

Online Family Mediation – a guidance note for clients

We recognise that there are challenges for everyone in their personal, family and working lives owing to the current COVID-19 social distancing/lockdown requirements. We are still able to provide our full range of family law services during this time to support you and your families.

If you are interested in finding out about **mediation**, we can offer an initial mediation information meeting (sometimes known as a MIAM or Mediation Information and Assessment Meeting) as usual (please see the mediation section of our website for more information about these meetings which are separate individual meetings to discuss the mediation process and your current situation). This would take place by Zoom. If you are then both willing to arrange a joint mediation session, until we are able to reopen our office, this would also be by Zoom. Online family mediation is similar to face-to-face mediation and follows the same approach, structure, and principles to enable you to work towards resolving the issues you wish to consider together. Before starting mediation together you will receive our Agreement to Mediate with some additional provisions in relation to online mediation and we will all sign these documents before starting our meeting to show our commitment to making the process work effectively within the online forum.

This note is intended to help you understand what to expect and what your role will be as a participant if you decide to participate in online mediation. If you have any queries, please do not hesitate to contact the office for a no obligation preliminary discussion or to email sarah@brightonandhovelaw.co.uk

How your online mediation session will be conducted:

- We will be using Zoom to facilitate our online mediation session which can be accessed on a variety of devices. You will receive an invitation to the online meeting which contains an individual link to your meeting together with the meeting ID reference and password.
- We will have a trial test call (without charge) to make sure that the technology is working correctly. Please make sure that you have sufficient data and battery levels to operate your device (if applicable) and that you have a power source to hand.
- You will each have signed the Agreement to Mediate and the supplemental online mediation provisions before we start the session.

Communication tips:

- During online mediation, there may be a short time lag which can lead to people speaking over one another, thereby making it hard to politely interject. You are likely to find it helpful to have a pen and paper to hand in case you wish to make some brief notes you wish to raise when it is your turn to speak. This will enable us to ensure that we do not overlook anything you may wish to raise.
- Please begin each sentence using the first name of the person you wish to address. Your mediator will do the same to prevent confusion.
- If you wish to wear a headset to be able to concentrate more fully on the session, this is fine, but not a requirement.

During the online mediation session:

- The mediator will remind everyone of the mediation guidelines as outlined in the Agreement to Mediate and supplemental online mediation provisions (which will have been emailed to you before the session). Please note that a breach of the rules outlined in these documents will constitute a breach of the Agreement.
- The mediator will check that only those named in the Agreement will be present in the rooms used by the participants for the duration of the online mediation session.
- The mediator will check that the mediation session will not be directly or indirectly recorded by the participants (or a third party acting on behalf of the participants).
- The mediator will ensure that all participants are sitting where they can be clearly seen.
- The mediator will explain the protocol for refreshment and comfort breaks so that no one becomes over-tired or overwhelmed during the session.
- Should it become necessary at any stage during the session for a participant to speak privately with the

mediator, the mediator will need to 'hang up' on the relevant party in order to speak privately with the other. It is necessary to allow a brief pause to ensure that the party not privy to the caucus is fully disconnected. The mediator will then reconnect as appropriate. However, it is usually not necessary for the mediator to speak to either participant separately unless we are using shuttle mediation.

Contingency plans if there are technical issues:

- Despite careful preparation, there can be IT and technical issues which are frustrating for all participants. Internet connections may not be consistently strong throughout the meeting. If there are difficulties we will be able to pause the mediation and restart the connection. This allows the connection to refresh and, in most cases, will resolve the problem.
- The mediator will discuss at the start of each session a contingency plan as to what to do if the connection cannot be re-started.

Ending the online session:

- The mediator will have been the host for the Zoom meeting and will therefore end the meeting for us all.
- At the start of the session, the mediator will emphasise the need to respect each other during the session even at times when one or both participants may become upset, angry, or emotional. We will take breaks if necessary.
- At the end of the session, the aim will be to end on a positive note so that we can all then reflect calmly on what we have discussed. It will be helpful therefore for us to have a brief general discussion together at the end to summarise what we have talked about in the session and to draw up a list of our next steps, focussing on practical issues and acknowledging that there are points which remain unresolved, but which we will commit to working on together at our next session.

If you would like to arrange a mediation information meeting or to receive some information about mediation by email, please feel free to contact our mediator, Sarah-Jane Riddell at sarah@brightonandhovelaw.co.uk