

Interact Community Dispute Resolution Service

ICDRS Pro-Bono Panel Agreement to Mediate

Please read the following information regarding ICDRS and Mediation in Sections 1 & 2

Sign [Agreement to Mediate](#) in Section 3 at the end of this document and return it to:
icdrs@interact.support

What is ICDRS?

Interact Community Dispute Resolution Service ICDRS is a program of rapid response mediation and support service for people experiencing issues that have led to disputes. For example, these could be disputes within their community, neighbourhood, family, relationship, workplace or organisations.

The service is run by Mediators accredited under the Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS). Mediators assist people in dispute and can guide them through a mediation process toward resolution. This can be provided either remotely using an online video meeting, by phone or in person where we have team members available and a suitable location.

What is Mediation?

Mediation is a voluntary process where mediators guide parties (the persons in conflict) to try and reach an agreement that resolves their dispute. The mediation process we use is facilitative. That means the mediator guides a respectfully discussion that helps to clarify the issues and negotiate an agreement. The mediator will not determine the outcome or tell you what you must do.

The first step is to screen for suitability and help you to prepare because not all issues are suitable for mediation and not all mediations result in an agreement.

What is a Mediator?

An AMDRAS accredited mediator facilitates the mediation process by respectfully assisting parties in conversation to clarify their issues and negotiate proposals toward resolution.

Mediators are required to:

- Keep confidential information confidential
- Be impartial and unbiased
- Give no advice, be it legal or otherwise nor to impose an agreement
- Manage the process and to ensure it is safe
- End the mediation process at any time if they do not consider it appropriate to continue.
- Assist parties with making informed/realistic decisions that are future focused
- Provide information if further referrals are required

Your Roles and Responsibilities as a Participant

- Mediation is a voluntary process designed to help you to resolve your dispute.
- You are responsible for discussing the issues and resolving your dispute.
- Full disclosure of any relevant information is an important part of reaching an acceptable agreement in mediation



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Neutrality and Conflict of Interest

The mediator is neutral and impartial. This means that they do not get a benefit from any specific outcome of the dispute or show a preference or bias towards one person in the mediation.

Normally a mediator does not know or have any personal or commercial relationship with the people involved in the mediation. If they do know a person involved in the mediation they must disclose that relationship to all participants.

- If anyone feels that the mediator will not be able to be unbiased, they will refer you to another mediator.
- If everyone agrees that the prior relationship will not affect their facilitation, they may continue. A Potential Conflict of Interest form must be completed and signed before proceeding.

Confidentiality and Privacy

Mediation is a confidential process.

- You agree not to provide information disclosed in mediation to other people without agreement.
- You can discuss the mediation to seek assistance and advice with professional or close personal advisors. You must tell them that the information is confidential and not to be shared with anyone else.
- The mediator will not share information you provide without your permission to do so.
- They can disclose information if they feel that it is necessary to protect someone from harm or are ordered to do so by a court or legislation.
- Your information will be stored in a client relationship management (CRM) system which is password protected and as secure as we can make it. We generally only keep forms and agreements on file. Notes taken during the process are securely destroyed.
- If an agreement is reached the mediators will ask you to discuss if you want that agreement shared with anyone else and for what purpose.

Support People

If you are concerned about participating in mediation or if you for another reason need additional support, you can have a support person assist you. The mediator will have the final say in who should attend mediation, but your support person is encouraged to participate in the pre-mediation session to assist you and to understand the process.

Support people who are participating in mediation will be added to the agreement to mediate and are bound by the same confidentiality conditions. That is they must keep the confidential information discussed in mediation and not talk about it with people who are not part of the mediation.



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What is the Mediation Process?

The ICDRS mediation process consists of a **pre-mediation session** known as **Intake** and the **Mediation** session. The process may be facilitated by one or two mediators (co-mediators) who work together.

Mediation process:

A) Pre-Mediation (Intake)

After signing the ICDRS agreement, each party (person) involved in the dispute will meet with the mediator or mediators. This is usually via a Phone or Online video meeting. The purpose is to make sure mediation is appropriate and to help you to prepare for collaborative negotiation.

- If mediation is appropriate, you'll be asked to sign your agreement to mediate, and we'll work with you both to find a suitable time for your mediation.
- We may also make referrals for information or advice based on your individual circumstances or to work out your next steps if mediation is not appropriate.

