



## Preparing for a mediation

If you have not taken part in a mediation before, these notes are to give you an idea of what to expect and how you can prepare for it. Please also read the Agreement to Mediate document you will have been sent which discusses confidentiality and legal privilege.

Mediation is a flexible process designed to give all those taking part the opportunity to have their voices heard. The role of the mediator is not to make decisions. They are there to manage the process, support everyone taking part and help them to try and agree a way forward. Sometimes there may need to be more than one meeting, particularly if the situation is changing and there lots of different things to be explored and decided. For example, by the end of the first meeting you might decide on some “next steps” and a timeframe for making decisions and then have a second meeting to review what has happened and see if further decisions can be made.

## How long is a mediation meeting?

The length of a mediation meeting can vary – from a few hours to a whole day. It is important not to rush the process as everyone needs time to think about what has been said and to respond to what others have said. The mediator will ask everyone at the start of the mediation if there are any constraints on time and if they would like to agree how much time they want to spend at this meeting. They can agree to spend longer as the mediation progresses but it is helpful if people know roughly how long they are likely to be there.

## What happens at a mediation?

### a) Pre-meetings:

The mediator will spend some time talking separately to those taking part before everyone meets together. This can happen on the same day as the mediation or some days before it. These conversations give everyone the chance to tell the mediator, in confidence, what they are thinking and feeling and what they would like to see happen as a result of the mediation. These conversations are confidential. The mediator will not disclose anything that is said to them without permission to do so.

### b) The mediation

The mediator will invite everyone to meet together in the same space, whether this is face to face or remotely. There may be several members of the hospital team taking part and the family may wish to bring someone with them (for example, a friend or family member.) These friends or family members are not formally involved in the mediation. They are there to offer support to the parent(s) during the mediation.

After welcoming everyone, the mediator will invite all those taking part to make a short “opening statement” (this doesn’t have to be written down but we would advise having some notes in front of you with the main points that you would like to make so that you don’t miss out something important.) It is important to try and go into a mediation being willing to listen to other people’s point of view. You may not agree with it but for that



person, it is how they are thinking and feeling at that moment and it can be helpful to try and accept that rather than to get into arguments about who is “right” or “wrong.” In a mediation which is about the care and treatment of a child, it is also important to try and keep the conversation focussed on the child as far as possible.

After those taking part have made their opening statements, the mediator will ask them where they would like to start the conversation. Alternatively, the parties may find it helpful for the mediator to suggest a plan for the meeting – perhaps dividing the conversation into sections covering the topics and questions which everyone would like to discuss. Once agreement has been reached about what is to be discussed, the mediator will ask who would like to begin.

## Taking a break

Mediation can be tiring and stir up some strong emotions. This is not surprising when the mediation is about trying to make difficult decisions about the care and treatment of a child. If you feel you need to take a short break, just say so. You might want to get some fresh air, stretch your legs, gather your thoughts and have some private time to reflect on what has been discussed and said so far.

## Private discussions with the mediator

You may wish to step away from the joint meeting and talk to the mediator in private at some points during the mediation. If you would like to do this, please just ask. The mediator may also suggest having separate discussions with the hospital team and/or the family if they feel that there are things which may be more easily said without everyone being in the same place.

## Making decisions:

The mediator will not direct anyone to make decisions but they will ask if a point in the discussion has been reached at which all those involved would like to consider what agreements, if any, they would like to make. At this point, they may use a flipchart to write down any decisions which are made so that everyone can agree what is said. If agreements or decisions about next steps are made, the mediator will draft an agreement for everyone to sign. If it is agreed that there will be a further meeting, then a timeframe for this can be discussed. It is not always possible to reach agreement. If this is the case, then alternative routes for decision-making will need to be explored.

Further questions: please email [info@medicalmediation.org.uk](mailto:info@medicalmediation.org.uk)