

## **The IDS Limited Mediation Process – Trevor Slater Mediator**

### **What is mediation?**

Mediation is a process by which the parties to a dispute, together with the assistance of a neutral mediator attempt to find a resolution to the dispute.

Mediation helps resolve disputes by sharing information, identifying issues in dispute, discussing them and trying to reach an agreement.

### **What are the benefits of mediation?**

Mediation is an informal process which enables both parties to a dispute to openly discuss and identify the relevant issues and move the dispute towards resolution.

The mediator will facilitate and assist both parties to equally communicate their concerns and to help generate options for resolution.

What happens to information disclosed during a mediation?

Discussions held in a mediation are confidential. The mediation process is an opportunity for parties to provide information about the facts of the dispute and to narrow the areas where there is disagreement.

### **Who is the mediator and what is their role?**

Trevor Slater is a highly experienced mediator and is independent of both parties. Trevor is accredited by the national accreditation system in both New Zealand and Australia and has over 15 years experience in conducting mediations, in particular in the financial sector. Trevor holds a Masters Degree in Conflict Resolution and has held senior positions in Ombudsman's organisations in New Zealand and Australia. He is considered an expert in the field of dispute resolution.

The mediator ensures that any agreement or resolution is reasonable and has been entered into by mutual agreement and free and informed consent.

The mediator:

- Conducts the mediation.

- Asks questions of the parties, makes suggestions and assists them in finding a resolution, but is not an advocate for any party, and does not decide the merits of the case during any mediation.
- Assists the parties with any settlement documentation that may be required.
- Provides information concerning alternatives to resolving the dispute, if the mediation does not resolve all concerns.

### **What happens before mediation?**

Once a mediation has been arranged, Trevor Slater will contact both parties prior to the scheduled conference to discuss the issues in dispute and to discuss the mediation process.

### **How is the mediation conducted?**

As mentioned mediation is an informal process. The mediator will help to facilitate a conversation between the parties with a view to generating options that will resolve the dispute.

The mediator may also:

- Request that the parties outline the issues they consider to be in dispute or summarise the issues for the parties.
- Invite the parties to expand on their concerns and identify the outcome that they are seeking.
- Assist the parties to explore the issues together and ask questions of each other to clarify matters.
- Facilitate the discussion of possible resolution options that meet the needs of both parties.
- The mediator will also talk privately with each party during the conference to discuss and clarify any questions or concerns they wish to raise in private, and to explore possible resolution options.

### **What is expected of each party?**

It is expected that both parties will:

- Demonstrate a commitment to resolving the dispute.
- Approach the mediation with an open mind.
- Be truthful and be prepared to be open in the discussion of the issues.

### **How long will it take?**

Mediation can be as short as a couple of hours but are often longer. You should allow a full day for a mediation.

### **How should I prepare for the mediation conference?**

You should take time to consider the relevant issues that you wish to discuss and be prepared to discuss options for resolution at the mediation conference.

Make sure you have all relevant documents and correspondence you wish to refer to at hand and easily identified for discussion and that you have the authority to agree to any terms of resolution.

What happens when an agreement is reached between the parties?  
When an agreement is reached at a mediation conference, the mediator will ask you to sign a document that records the terms of agreement.

In the following days a settlement document, commonly called a deed of release, is drafted and signed by both parties.

Once any settlement documents have been completed and signed by the parties, the matter is resolved and we will not consider the dispute further.

**What happens if the parties do not reach an agreement at mediation?**

If a dispute cannot be resolved at a mediation further negotiations will take place that often result in an agreement being reached. If an agreement cannot be reached each party has a number of choices how to proceed further, such as commencing Court proceedings. This is obviously undesirable for all parties which makes mediation a far better option to resolve a dispute.

**Further information**

Further information on the mediation process, including the costs involved can be obtained from Trevor Slater via [trevor@idslimited.co.nz](mailto:trevor@idslimited.co.nz) or telephone 021 232 2027.