

Mediated
Dispute
Solutions



Mediated Dispute Solutions Ltd
info@mediateddisputesolutions.uk
02079936869 0208 505 4175

Information Sheet – Civil & Commercial Mediation – The Mediation Meeting

The Face-to-Face Mediation Meeting

The mediation will usually commence with a joint session of introductions and openings. If not already signed at this point, the 'Agreement to Mediate' will be signed and each party will confirm they have the authority to settle. The procedure will be explained in more detail and each party (usually starting with the claimant / complainant) will be invited to make a brief opening statement without interruption from the other party. The mediator may ask some questions to clarify each party's position and then may summarise it.

The mediator will then determine how best to proceed. Usually the parties will separate and meet the mediator in private and confidential sessions to explore the case in more detail. This is to assist the mediator gain greater understanding of the dispute so the mediator can encourage and motivate the parties towards resolution.

It must be emphasised that what is said in these sessions will be confidential between each party and the mediator, who will not disclose anything said in the private sessions unless given explicit authority to do so.

At times the mediator may challenge the assertions of a party but this does not indicate agreement with the other party's position – it is to assist a party to be realistic about the proposals they are forwarding and consider how the other party may react in the hope this will promote settlement.

It is likely that the private sessions with each party will continue for some time until an agreement is reached or, although on occasions, there is the need to reconvene.

The Telephone Mediation

Individual Agreements to Mediate are usually signed by the parties before the mediation and exchanged through the mediator by email prior to the mediation. The mediator conducts the mediation using a combination of telephone conference calling with the parties and individual private calls between the mediator and each party. Otherwise the procedure is as for the face to face mediation above. Calls may be by mobile phone, land line or an application such as Skype, Facetime, Whats App etc.

The Conclusion

In a face to face mediation, when an agreement has been reached, the parties will be asked to translate it into a formal document which when signed will be binding on each party.

In a telephone mediation, when agreement has been reached, the parties can dictate the agreement to the mediator who can write down the broad terms of the agreement and confirm the contents verbally in a conference call with both parties. The mediator can then email the agreed copy to each party for turning into a formal document and/or signing and can exchange signed copies with the parties by email.

For further information or a no obligation discussion please contact us at:

Mediated Dispute Solutions Ltd

info@mediateddisputesolutions.uk

www.mediateddisputesolutions.uk

Call: 0208 9936869

0208 5054175