

Mediation – your questions answered

What is mediation?

Where people or companies or other organisations are having difficulty resolving a dispute or disagreement they invite a neutral person known as a mediator to help them reach a solution.

What are the advantages of mediation?

- Mediation is a quick, informal and straight-forward way of settling disputes.
- The people involved (generally referred to as the parties) remain in control of the outcome.
- The proceedings are conducted in private.
- The mediator is trained to help you negotiate an acceptable settlement.
- Mediation is a lower cost option to court action.
- Even if the mediation is unsuccessful you have neither prejudiced nor sacrificed your legal rights.

What kind of disputes or disagreements can be addressed by mediation?

Mediation can help solve almost any kind of dispute - within families or communities, between neighbours, work colleagues or companies:

Commercial Mediation is involved with businesses in conflict over such areas as contracts of sale, property, patents and trademarks, personal injury and negligence.

Workplace Mediation can address disagreements about employment contracts, working styles, roles, responsibilities and pay as well as allegations of discrimination or harassment.

Family Mediation helps couples at any stage of separation or divorce to deal with such issues as the care of children, property and financial matters. Mediation can also apply to disputes involving a variety of other family relationships.

Community or Neighbourhood Mediation can help solve conflict between neighbours (such as noise, nuisance, harassment etc.) or issues arising with local councils, schools and health authorities.

When can mediation be used?

Mediation can be used at any stage in a dispute where the people involved feel that an independent person may help them avoid matters getting out-of-hand and thereby involving even more time, stress and money.

How do I start the mediation process?

Once those involved in the dispute have agreed to try mediation contact ELROND Consulting giving brief details of the problem. James Torr will respond to your enquiry with suggestions as to how you could proceed.

What happens in a mediation?

Each mediator has their own approach but generally all will proceed as follows:

- The mediator will arrange a meeting at a time and location convenient to the parties
- When the parties are all present the mediator will explain in more detail how the mediation will proceed. He/she will have already contacted you in advance.
- The mediator will then ask each party to summarize briefly the dispute as they see it.
- At this point the mediator may well suggest a series of confidential private meetings with each of the parties, moving between these meetings and, if appropriate, bringing the parties back together again for a joint session.
- By this process the parties move towards a settlement of the dispute at which point an agreement is drawn up and signed at the meeting.

Where is the mediation located?

The mediation is arranged by the mediator at a location convenient to the parties. Either you or the other party may provide rooms or alternatively ELROND Consulting can arrange neutral facilities for the meeting.

Will mediation work?

Experience shows that mediation has a high success rate but of course there can be no guaranteed outcome. The mediator is there to help but it is up to the parties involved to develop their own solution to the dispute.

What will mediation cost?

This will vary depending on the value and the complexity of the dispute. However the parties share the cost of the mediator whose basis of charge will be known and agreed before the mediation starts.

What happens if the other side refuses to mediate?

You may ask ELROND Consulting to try and persuade the other party to agree to try mediation. There are a lot of good reasons to mediate a dispute.

How long does mediation take?

This also depends on the complexity of the dispute and the number of parties involved. Most mediations do not last more than a few hours.

What happens if there are more than two parties in dispute?

Mediation is very flexible process and ideally suited to multi-party disputes. By bringing all the parties together there is an opportunity to reach a solution acceptable to the parties.

I like the idea of mediation. What do I do next?

You can get contact ELROND Consulting by letter, phone or email.

Please see the contact details on this Web Site.