B) Mediation

1. **Mediators Opening Statements** - the mediators introduce themselves and discuss the Mediation Process and Ground Rules.
2. **Parties Opening Statements** - the parties introduce themselves and are given an uninterrupted opportunity to briefly outline the issues they would like to discuss during the mediation session.
3. **Setting the Agenda** – the mediators summarise the parties issues and form an agenda for the session.
4. **Exploration** – the mediators help the parties to communicate to each other about the issues, their perspectives on what has let up to them, why they are an issue and what they think the options for resolution are.
5. **Private Sessions** – each party can take time out to have a break and speak confidentially with the mediators, to discuss their progress, think about the resolution options and prepare to negotiate.
6. **Negotiation** – the parties present their options to each other, and with the facilitation of the mediators, work toward refining them into workable solutions.
7. **Agreement** – any agreements that are reached are reality tested to see if both think they will solve the issues, whether they are workable and to confirm that both are committed to implementing them. The mediators will document your agreements where appropriate.
8. **Next steps** – confirmation of how any agreement reached will be shared and confirmation of any follow-up or additional sessions required.

Ending the mediation and taking breaks



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- Any person can end the mediation at any time, for any reason.
- Any person can request a break or a private session with the mediator at any time.

Inadmissibility and Agreements

- What happens during mediation is confidential and cannot usually be used as evidence in court.
- Offers and proposals are not binding unless the participants to the mediation agree that they are.
- By signing this agreement to mediate, you agree not to request or require the mediator to provide evidence of anything that occurred within the mediation session in any court or tribunal.
- If an agreement is reached, and you sign and date it, that agreement will be able to be used as evidence of that agreement.
- Evidence doesn't mean that your agreement is automatically enforceable by a court or tribunal, but it may be regarded as a contract. You should seek legal advice if you have questions about whether your agreement could be enforced by a court.
- Usually, agreements reached in mediation are considered moral agreements and followed in good faith. Don't agree to something you do not intend to do. Raise your concerns during the mediation process if you do not agree to a proposal.

Standards and Complaints

All mediators are Nationally Accredited under the AMDRAS Standards. You can find out more about the AMDRAS and the AMDRAS board on this website www.amdras.au

If you have any concerns at all about the conduct of a mediator, please contact 1300 079 345 or email office@interact.support. If your complaint is not resolved to your satisfaction your mediator has an independent complaint handling body that it can be escalated to.

Feedback

Your feedback is very important to us. It helps us and future clients to know what worked well for you and any improvements you suggest to our processes.

We will check in with you after your mediation or as agreed. If you provide feedback it may be used for professional development, training or marketing purposes. We do not identify clients in marketing unless you specifically give us permission to do so.



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Mediation Ground Rules

In order to keep mediation a respectful and emotionally safe process we ask you to follow these ground rules. Your mediator will discuss the need for any others during your pre-mediation.

- **communicate respectfully** - we ask you to think about the impact of your behaviour and not swear or use aggressive or disruptive language or body language. If you are getting flustered or triggered, ask for a break to allow yourself to calm down.
- **focus on the future** – the goal of your mediators is to help you to move forward and resolve your issues. They may need to redirect discussion towards problem solving and the future, if you start spending too much time talking about past events. We can learn from the past but can only change the future.
- **active listening** – mediation is not like going to court or participating in an argument. Active listening means listening to what others are saying so you can understand their point of view. Make a note rather than interrupting if you are worried about forgetting

Fees

Interact Support is a social enterprise and where clients can afford to pay our fees we ask that you do so. We also run a pro-bono mediation panel where mediators volunteer their time to provide mediation services as volunteers.

If you have been offered pro-bono services, you do not have to pay fees, but we do ask that you respect our mediators time by attending the sessions and meetings you schedule.

If you are paying fees

If you are seeking a discounted rate, you are required to provide evidence of your income (e.g healthcare/and or pension card) or reason for hardship rates.

Fee Schedule for Individuals

Individual (per person costs)	Standard Rate	Donation	Pro-bono
Pre-mediation (1hr) per person	\$250	Donations are accepted	0
Mediation (3 hours) Per mediation	\$750		0



ICDRS Agreement to Mediate

Signing the ICDRS agreement to mediate

The information above explains the service and explain the terms and conditions under which mediation is provided.

Please confirm your understanding and acceptance of these terms and conditions by completing the details below and return it to: icdrs@interact.support

Party 1:

Party 2:

Mediator 1:

Mediator 2: