

Your Guide to the Mediation Process

What is mediation?

Mediation is a voluntary and confidential process which is guided by an impartial facilitator - the mediator.

With the support of a mediator, you will:

- / communicate with each other, exchange information and seek understanding
- / identify, clarify and explore interests, issues and underlying needs
- / consider your alternatives
- / generate and evaluate options
- / negotiate with each other
- / reach and make your own decisions.

The process is structured and based on the mediation model of the Resolution Institute.

What will happen in the mediation?

The mediation process will start with the preliminary intake or pre-mediation session where the mediator will meet with each of you to talk about the dispute.

If appropriate, a mediation will be scheduled at a convenient date, time and location.

The mediation itself will involve joint sessions with all participants and the mediator as well as private sessions between the mediator and each participant.

The process can be summarised as follows:

- / The mediation will start with the mediator's opening statement
- / You will then each have an opportunity to explain the situation from your perspective as you see it in a 'nutshell'. You will also be able to listen to the other person's perspective.
- / The mediator will take some time to reflect back what she has heard and will then identify, with your assistance, the agenda for the discussion.
- / You will then spend time exploring the identified issues in depth with the aim to uncover the interests, concerns and motivations of each other.
- / The mediator may then call a break and have a private session with each of you.
- / You will then come back together and start to explore and assess options for resolution of the issues.
- / At the end, the mediator will help document any agreement reached





What is the role of the mediator?

The mediator is a neutral person and expert in the process, who will guide you through the steps of the mediation. This includes setting guidelines and treating all participants fairly.

The mediator will encourage you to discuss what is important to you and to focus on the future – with a view to find solutions which will work for both (or all) of you.

The mediator does not have an advisory role and you are encouraged to seek professional advice if needed.

What is my role in the mediation?

Your role in the mediation is to think about what is important to you and speak for yourself. This means being frank and open when you feel comfortable, and explaining your own point of view.

You will need to make decisions for yourself, but the decision should take in account what is important to the other person. This means listening to what each other has to say and being open to considering changing your mind, and allowing for the other person to do the same.

You should get advice if you think you need it either before or during the mediation – eg from your lawyer or accountant.

You should keep an open mind and consider options that are workable for everyone involved.

What is considered success in mediation?

There are many ways to measure success in mediation – sometimes this means full agreement and other times it may mean improving your relationship. Below are some ways in which the success of mediation can be measured:

- / Identifying the issues
- / Partial or full resolution of dispute
- / Agreement on issues still in dispute
- / Narrowing the issues in dispute
- / Satisfying the needs of the participants
- / Understanding the needs of each other
- / Relationship maintained or enhanced

What are the benefits of mediation?

The benefits of mediation can be varied. These include:

- / Time efficient
- / Cost effective
- / Confidential process
- / Greater compliance with outcomes
- / Get to hear other side of the story
- / Maintain or enhance relationships
- / Without prejudice
- / No precedent

These potential benefits also need to be weighed against any risks which may be relevant to your particular circumstances.



Our qualifications and experience

Emma Broomfield, our Director – Governance and Mediation, is a nationally accredited mediator and trained lawyer with almost 20 years experience in the local government sector.

Over this time, Emma has specialised in providing legal, governance and conflict resolution services, is appointed as an independent Code of Conduct reviewer for numerous councils across NSW, and on the Law Society Mediators Panel.

Her passion is helping others solve problems and work together for the benefit of their community. Emma is known for her calm and empathic approach, practical focus and industry knowledge.

You can contact Emma on:

T 0421 180 881

E emma@localeconsulting.com.au

As a nationally accredited mediator, Emma follows the National Mediation Accreditation Standards (NMAS). You can find a copy of these standards on the website of the Mediator Standards Board (www.msb.org.au/).

If you wish to make a complaint about the mediation process, then please contact the Resolution Institute (www.resolution.institute/)

