

CHECKLIST FOR MEDIATOR UNDER THE SCHEME

Generally

Number	Task	Complete?
	Familiarise yourself with the scheme by reading the guide which you can find on the web site.	
	Familiarise yourself with the scheme documentation.	
	Familiarise yourself with the evaluation scheme by reading the information sheet for mediators which is on the website.	

Preliminary stage

Number	Task	Complete?
	Obtain the parties contact details.	
	Obtain brief details about the dispute and ensure that it is suitable for mediation under the Scheme	
	Outline the scheme to the parties to ensure they understand the main points	
	Check with the parties that consent has been obtained from the COP to share information about the proceedings with the Mediator and the evaluation team	
	Obtain a copy of any transparency order that the COP has made.	

	Get the parties to email their contact details together with their consent for these details to be passed on to the evaluation team	
	<p>Obtain verbal agreement from the parties as to:</p> <ol style="list-style-type: none"> a. How the mediators fees are to be paid; b. That a venue for the mediation can be secured and how it is to be paid for. c. Whether any third parties should be invited to the mediation and if so, whether there is permission from the COP to share information about the proceedings with them, and where relevant that they have seen any transparency order made. 	
	Lead discussions with the parties as to how P is to participate in the mediation. If there is no way for P to participate, the case is not suitable for mediation under the scheme.	
	Contact the evaluation team, and inform them of the potential mediation, your details and pass on the parties contact details to them	
	Send out engagement letter to the parties	
	Send out the Agreement to Mediate to the parties making any amends that have arisen as a result of your discussions with the parties	
	The evaluation team will contact you once they have the parties consent to the evaluation	
	Inform the evaluation team of the date and time of the	

	mediation.	
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Pre-mediation stage

Number	Task	Complete?
	Send out a pre-mediation questionnaire to each party	
	Liaise with the parties to ensure that completed pre-mediation questionnaires and accompanying documentation are received by the mediator.	
	Provide the evaluation team with the pre-mediation questionnaires only, not the supporting documentation	
	Check that the issues in the mediation have been identified and that there is evidence of P's capacity and wishes and feelings in respect of each issue.	
	Identify how P is going to participate in the mediation and ensure that any steps that need to be taken to facilitate this are in hand.	
	Conduct a pre-mediation meeting with each party and their legal representative to: <ul style="list-style-type: none"> a. answer any questions about the Agreement to Mediate b. The party to tell the mediator their story. c. To explain the mediation process d. Ensure the parties understand the confidential nature of the proceedings, and that the parties understand that if 	

	<p>agreement is reached, that agreement will form the basis of an application to be submitted to the Court for either withdrawal of proceedings or for a substantive order from the Court.</p> <p>e. To explore with the parties whether there are any further documents the mediator should see.</p> <p>f. To finalise arrangements for the participation of P in the mediation. If there is disagreement about this the case will not be suitable for mediation.</p> <p>g. To identify whether the parties will be supported at the mediation.</p> <p>h. To identify whether invitations to the mediation should be issued to parties who are not parties to the COP proceedings and if so, whether any permission is required from the COP to share information with them about the proceedings.</p> <p>i. To explore with the parties the work that they will need to do prior to the mediation so that they can be as clear as possible about which options they can make available for P.</p>	
	<p>Liaise with the parties to obtain their signed Agreements to Mediate and to ensure that a venue is booked on a day and a place that all parties can attend.</p>	

The mediation

Number	Task	Complete?
	<p>Ensure that every participant signs a confidentiality schedule and has seen a copy of the transparency order.</p>	

	Conduct the mediation	
	If agreement is reached, draft the Mediation Agreement	
	If agreement is reached ensure the parties agree in writing the otherwise confidential information and documentation from the mediation that can be shared with the court.	
	Remind parties that they will need to apply to the COP either for permission to withdraw proceedings or for further orders.	