



## About Mediation????

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Mediation is a process in which an independent, neutral Mediator assists two or more disputing parties in resolving the dispute in a collaborative, consensual manner.

"Mediation is the most significant development in dispute resolution in my lifetime. The development of Mediation has been a dynamic break-through in how we resolve our differences. The practice of mediation will come to dominate the landscape of dispute resolution. This will happen simply because Mediation is such an effective way of resolving disputes. Like everyone here at the MII I passionately believe in Mediation's potential to resolve even the most complex, intractable disputes. But it goes much further - in fostering resolution through negotiation rather than confrontation Mediation creates resolutions which last and promote well being and happiness."

What is Mediation?

- a form of ADR (Alternative Dispute Resolution).
- a way of resolving disputes.
- a process in which the Mediator assists the parties to negotiate a settlement.
- a process of collaboration, not conflict.
- a transformative, empowering process.
- safe, respectful and voluntary.
- constantly consultative - nothing happens without your input.
- a process which invites an open mind.

Mediation has...

- already resolved disputes exactly like yours.
- a proven track record in achieving fantastic results in a wide range of situations.
- a structure to identify issues and deal with differences.
- a timetable, agreed with the parties, designed to meet their needs.
- the flexibility to find dynamic and creative solutions when needed.
- the potential to resolve any dispute.

Mediation can...

- be applied to virtually any situation where two or more parties have differences they cannot resolve themselves.
- involve just two parties or several or many participants.
- resolve simple, single issue disputes or complex, multifaceted disputes.
- be applied to commercial, legal, community, workplace and family disputes.
- resolve even a difficult dispute in a short space of time.
- involve the parties meeting directly but doesn't have to.

Mediation is not

- a substitute for legal advice - that's what lawyers are for.
- a way of receiving counselling - that's what counsellors and psychologists are for.

So, what does a Mediator do then

"The role of Mediator is a fascinating and challenging one. To be a facilitator rather than a protagonist, to be neutral rather than partial might give the impression that the role is passive, almost boring and unimportant. The reality is very different - the standard of the Mediator and their training has a profound impact on the success of the process. It takes a lot of qualities to interpret the communication of conflict and transform it into negotiation and agreement - it is a role which demands maturity, discipline, subtlety and highly developed communication skills."

The mediator's primary role is as an impartial neutral facilitator who assists the parties toward conciliation, negotiation and agreement. A skilled Mediator will use a variety of communication techniques to instigate or improve dialogue and empathy between the parties. The Mediator provides a safe, confidential and inspirational environment in order to give the parties the best possible opportunity to resolve their dispute.

A mediator is...

- a highly trained, skilled professional subject to the rigorous MII Code of ethics and standards.
- non-judgmental and non-directive - they will not give opinions on the parties actions or positions.
- trained in a variety of conflict resolution techniques and therefore an expert in de-escalating conflicts into agreements.
- a natural facilitator who helps the parties think 'outside the box'.
- a gifted and trained communicator.
- a guide who encourages the parties through the Mediation process.
- an inspiration to the parties when obstacles arise.

How does Mediation work?

The structure of the mediation process will vary depending on the type of dispute. Generally, an agreement to Mediate will be signed at the outset and the mediator will then meet with the parties together and / or separately, over the course of one day or in sessions over a number of days or weeks. Solicitors or other advisors may attend mediation sessions if required. If agreement is reached this will be recorded and signed at the mediation, and further steps which may be required to make the agreement legally enforceable may follow.

How long will mediation take?

This again depends on the nature of the dispute and how complex it is. Sometimes mediation will be carried out in one day, and sometimes in a series of sessions over weeks or even months. The parties and the mediator will decide how best to structure the mediation. Mediation can be extremely effective in a very short period of time.