

Questions you may be asked by the parties and should know the answer to

These are some of the usual questions asked by parties before mediation. Where possible CMP have provided you with useful and relevant answers; however some of your responses will depend on your own organisational processes and you will need to complete them yourselves.

Why has the service been set up?

The answer to this question will depend on your own organisational development and rationale for setting up a mediation facility; e.g. you may have set up the service in response to the ACAS guidelines or to respond to a particular strategy/HR approach. Parties may be reassured to understand that this facility has been set up to support positive working relationships and a strong consistent message about why it is being offered can build trust and confidence in your mediators.

Are the mediators trained?

“Yes, we only used trained and endorsed mediators who have received their training through a leading a reputable organisation. We believe that it is important for there to be a high level of expertise and knowledge to be effective as a mediator and provide our team with regular support days.”

Can I speak to the mediator beforehand?

“Yes, the mediator is available to talk to beforehand. This conversation provides an opportunity to discuss the process, what will happen etc. It is not the start of the mediation and is not the time to speak about the content of your issues. All parties are able to speak to the mediator beforehand.”

Can I have a union representative or friend present at the mediation?

The answer to this will depend on your organisation’s procedures. As an organisation who provides professional mediators, we allow for TU reps to be present during the 1-1 meetings of a mediation and the mediator will then build sufficient rapport with the parties to ensure that they feel the level of support they currently have from their representative is provided by the mediator during the joint session. Representative must be informed that they can only attend as a support to the individual and cannot respond or speak on behalf of the party. They cannot

take notes and must also sign up to the confidentiality of the mediation. All parties must be equally considered and so must be informed if another party is attending with a rep. The mediator will need to schedule in additional time to liaise with the parties before and after the 1-1 meetings in order to encourage attendance at the joint meeting without their rep present.

If you do use this route, please contact us to discuss the process further on 01763 852225.

What happens if there is no agreement at the end of a mediation?

“Mediation is not suitable for every case, but it can still help to settle some of the issues in a dispute. Using mediation does not take away your right to follow an alternative process, however all discussions during the mediation process are 'without prejudice' - in other words, anything said in the mediation cannot be used later in subsequent formal action.”

Who decides the outcome of the mediation?

“The mediator does not decide the outcome - the decision making is left entirely to the parties themselves. The mediator's role is to help the parties come to a resolution that they are all happy with.”

Will I have to do anything I do not want to do?

“No, the process of mediation is totally voluntary.”

Will the mediator offer legal advice?

“No, if you feel you may need legal advice you should make your own arrangements before hand. The mediator is an independent third party and must remain impartial and neutral, and whilst you may have candid discussions with the mediator, no advice will be given.”