

Mediation notes for participants.

If you are participating in a mediation, you should:

ensure that you have full authority to settle on the day (this is very important especially if you are taking part in the mediation as part of a group or faction);

know your case, its strengths and its weaknesses (in relation to governing documents and any policies) thoroughly (very important to do this exercise beforehand);

know what you want and what you need – and be realistic (there are two sides in a dispute; if people are willing to spend their own money and time to pursue their grievance and risk relationships then there will have some logic behind their position);

know what you consider to be an acceptable settlement range (what are you prepared to give, any red lines or deal breakers, what you want in return, what may be the advantages of settling the dispute outside of court);

allow enough time to be patient – mediation is a process that should not be rushed.

Consider the Other Party's Perspective: Try to understand the situation from the other party's point of view. This empathy can be crucial in finding common ground and fostering a cooperative atmosphere. At some point the mediator may ask you to summarise the other parties position as this may help with moving the mediation forward.

Work past the anger.

Be respectful of the other party.

Don't expect the other person to change their mind.

Open Session:

At an initial 'open' session involving all parties will take place in which:

the mediator will re-emphasise their impartiality and the voluntary and confidential nature of the mediation and will lay down any ground rules.

Each party will be required to confirm that they have authority to settle the case

Stress that this is mediation and not rerun of the previous investigative process.

Mediation is a structured, yet flexible process where a neutral third party, the mediator, assists disputing parties in reaching a mutually satisfactory agreement. Unlike court proceedings, mediation is collaborative rather than adversarial, emphasising constructive dialogue and problem-solving.

The role of the mediator is not to take sides or impose decisions but to facilitate open communication and help parties explore solutions.

Each party will be asked to make a short oral presentation of its case.

The purpose of the open session is to bring the parties face to face before breaking off into the private sessions that the mediator will have with each party. The mediator may omit this open session if they believe it will serve no useful purpose.

After the open session, the parties will break off into private sessions. The mediator will meet with each party separately to discuss the background to the dispute and then begin a process of 'shuttle diplomacy' between the parties. The mediator will seek to:

understand each party's position and assist party in understanding the other parties position;

discuss with each party what it wants out of any settlement;

explore with each party what it actually needs from a settlement - for example, the continuation of a relationships between the parties, compensation, agreement to some actions.

seek out any hidden agendas and investigate the consequences for the party of not settling;

gradually move the parties towards constructive negotiation and a settlement acceptable to all parties.