



**Resolving your  
case through  
mediation ...**

# Involved in a Small Claim or Summary Cause action?

No single form of dispute resolution can give you everything you want. The result is only one thing to think about – how the problem is resolved can be just as important. Things to think about include:

- what it will take to get your problem sorted out;
- how much it will cost in fees and expenses, such as travel, childcare and time off work;
- how it will affect your life, including your family and your work; and
- how much time you can spend on it.

You might feel it is important to have a hearing in court where you can put your case before a Sheriff for him or her to decide the solution or you might prefer a confidential meeting with the other side and an independent mediator, where you sort out the solution yourselves.

## What is mediation?

Mediation is a private and voluntary process where a mediator helps you to negotiate a settlement; an informal opportunity for confidential discussions about what happened and what you want to happen; an opportunity to work along with the mediator to develop solutions that may not be available through the Court; a settlement which, once written down and signed, is binding on everyone.

## Why use mediation?

While the function of the Sheriff is to decide the case, based on your evidence, the mediator is not there to decide who is right or wrong, but to help you and the other party to negotiate a settlement that suits everyone and which may be more flexible than the Court could provide. Mediation may save you time – most take about 3 to 4 hours and in 4 out of 5 cases result in an agreement during the mediation, so you leave with the peace of mind that the dispute is over and that you do not have to appear in Court. The Small Claims mediation service is free.

## What happens at a mediation meeting?

An independent mediator will guide you through the process. You will have the opportunity to speak directly to the other side, so you fully understand each other's position and there are no misunderstandings. The mediator controls these discussions to avoid unproductive debates over right and wrong so the focus can shift to a resolution of the problem. Mediation allows you to "test" settlement ideas by giving the mediator permission to talk the idea through with the other side. The mediator can help identify and expand the range of solutions so that less obvious ones can be explored. 80% of mediations end in an agreement. If yours is successful too, the agreement is prepared then and there, as a legally binding document for you to sign.

## What are the Costs?

Mediation for a Small Claim case is free. For a Summary cause case, where the claim value is greater than £750, a charge of £88.13 (£75 + VAT) per party is made before the mediation. This is not recoverable through Court awarded expenses.

## What now?

If you would like to take the mediation option, talk to the Mediation Coordinator and then ask the Sheriff if you could have time to mediate and the Court will set the next hearing date so that it allows time for the mediation to take place. If you settle the dispute at the mediation, the case can be closed without you coming back to court.

You can also contact the Mediation Coordinator, Wilma Bailey on 0789 485 5148 or at [wilma.bailey@catalystmediation.co.uk](mailto:wilma.bailey@catalystmediation.co.uk)