



# MEDIATION FAQ'S

## 1. What is Mediation or Dispute Resolution?

A private, confidential and co-operative process in which an impartial person (mediator) supports individuals to resolve conflict and settle differences. It is a voluntary process where participants maintain control of the outcome, without resolutions or agreements being imposed on them.

## 2. How does it work?

- Each participant has an initial individual meeting with the mediator, either in a LifeWorks' office or by phone.
- LifeWorks then invites the other participant(s) to attend initial individual session.
- The purpose of these initial and confidential sessions is to gain an understanding of what that individual thinks is important to discuss, and what issues and possible outcomes they would like to bring to the negotiation table. This also allows the mediator to check that each person has the capacity to communicate and negotiate within the mediation setting.
- A joint session is then arranged at a mutually convenient date, time and location.
- At the beginning of the first joint session the "Agreement to Mediate" is signed by each participant.
- The mediator will not impose or compel a settlement or a particular result but rather empowers participants to determine their own outcome.
- If an agreement is reached, a written memorandum of agreement is prepared (if requested) and signed.

## 3. What is the Mediator's role?

- To assist participants to identify the issues, facilitate discussion, and to help participants to consider options and negotiate outcomes.
- To manage the process, ensure each person gets an equal say, and encourages respectful communication at all times.
- To conduct the process in a neutral and impartial fashion.



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## 4. What types of issues can be mediated?

- Issues between family members.
- Issues with or about older family members.
- Friendship groups issues.
- Community disputes including neighbourhood issues.
- Parent/adolescent disputes (see separate brochure).
- Family Law matters following separation (see separate brochure).
- Workplace issues (see LifeWorks in the Workplace brochure).

## 5. What are the benefits of using Mediation?

- Mediation is practical, relatively informal, and unencumbered by courtroom procedures or legal technicalities.
- In most cases, mediation is significantly faster and less expensive and emotionally draining than litigation.
- Mediation empowers the parties to retain control of the critical decisions that affect their personal, financial and business interests.
- Mediation enables the parties to fashion their own solution rather than have one imposed upon them.

## 6. How much will it cost?

LifeWorks is a not-for-profit organisation. While the cost of some services are partially subsidised by government funding, fees are charged to cover the remaining costs. In mediation each participant pays a fee based on a sliding scale, according to their own gross income. Our Customer Service Officer will advise the fee based on this scale when the initial appointment is booked. Fees are to be paid on the day of the session.



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## 7. Violence Issues

During the initial individual sessions the mediator will discuss any issues of violence, both past and current. If these issues could affect one person's ability to freely negotiate within a session the mediator will determine if separate rooms will assist in making the process fair and safer; or may assess that mediation is not appropriate.

If there is a current Family Violence Intervention Order or Personal Safety Intervention Order involving the participants, a clause allowing for mediation must be written in that Order, and a copy of the Order must be provided to the mediator.

## 8. Will all disputes be suitable for Mediation?

The mediator will make an assessment of suitability as part of the initial individual sessions. Factors taken into consideration include:

- Willingness of each person to participate
- Willingness of each person to work within the mediation process
- Ability of each person to communicate and freely negotiate
- Any safety or abuse issues.

## 9. Agreements reached in Mediation.

Agreements reached in mediation are as binding as the parties wish them to be. They are not legally binding, but are made in good faith for the resolution of the issue(s). Parties document their agreements by signing off on written statements.