**AGREEMENT TO MEDIATE**

**What is Mediation?**

Mediation is a voluntary process where an Independent Mediator helps you to respectfully discuss and negotiate a resolution to issues that you are experiencing with another person or organisation. Not all issues are suitable for mediation and not all mediations result in an agreement.

During the mediation the mediator will attempt to help you to resolve the problem by reaching agreement regarding future actions. The Mediator facilitates issue clarification, communication and problem solving.

**The Mediation Process**

Mediation is a structured process which includes:

1. **Pre-Mediation** (individual sessions) – to determine if mediation is appropriate, the type of mediation and to prepare for mediation.
2. **Opening Statements by the mediator -** the mediator introduces themselves and discusses this document, the Mediation Process and Ground Rules.
3. **Opening Statements by the participants -** the participants introduce themselves and are given an uninterrupted opportunity to briefly outline the issues they would like to discuss during the mediation session.
4. **Setting the Agenda** – the mediator summarises the issues and forms an agenda for the session.
5. **Exploration and Negotiation** – the mediator facilitates collaborative negotiation which looks at the perspective of each party, what they would like to change or the outcomes they would like, any underlying interests and concerns and their proposals. Mediation is a process that is designed to consider all options raised without abuse or blame allowing parties to reach a decision based on the facts as they understand them.

**Private Sessions** – private sessions can be used as an opportunity to take time out from the exploration and negotiation to speak confidentially with the mediator and/or an advisor.

1. **Agreement** – any agreements that are reached are reality tested for practicality and application in the real world and documented where appropriate.

The standard mediation process can be varied where there is concern regarding safety or it isn’t possible for parties to participate at the same time in the same venue and include shuttle mediation, video mediation and mediator facilitated negotiation services.

**Roles and Responsibilities**

* The participants are responsible for resolving their dispute.
* The mediator’s role is to facilitate the mediation process.

**Are you here of your own free will and with the Intention to resolve the dispute?**

* I am here of my own free will and willing to resolve our issues.I will inform the mediator if at any time I feel that I am being intimidated or pressured.

**Legal or other advice**

The mediator’s role is to assist you to reach an informed and voluntary agreement. The Mediator will not provide legal or other advice or judgement. I may provide information to assist with making an informed decision or may suggest / refer you to independent advice.

**Neutrality and Conflict of Interest**

The mediator is neutral and impartial. This means that they do not get a benefit from any specific outcome of the dispute or show a preference or bias towards one a party to the mediation.

The mediator must disclose and discuss with you any real or potential conflict of interest that they become aware of and you should immediately raise any concerns you have.

* Conflict of Interest has been explained and I am not aware of any real or potential conflicts of interest
* The following concern regarding Neutrality / Conflict of Interest has been raised but all parties have agreed to proceed with the mediation session.

Details: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Terminating the mediation and taking breaks**

Any party can end the mediation at any time, for any reason. Any party can request a break or a private session with the mediator at any time.

**Confidentiality**

Mediation is a confidential process and the mediator will not share information you provide with without your permission to do so. The mediator will keep the content of the mediation confidential in all other circumstances, unless required by a court of law or the professional obligations below.

The mediator has an obligation to inform appropriate authorities about any credible disclosure of:

1. Child abuse
2. Disclosures relating to a serious threat to another person
3. Threats of self-harm

As a party to the mediation you agree to keep the mediation session confidential with the exception of professional advisors and/or people who are within your field of intimacy such as close family members. You agree that anyone to whom you disclose information about the mediation session will be asked to respect the confidentiality of the process.

**Inadmissibility**

The content of Mediation is **not** generally admissible in court proceedings. By signing this agreement you agree not to request or require the mediator to provide evidence of anything that occurred within the mediation session in any court or tribunal.

**Written Agreements and Release of Information**

The mediator may only release information at the end of the mediation in accordance with instructions agreed to by both parties. For example the mediator may write up and email to you the points of agreement from your mediation session or supply a copy of your agreement to your employer or legal advisor if you give permission to do so.

 **Making your agreement legally binding**

An agreement reached during mediation is **not** legally enforcable. You should get legal advice regarding making the agreement legally binding.

**Storage and Disposal of Records**

The Intake Forms and documents supplied by the participants, the signed Agreement to Mediate, Referral Forms and Mediation Agreement are retained by Mediate-Me however any notes taken during the mediation session are destroyed at the conclusion of the Mediation.

**A formal, external complaints process is available** if you believe the mediator has breached any of these guidelines. The first step in the process is to email craig@mediate-me.com call 0412 118750 to discuss your concerns. Your mediator is a member of [Mediation Institute](https://www.mediationinstitute.edu.au/complaint-handling/complaint-handling-service/) and disputes will be escalated to their dispute resolution process if unable to be resolved in house.

**Feedback –** Your feedback will be sought following the mediation session. If provided feedback may be used for professional development, training or marketing purposes (only with your consent)

## Mediation Ground Rules:

* **I will communicate respectfully**

I will behave in a business-like manner. I will not swear or use aggressive or disruptive language or body language

* **I will focus on the future.**

I know that we can’t change the past. The purpose of mediation is to assist us to move forward and resolve our issues. I give the mediator permission to redirect discussion towards problem solving and the future, if required.

* **I will take turns to speak and listen actively to what is being said.**

I can take notes if I am worried about missing a point. I will listen in order to understand what is being said to me. I will try to understand the other party’s point of view. I will not interrupt and when it is my turn to speak I will ask question if I am confused or unsure about what they are trying to say.

By signing this Agreement to Mediate I agree to be bound by the terms contained within it.

Date of Mediation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mediators Name: ­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mediators Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Party 1 Name: ­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mediators Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Party 2 Name: ­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mediators Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thank you for completing this form.

Yours Sincerely

Craig Anderson

Owner Mediate-Me,

NMAS Nationally Accredited Mediator.

Bach. Elec. Eng. M. Min.Lead.