

## The Advantages of Mediation

The main advantages of attempting to reach agreement by mediation are:

- You are directly involved in negotiating your own agreement.
- No settlement can be imposed upon you (as happens in litigation or arbitration).
- The proceedings are conducted in private, and you are in control of your own position.
- Because mediation can be used early in a dispute an agreement can be reached more quickly than may be the case when pursuing the problem through the courts.
- You have the services of an experienced person who can aid your negotiations, and assist in achieving a quick settlement.
- Generally the cost is greatly reduced in comparison with pursuing the matter through the courts or arbitration.
- The Mediator may be able to explore alternative solutions that may not have been considered by the parties or are not possible or available through the courts.
- It is possible to re-establish a positive relationship between the parties once the dispute is resolved.
- If the Mediation is unsuccessful you have neither prejudiced or sacrificed any legal rights nor delayed significantly any ultimate settlement by the legal process.

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## Further Information

For further information about Mediation or The Academy of Experts:

### Telephone

**020 7430 0333**

### Email

[admin@academy-experts.org](mailto:admin@academy-experts.org)

### Web

[www.academy-experts.org](http://www.academy-experts.org)



## National Mediation Helpline

The Academy of Experts provides Mediators to the National Mediation Helpline and courts around the country.



# The Academy of Experts

## What is Mediation?

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**[www.academy-experts.org](http://www.academy-experts.org)**

## What is Mediation?

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Where two or more people or companies are unable to resolve a particular problem they invite a neutral person to help them arrive at a solution. The neutral person, or Mediator, will work hard with each side and help them to understand better their own and the other person's position, and explore alternative solutions. By so doing the parties improve their chances of working out a solution to their mutual satisfaction.

## When should I use mediation?

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When it appears that there is little chance of an agreed resolution and a risk that the problem may get out of hand and involve everybody concerned in a lot of time and money.

## If you do not agree with the Mediator

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The Mediator has no power to decide. He is only there at your invitation to see if by talking to all concerned he can help you negotiate your own settlement. If, during proceedings, you do not like the way it is going you are free to leave. There is no obligation to agree to anything you are not entirely happy with.

## How do you find a Mediator?

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Many professional bodies have lists of people willing to act as Mediators. The Academy of Experts has a list of Mediators and can advise on the most suitable one for your problem.

## Are Mediators Qualified?

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All the Mediators on The Academy of Experts Register are qualified experts in various subjects. In addition they undergo a training programme which includes both instruction in the various techniques they will need to help both sides negotiate their own agreement and an assessment in which they have to be successful before qualifying for the inclusion in the Register.

## How to start the Mediation Process?

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All those involved in the dispute need to agree to try mediation. Once you have the agreement of all involved you contact The Academy of Experts giving brief details of the problem. They will then write back providing a list of Mediators who would be most suitable to help you with your problem.

## Once you have picked a Mediator

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Each Mediator will have his or her own approach but they will all generally proceed as follows:

- The Mediator will arrange a meeting at a convenient mutually agreed neutral location.
- When the parties are all present the Mediator will explain in more detail how the Mediation will proceed.
- The Mediator will then ask each side to describe the dispute as they see it. The mediator will try to identify parts which are not in disagreement and note those that are.
- After this initial discussion the Mediator will request a series of private sessions with each of the parties, moving back and forth between the parties and bringing them together again at appropriate times.
- During the final private and joint sessions the Mediator will try to reduce the differences between the parties and will seek to obtain agreement by all parties on major and minor issues.
- Once a solution has been reached the Mediator will request that the terms of the agreement be put in writing and signed at the meeting.

## Do I have to provide rooms?

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No, not necessarily.

Either you, or the other party, may provide the necessary rooms if you both agree. Otherwise The Academy of Experts has neutral facilities for the meeting, and arrangements can be made to use these.

## Will it work?

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Experience shows that mediation has a high success rate, but of course there can be no guarantee that agreement will be reached. The Mediator is there to help but it is up to the parties involved to develop their own agreement.

## The Cost

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This will vary depending on how complicated the problem is. However, the parties will share the cost of the Mediator whose basis of charge will be known and agreed before the Mediation commences. Apart from the Mediator's charges and the parties giving up their own time there should be little additional costs unless the parties want to bring with them specialist advisers.

## The other side won't Mediate...

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You may contact The Academy of Experts and they will endeavour to persuade the other party to agree to Mediation by drawing attention to the advantages of trying to reach a settlement by mediation.

## How long will it take?

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This will depend on the number of parties involved and the complexity of the dispute. However, it will soon be obvious to the Mediator if an agreement is not possible in which case he will advise the parties that mediation will, on that occasion, not help them. Most Mediations do not last more than a few hours.

## More than two Parties?

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Mediation being very flexible is ideally suited to multi-party disputes. By bringing all parties together mutually inter-dependent solutions can be reached.