.

Why should I consider mediation?

Mediation offers a safe, effective and confidential process for participants to find their own solutions with the support of an independent mediator by exploring the issues, feelings and concerns of all the participants; by providing the parties with an opportunity to express these to the other party in a safe and non-threatening way; and by exploring the potential options before agreeing on a solution which meets both parties' needs.

What happens in mediation?

There are distinct phases in mediation:

- During the first stage the mediator meets the parties separately to allow them to put across their side of the story and for the mediator to understand what they each want out of the process.
- The parties are usually brought together for the second stage so that they can give their own account of the conflict and listen to that of the other party. In this stage the mediator will assist the parties to explore the issues together and to reach agreements on the way forward. If the parties feel unable to come together shuttle mediation, where the mediator will convey the information between the parties, may be appropriate.
- The final stage is recording any agreement (where requested) and providing each party with a copy. Often both parties are happy to keep to informal agreements.

What is the role of the mediator?

The role of a professional mediator is to act as an impartial third party who helps two or more people in dispute work together to reach an agreement. Although the mediator is in charge of the process any agreement comes from those in dispute, and not from the mediator.

Is it a confidential process?

Yes. Anything said during the mediation is confidential to the parties and can only be disclosed if all parties agree. All discussions during the mediation process are 'without prejudice' - in other words, anything said in the mediation cannot be used later in court or another legal action. The only exceptions are where evidence of criminal activity is revealed or there is a serious risk to an individual's health and safety.

What are the benefits of mediation?

- Mediation reduces the cost of conflict and reduces the risk of litigation.
- Mediation can be carried out without delay and offers a swift resolution to a dispute.
- Mediation reduces the stress and anxiety commonly associated with conflict.
- Mediation puts the responsibility for agreeing the solution to a dispute directly with the parties.
- Mediation allows all the parties to have their say and to be heard within a safe environment.
- Mediation stops disputes escalating out of control.
- Mediation works!