

Mediation Resolution

TERMS AND CONDITIONS FOR WORKPLACE MEDIATIONS **(BOTH IN PERSON FACE TO FACE AS WELL AS ONLINE)**

Mediation Resolution's comprehensive ADR Service handles all elements of the mediation, leaving the parties, and any advisers, free to prepare for it, focus on the substantive issues in the dispute and on negotiating a resolution to it.

Mediation Resolution's fees will therefore cover:

- All preliminary advice and assistance pertaining to the desired mediation process.
- Assisting the commissioner/parties in setting up the mediation, whether it is to be conducted on a face to face basis or virtually online.
- Preparing and circulating a draft pre-mediation preparation timetable for the parties to approve.
- If required, advising upon the format and terms of the Mediation Agreement.
- Providing the services of a CEDR Accredited Workplace Mediator (and an Assistant Mediator if required).
- All necessary pre-mediation reading/preparation.
- All necessary pre-mediation day private discussions with the parties and/or their legal representatives (if any).
- The mediation day itself (including the Mediator's fees but not any venue expenses which must be paid for direct by the parties).
- If the mediation is to be conducted virtually online, the provision and management of the platform (ZOOM Pro Account) for it as well as coaching upon its use together with a pre-mediation day practice session for the parties and their legal representatives to participate in.
- Assisting in drawing up of such documentation (e.g. and action plan or memorandum of understanding) as is agreed should evidence the outcome of the mediation.
- Arranging and attending a follow up meeting if one is agreed.

Fees

These will be charged on a case by case hourly rate basis and agreed with the parties before the mediation process is commenced. Typically, workplace mediations involving all the functions/processes listed above last between 12 and 14 hours including a 6 to 8 hour mediation day and currently the applicable hourly rate is charged out in the range of £150 to £200 per hour.

Expenses

Related expenses such as room hire, the Mediator's travel expenses, etc. are charged for in addition and thus separately at cost if paid for by the Mediator and/or Mediation Resolution.

VAT

Mediation Resolution is not registered for Vat and hence such is not payable by the parties.

Exceptional Administrative Back-Up

Occasionally there may be an additional fee (which you will be notified before it is incurred) if exceptional back-up administration is required.

Payment

Two fee invoices will be issued. Both will be sent to the paying commissioner (usually the employer) or the parties, as appropriate. The first will be raised and sent out once the mediation process has been confirmed and dates have been agreed for the required number of anticipated mediation sessions (both private and joint). The amount of it will equate to 75% of the time that the mediator estimates he or she will need to devote to the mediation process as summarized above multiplied by the agreed hourly rate plus any expenses already incurred. Unless agreed otherwise, payment must be made within 14 days and should be so directly into the bank account specified in the fee invoice. The second fee invoice will be raised and sent out soon after the mediation day or any agreed follow-up meeting which takes place within 42 days thereafter, whichever shall be the later in time. Such will be for an amount which equates to the additional number of hours, or part thereof, that are devoted to the mediation process which were not charged for in the first fee invoice multiplied by the agreed hourly rate plus any additional expenses incurred. Again, payment must be made within 14 days and should be so directly into the bank account specified in the fee invoice. Should the mediation process be concluded in a lesser timescale than that charged for in the first invoice, then within 14 days of the conclusion of the mediation process Mediation Resolution will refund the paying commissioner, or the , (as appropriate) with the amount overcharged in that invoice less any cancellation charges, if any, as may be due (see below).

Cancellation

Should one or both parties wish to withdraw from the mediation process, they **must give notice thereof in writing both to each other and to Mediation Resolution**. If such is received:

1. More than 7 days before the mediation day is due to take place, Mediation Resolution will only be entitled to be paid for the time devoted to the mediation process by the mediator up until that time plus any expenses incurred by him, her or Mediation Resolution.
2. Less than 7 days but more than 24 hours before the mediation day was due to be commenced, Mediation Resolution will be entitled to:-
 - 50 % of a notional 7 hour mediation day; and
 - All the Mediator's reading/preparation time undertaken up until the time the cancellation notice was received; and

- All expenses already incurred by Mediation Resolution and/or the Mediator.
3. Less than 24 hours before the mediation day was due to be commenced, Mediation Resolution will be entitled to:
- 100% of a notional 7 hour mediation day; and
 - All the Mediator's reading/preparation time undertaken up until the time the cancellation notice was received; and
 - All expenses already incurred by Mediation Resolution and/or the Mediator.

Face to face and online virtual mediations

These Terms and Conditions are intended to cover or otherwise relate to both.

Complaints

Mediation Resolution will deal with any complaints pursuant to its written Complaints Procedure a copy of which will be supplied on request by email to kevinsmyh48@gmail.com. This complies with the requirements of both the Civil Mediation Council, of which our lead mediator is a member, and the European Code of conduct for Mediators. The latter stipulates thus: *“Mediation providers should establish and maintain fair and effective complaints and disciplinary mechanisms to deal with disputes concerning mediators or administrators of mediation processes. Mediation providers should subscribe primarily to amicable dispute settlement in their own matters through negotiation and mediation”*.

Mediation Resolution

Revised and effective from 17th November 2020
© Mediation Resolution 2020