

- Mediation is a very flexible process so there are no hard and fast rules as to “exactly” how all mediations are run. That said, generally the mediation process will start with the individual parties meeting separately with the mediator. Those **one-to-one meetings are confidential** so that whatever passes between party A and the mediator will not be shared with party B.
- The purpose of those meetings is for the parties to tell the mediator about the issues, their concerns and possible solutions. The mediator will explain the fundamental principles of mediation (**confidential; voluntary; self-determination**) and what the process might look like. The mediator will then go through a draft **Agreement to Mediate** with the party explaining the clauses and answering any queries the party might have. These pre-mediation meetings usually last around 1-1.5 hours but the timing depends on the particular circumstances. There is no “right way” for such a meeting.
- The parties can **get advice on the Agreement to Mediate before the mediation** day itself so that they are sure of the process and what happens if they come to an agreement.
- Having heard the two (or more) parties the **Mediator will design the process that they feel best suits the circumstances** and the one most favourable to enable the parties to come to an agreement. A frequently used model has the Mediator and the two parties in the same room together – usually a hotel meeting room. Rarely would the mediation session be held on site.
- Before the mediation session starts the parties and the Mediator and any other people involved in the mediation (lawyers, supporters) will **sign the Agreement to Mediate**. Then one of the parties will start by **telling their story** – what happened and what effect it had on them. The other party is asked to remain silent during this part – making headline notes where they would like to discuss further / take issue a particular item mentioned. **When the first party has completed their story of events the other party is asked to tell their version** – the first party staying quiet. At the end of the version the second party raises the issues they have noted when the first party spoke. The first party then has the opportunity to raise their issues in relation to what the other person said.
- **The purpose of this element of the mediation is to give context to why the parties are in the mediation process.** The Mediator uses this for context to enable the facilitation to take place. The Mediator does not judge nor make a recommendation on what has been said. Again there is no right or wrong.
- **From the stories told issues for further discussion will emerge and the Mediator may list these on a flip chart.** When all issues to be discussed have been agreed by the parties the Mediator will select one for detailed discussion. The discussion on the issue will include the parties working through what has to happen to deal with the issue. That can lead to agreement on the issue.
- **Each issue is discussed with agreements being made on all or some of them** – on the basis that nothing is agreed until everything is agreed. When all of the issues have been discussed the parties will decide whether they have an agreement that is workable. The mediator may write up the agreement and make it a final and binding document or it may remain in draft enabling the parties to seek advice or it can be a non-binding agreement.
- **The parties are free at any stage to seek advice and the mediation can be postponed while that happens. Above all the parties have to feel comfortable before they enter into an agreement.**

