

## Scottish Mediation Helpline

***Don't let conflict get out of hand***  
Call us on 0131 556 8118

The Scottish Mediation Helpline (SMH) is set up to provide the public with a simple, low cost way of resolving a wide range of disputes. The SMH answers general enquiries about mediation and puts parties in contact with a mediator.

### What is Mediation?

Mediation is an effective way of resolving disputes without going to court. It involves an independent mediator who helps both parties agree a solution to their problem. If parties can't reach agreement, they can still go to court. Details about what went on at the mediation are confidential. Both parties share the costs.

### Why try Mediation?

- It encourages disputes to settle at an early stage
- It puts you in control
- It is less stressful than going to Court
- It could be cheaper than going to Court
- It could resolve your dispute quicker than going to Court
- It is less formal than a hearing by a judge

### What types of dispute can benefit from mediation?

- Employment disputes
- Consumer and contract disputes
- Family disputes
- Neighbour disputes
- School disputes
- Healthcare disputes
- ...and many others

### Mediation is:

#### Non-judgemental

Mediators avoid taking sides, making judgements or giving guidance

#### Voluntary

It will only take place if both parties agree

#### Confidential

The information discussed is private to the parties and can't be used in court

#### Flexible

It can be used in a whole range of conflict situations

#### Quick

It can be quicker than going to court

#### Cheap

It can be cheaper than going to court

#### Effective

Parties tend to keep the mediation agreement because they have prepared the terms themselves

## Who are the Mediators?

The Scottish Mediation Helpline mediators are all members of the Scottish Mediation Register and meet the benchmark standards of the Scottish Mediation Register Standards Board.

They come from many different backgrounds and are all trained and experienced in helping people settle their disputes.

## Finding you a Mediator

- You can either call us directly on **0131 556 8118** or email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)
- Your contact details will be taken and we will refer you to one of the approved mediators local to you.
- They will contact you to discuss your dispute and, if all parties agree to proceed with mediation, they will arrange a time and place for the mediation.
- If you don't yet have the other party's consent to mediation, the mediator can contact them on your behalf. If they agree, the mediator will arrange a suitable time and place for the mediation. If the other party doesn't agree the mediator will tell you and close the file.
- If a claim about dispute has been issued by the Court you must inform the Court, in writing, that the dispute is going to be mediated.



“The most consistent finding of research into mediation is high client satisfaction. Research on mediation has shown that most disputes which are referred to mediation will settle.”

NADRAC Court Referral to ADR:  
Criteria and Research



“We achieved an acceptable compromise in the circumstances, and retained a working relationship that had been under threat.”

“Our clients would not have been able to resolve in this manner had the case proceeded to court. The outcome enabled other projects to proceed in the knowledge that similar problems would be dealt with differently.”



## The process of Mediation

- At the agreed place and time all parties will meet. The mediator will usually speak to all parties together first. Parties will then speak to the mediator on a one-to-one basis in separate rooms.
- During the mediation, the mediator will look for common ground between the parties and will discuss offers and proposals until an agreement has been reached.
- Once parties have agreed, a mediation agreement can be drawn up and signed by all parties.

## What are the possible outcomes?

Disputes can be resolved in different ways for example:

- paying compensation
- a refund
- an apology
- an explanation
- replacement goods/services
- a change in policy and/or behaviour

The mediator doesn't decide the type or value of the settlement – the parties decide this themselves.

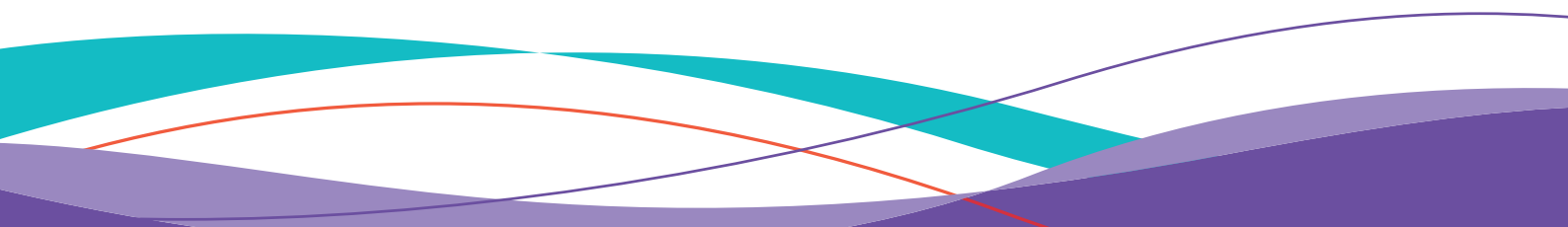
## What happens if the parties cannot agree a settlement?

Mediation may not be suitable for every dispute, but it can still help settle some of the issues. If there is no settlement you can still go to Court.



**“I felt my concerns were listened to for the first time in years and that I was able to contribute to informing the senior management of what was going on. The relief I felt was incredible.”**

**“In this case the mediation provided a confidential setting in which we could reach a conclusion. No one wanted the stress of a public hearing, which could have been damaging to all sides.”**



## The Costs of Mediation

Mediation can be cheaper than litigation and takes less time for an outcome to be reached. Parties can discuss issues early on before legal costs escalate. Taking a case to Court can take months and involves considerable legal expense. There can be extra costs for reading court documents, consulting lawyers and attending court. The Court charges for enforcing settlements and there is no guarantee that the enforcement will be effective. In contrast, Helpline mediations are time-limited, meaning that costs are also limited.

Amount you are claiming	Fees (per party)	Length of session	Extra hours (per party)
£5,000 or less	£50 + VAT	1 hour	£50 + VAT
	£100 + VAT	Up to 2 hours	
£5,000 - £15,000	£300 + VAT	Up to 3 hours	£85 + VAT
£15,000 - £50,000	£425 + VAT	Up to 4 hours	£95 + VAT

## What do I do now?

Call us on **0131 556 8118** or

Email us on [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)

The Scottish Mediation Helpline is a Scottish Mediation Network project, funded by the Justice Directorate of the Scottish Government.