

## 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 a dispute and finding a solution. It involves an independent mediator who helps the people involved to agree a solution to their problem. Mediation can be a practical alternative to going to Court, but if those involved can't reach agreement, they can still go to Court. Details about what happened at the mediation are confidential. Those involved share the costs.

### Why try Mediation?

- It encourages early settlement of disputes
- It puts those involved in control
- It is confidential, unbiased and voluntary
- It is less stressful than going to Court
- It could be cheaper than going to Court
- It could resolve a dispute quicker than 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 judgments or giving guidance

#### Voluntary

It will only take place if all parties agree

#### Confidential

The information discussed is private to the parties and can't be disclosed or 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 Practice 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)
- We will need your contact details and those of the other party. We will contact the other party on your behalf and check if they agree to go to mediation.
- If they agree, we will refer you to one of the approved mediators who work in your area. They will contact you to discuss your dispute and arrange a time and place for the mediation.
- If the other party doesn't agree we will inform you and the case will be closed.
- If your dispute has already been issued as a claim in Court, you must inform the Court, in writing, that the dispute is going to be mediated.



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**“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

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**“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.”**

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## The process of Mediation

- At the agreed place and time all parties will meet. Depending on how the parties feel, the mediation may involve a series of one-to-one and/or face-to-face meetings.
- During the mediation, the mediator will give everyone time to explain the situation from their point of view. They will look for common ground between the parties and will discuss offers and proposals until an agreement has been reached.
- Once parties have agreed on a solution, 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 if you choose to.



**“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.**

**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 going to Court and generally takes less time for an outcome to be reached. Parties are able to discuss issues early on and come to an agreement before legal costs escalate. Taking a case to Court can take months and involves considerable legal expense. For example, there can be costs for consulting lawyers and attending Court and other possible associated costs. The Court also charges for enforcing settlements and there is no guarantee that the enforcement will be effective.

If you decide to set up a mediation through the Scottish Mediation Helpline, the cost is likely to be **£100 per hour** (please note that VAT may be charged and there may be an additional cost for a venue). The length of time the mediation will take is likely to depend on the complexity of the dispute. Before you agree to go ahead, a mediator will be able to give you a more accurate idea of time and costs for the mediation.

The costs are usually shared equally between the parties involved in the mediation.

## 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 Network is a registered charity funded by the Justice Directorate of the Scottish Government.

### Enabling Conflict Resolution

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