



The  
Mediation  
Specialists

## What does mediation look like?

Before mediation starts, you and the other participant in mediation will have the opportunity to talk about the mediation process with the mediator you choose so that you understand the role of the mediator and how the mediation process works. The mediator is a neutral facilitator of the mediation process. If you are happy to proceed you will read and sign a mediation agreement and the mediator will draw up a schedule of pre-mediation arrangements and dates for providing the mediator with an agreed selection of documents about your case. You will also pay your share of the initial mediation fee in advance of the mediation day.

On the mediation day, whether you meet at an agreed venue, or your mediation is conducted online, your mediator will meet with you first privately in a real (or virtual) room to ensure that you understand what the day involves and address any questions you might have. There is no set process for mediation, but generally, if the mediator and you and the other participant agree, you may both then have a joint meeting in one physical (or virtual) room together. This joint meeting is hosted by the mediator and it is generally your lawyers who will talk and explain the respective positions of both participants and have any initial discussions which may be felt helpful before both participants retire to their own private rooms and negotiations commence.

During the course of the mediation day, the mediator moves between each room facilitating the negotiations. All conversations in each private room are confidential to that room and only information that participants authorise the mediator to share with the other party is exchanged. It is the mediator's role to explore the circumstances of the dispute and each participants aims and needs with each party confidentially and evaluate what information may help to resolve the dispute in terms of common interests before assisting with the negotiations.

The mediator is an expert communicator, trained to listen carefully and to "read" the said and unsaid communications with a view to seeking and identifying areas of common ground or possibilities for compromise. Disputes are naturally emotive and it is the mediator's role to objectively distil and diffuse difficulties so that positive and constructive issues can be focussed on and a suitable solution is achieved for both participants.

At the end of the mediation day, when an agreement has been reached, supervised by the mediator, the lawyers for both participants draw up a settlement agreement, which is a binding legal document, to conclude the dispute and it is signed by both participants.

Contact: [www.themediationspecialists.org.uk](http://www.themediationspecialists.org.uk)