

Mediation using Technology

The Scottish Mediation Network is aware of the growth in mediation provision using technology to assist in the process.

This paper explains some of these ways and explores the advantages and disadvantages.

Telephone Mediation

Simple use of telephone where the mediator will speak with one party then hang up the phone and speak to the other party.

Using a conference call where both parties are able to hear each other and the mediator all at the same time.

One party is in the room with the mediator and the other party is on the telephone.

Advantages

- Most people can access a telephone
- Mediation can be arranged at a time to suit
- The mediator is in control of the process
- Parties do not have to meet or see each other

Disadvantages

- Unable to use nonverbal clues in the same way as face to face
- People can choose not to respond to call or hang up

Skype

Everyone participating must have a Skype account which is free.

You can make one to one video calls or group video calls with up to 10 people.

Skype is a free, high quality video conferencing program that allows us to see and hear each other using your computer and a webcam (and headset if you choose). Skype is free to download off the internet, easy to

install and set up, is free of adware/malware/spyware etc. and, most importantly, **is confidential**

You can send files online to multiple contacts during a voice, video or group call and in an instant message.

You can share your computer screen with participants.

As well as being able to see your screen, you can let participants see you at the same time.

Advantages

- It's free.
- It's confidential

Disadvantages

- Mediator can see both parties but can't block out one party if caucus is necessary.
- 100 hrs per month usage limit. 4 hours maximum per call. No more than 10 hours use per day.

Facetime

Like skype but only available on ipads and iphones. The mediator can see and speak with both parties on an individual basis.

Advantages

- Can be used nationally and internationally
- It is easy to use

Disadvantages

- Only available on ipads and iphones.
- Can be unstable depending on the connection

Online Mediation

Zoom, the cloud meeting company, unifies cloud video conferencing, simple online meetings, and group messaging into one easy-to-use platform. This solution offers video, audio, and screen-sharing experience



across Zoom Rooms, Windows, Mac, iOS, Android, and H.323/SIP room systems.

Free if meeting is less than 40mins. (Up to 25 participants) If you wanted 100 participants you can pay more. 200 is the maximum. \$9.99 (£6.40) per month unlimited use.

Advantages

- As with traditional mediation, online mediation allows the mediator to adapt the process to address the particular needs of the disputants. In addition to enhancing some of the benefits of traditional mediation, there are also advantages to resolving disputes over the Internet: "The process will allow for greater flexibility, more creative solutions and quicker decisions."
- The benefits of online mediation include cost savings, convenience and the avoidance of complicated jurisdictional issues.
- The timing of the mediation session can be arranged to suit the parties
- People sometimes feel more comfortable in a familiar environment
- The mediator can control the process by using caucus
- You can pay for just one month at a time

Disadvantages

- Everyone involved needs access to a computer and the internet.
- Internet connections can vary in strength and reliability

Email

Mediator arranges a time with both participants to be at their PC. The mediator starts off the process by sending an email to both parties inviting one of them to forward their opening statement or position statement. This is then shared with the other party, who will send a copy

of their opening statement. Some mediators agree an agenda before the mediation session some work with the parties to agree an agenda as they go along. The mediator will then work with both parties to go through the agenda. Agreement to mediate forms need to be adapted to include what happens to the emails at the end of the session.

Advantages

- Works well for equalities mediation cases where access is an issue.
- Useful for mediation cases where one or both parties live in a remote location.
- Helps in cases where there is high level of conflict/emotion

Disadvantages

- It can take more time depending on people's ability to type!
- The mediator has no control over who else is in the room. Issues for confidentiality.

Text

Texting works well for work with young people and their parents but has obvious limitations. Some mediators have suggested that using texts is a good way to engage young people in the process, even if it is used just for the initial contact.

Advantages

- It's quick and simple.
- Information shared has to be concise

Disadvantages

- Text content can be misconstrued

WhatsApp

WhatsApp is a free app available on most smart phones. You can text, send pictures and short verbal messages and it's free.

Advantages

- It's free.

Disadvantages

- Like texting it has its limits