

The Mediation Process

Mediation is a process where parties to a dispute have an opportunity to discuss and develop a full understanding of the issues, evaluate their own and the other party's perspective of the situation and work towards an agreement that resolves the substance of the dispute.

Things to consider before attending mediation:

1. It is important that you as a party enter the mediation process in good faith and with the intention of achieving resolution where possible.
2. The mediator will assist you and the other party(s) to work through the issues in a safe and productive manner. Any final agreement will be your decision and it is helpful if on attending mediation you have given careful consideration to your options.
3. A mediation agreement will be provided prior to the commencement of the mediation. You are asked to consider the agreement prior to the mediation and provide a signed copy at the start of the mediation process.
4. Please notify the mediator in advance who will be attending the mediation.
5. You should consider whether you wish to have legal counsel, an adviser or a support person attend the mediation with you. Mediation works best on the basis of direct communication between the parties however it is helpful and necessary at times to have others present for advice or support.
6. If you represent a body or organisation you must ensure that you have full authority to settle or are able to gain that authority during the mediation process. In selecting who will attend on an organisation's behalf, consider the principle that it is best that the discussions, and the understanding of the situation which is developed in mediation, should occur between those who have the decision making responsibility.

The mediation:

7. The mediator will start with a discussion of issues such as the purpose of the mediation, confidentiality and respectful and productive communication. It will be explained that mediation is a voluntary process and that you will be free to take time out of the mediation for a break or discussions, or to ask that the mediation be adjourned or ended if it is appropriate to do so.
8. Every mediation is different, however in most cases you can expect the following process:
 - a) An opening discussion about the process of the mediation by the mediator.
 - b) An opportunity for you to explain the problem(s) from your perspective. This is usually a 5 to 10 minute summary of your understanding of the dispute.
 - c) The mediator will then work jointly with both parties assisting them to explore and develop an understanding of the issues from both sides.
 - d) Options and new understandings will be generated.
 - e) Agreement reached (either settlement or agreement regarding next step).
9. It is sometimes appropriate to schedule a second meeting which gives parties an opportunity to go away and consider or explore options, gain further information and take advice if necessary.

Conclusion:

10. Mediation is a flexible approach to addressing issues which means the process can be designed to fit your situation and the specific and broader aspects of the dispute can be addressed. Mediation works towards genuine resolution of the dispute and places the decisions about that resolution in your hands.