

## How do I proceed?

Once you have decided to try mediation to resolve your dispute you must get all the other parties to the dispute to agree to mediation.

The parties then need to agree the choice of mediator.

Details of our mediators are set out on our website [www.aswm.org.uk](http://www.aswm.org.uk)

You can also make enquiries directly to us at any time on [enquiries@aswm.org.uk](mailto:enquiries@aswm.org.uk)

A fee for the mediation needs to be agreed before the mediation starts. Details are on our website.

The chosen mediator will then agree with those involved the date, time, duration and location for the mediation meeting. They will provide a Mediation Agreement that sets out the ground rules for the conduct of the mediation for all to sign.

Typically, on the chosen day the mediator will greet the participants, invite each of them to give a brief summary of the dispute from their own perspective and then seek to help find a solution through discussion and questioning. Private sessions may be held and nothing that is said in private will be disclosed to the other participants without prior approval to do so.

Once an agreement is reached it should be written down and signed, in order for all parties to be bound by it.



## MEDIATION A simple guide

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Mediation helps people resolve disputes in which they have become involved, in a quick, cost effective and efficient way.

For further details please visit our website at [www.aswm.org.uk](http://www.aswm.org.uk)

What is it?  
What are the benefits?



Association of  
South West Mediators

[www.aswm.org.uk](http://www.aswm.org.uk)



## What is mediation?

**Mediation is a confidential and voluntary process in which those involved in a dispute are guided to a resolution by an independent neutral third party, the mediator.**

The process allows those involved to remain in control and to decide whether to settle the dispute or not and to agree the terms on which it may be settled.

The key advantages of mediation over proceeding to court are that it is private, informal, and confidential and can often lead to a binding solution more quickly.

It is also quicker, less stressful and cheaper than going to court.

### **Most important of all, it works.**

A recent study has shown that more than 70% of cases which go through mediation result in a settlement.

If you, or your business, are involved in a dispute, mediation can help you to find a solution that allows you to remain in control and make the important decisions.

## What are the main benefits?

**The benefits of using mediation are substantial and fall into four separate categories:**

- Financial
- Opportunity
- Relationship
- Emotional

The financial cost of a mediation is significantly less than the cost of court proceedings.

In a mediation, all the parties have the opportunity to explain in an informal setting and to an independent person what they are seeking to achieve and the impact of the dispute on them.

The parties can explain their positions in their own words and can seek to maintain their relationships, which would risk being adversely affected if a public hearing were to take place.

The process allows those most closely involved with the process to have their say and can be significantly less stressful than taking action through the courts.

## Who are mediators?

ASWM mediators are trained professional individuals who come from a variety of both legal and non-legal backgrounds. Once they have successfully completed focused training they receive accreditation which enables them to mediate disputes

Mediators are experienced facilitators who maintain their expertise through a process of continuing professional development.

They are and remain neutral and impartial and attempt to give all involved equal opportunity to explain their concerns and what they desire to achieve at the end of the mediation.

Mediators will not make decisions or impose solutions, but seek to encourage the participants to develop a solution which they can all accept as a reasonable outcome to resolve the dispute.

Whilst mediators may be legally trained they will not advise on any aspect of law. If legal advice is required by a participant they can seek help from a solicitor (who will often accompany them in the mediation).