



# THE MEDIATION PROCESS

A Guide for Participants



# Mediation: What's it all about?

**So, you are about to take part in mediation. If you are unfamiliar with the process, you may be wondering what is involved. We have written this guide to outline how it works and what you can expect, and to answer some of the most commonly asked questions.**

## Mediation: what is it?

Mediation is a way of resolving a dispute or complaint, or of preventing a dispute or complaint from escalating into something bigger.

It involves a specially trained professional bringing people together, within some agreed guidelines, to have a conversation and to figure out for themselves how to resolve their differences.

## How does it work?

Quite often, we are able to resolve our own disputes or complaints just by having a conversation. However, the circumstances are not always right for that conversation to be constructive and productive.

A mediator will create an environment that is known to bring about a better conversation between people, by ensuring that the conversation is:

### Confidential

A lot of what you need to discuss may be of a private nature. To help you speak openly and know that what you say is not going to be reported back, everyone is asked to sign a Confidentiality Agreement. No information is disclosed to others without your consent, unless we hear of any risks or safety issues.

### Impartial

You need to know that the mediator is not taking sides. He or she will maintain complete impartiality and there will be no favouritism shown: the mediator will ensure that parties have an equal opportunity to speak, and there will be no decisions made about rights and wrongs, or blame and fault.

### Voluntary

No one can make you enter into mediation. It works best when parties are entering into it voluntarily, and when everyone is given the freedom to opt out at any time. Also, by attending the initial mediation meeting, you are not committing to attending the joint meeting later in the day.

### Future-focused

While it will probably be necessary to have some discussion about what has happened in the past, the main focus in mediation is on the future: how parties want things to change. There is no need for you to bring along evidence of past events, nor to prove that your version of past events is correct.

# The Mediation Process

Here's what to expect on your mediation day:



## The initial meetings

The mediator will first meet with you and the other parties for separate individual meetings, usually on the morning of the mediation day. The individual meetings are confidential and usually last approximately 1½ hours. They are held in a private, informal, and neutral setting. The purpose of your initial meeting is to discuss your view of the issues between you and the other parties. The mediator will help you to consider what needs to happen from your point of view and what you require from the others involved. The details of each individual meeting will remain confidential, and provided there are no risk or safety issues, the mediator will not divulge any information from your meeting without your consent.



## After the initial meetings

If everyone is ready to move ahead, the mediator will set up a joint meeting, typically on the afternoon of the mediation day. If the mediator assesses that it would not be productive to have you in the same meeting, then he or she may keep you in separate ones and “shuttle” between you until you feel ready to meet.



## The joint meeting

Getting you together allows for a comprehensive airing of views and offers a chance to speak directly to one another. The aim of the joint session is to discuss how you believe you have arrived at the current situation, and to try and agree on how to improve your relationship. The meeting usually lasts about half a day. Sometimes a second joint meeting may be needed if there are a lot of issues involved, or if you need more negotiating time.



## The mediation agreement

The agreement is a joint plan of action, or a summary of your improved understanding, both of the situation and of one another. Often, it will include what needs to happen in order to improve your relationship with the other parties. It is you, the participants, who decide what is included in the agreement, and the mediator does not influence its content.



## Reaching an agreement

When an agreement is reached, the mediator can offer to write it up and send it to all parties. It is a good faith agreement and is not binding in any way. If a referrer is involved, they will not be passed a copy of your agreement without your consent. If you don't wish to share your agreement, all that has to be said is that the mediation went ahead and that it was successful/unsuccessful.



## After mediation

The mediation case manager will follow up the situation after an agreed period by contacting each party confidentially. This usually takes place via email and is intended to assess if the agreement is working and if any further input is needed from the mediator.