



Discerning
SOLUTIONS

WHERE TRANSFORMATION BEGINS



MEDIATION —

EXPLAINED



www.discerningsolutions.co.nz



roanne@discerningsolutions.co.nz



+27 316 3011





Finding Clarity Through Conversation

Conflict is a natural part of working and living alongside others — but how we respond to it shapes the quality of our relationships. Conflict doesn't have to define those relationships or their outcomes.

What is Mediation?

Mediation is a confidential, voluntary process that helps people in conflict work together to find a mutually acceptable resolution. A neutral mediator facilitates communication, helps clarify key issues, and supports you in reaching your own agreement.

Unlike a court process, mediation is collaborative, not adversarial — and the outcome stays in your hands.

Creating a Safe Space for Resolution

My role as a mediator is to create a safe, calm, supportive, and confidential space where people can talk openly, rebuild trust, and work toward understanding and resolution.

Working within a structured, impartial, and practical process, I help parties

- focus on what matters most,
- identify workable options, and
- reach meaningful agreements that make sense for everyone involved.

Guiding Principles

I follow the principles and professional standards of the Resolution Institute, ensuring that every mediation process is:

- Fair – balanced and impartial
- Respectful – every voice is heard
- Grounded – focused on practical, lasting outcomes

Tailored for Every Situation

Whether the conflict arises in a workplace, community, family, or commercial context, each mediation is designed and adapted to meet the unique needs of the situation — helping people move forward with clarity, confidence, and renewed connection.



STARTING THE JOURNEY

How Mediation Begins

Mediation may be initiated by you, the other party, or by a third party – such as an advisor , an employer, manager, HR representative, – always acting with the agreement of everyone involved.

The process starts with a written request confirming that all parties agree to participate in mediation.

Choosing a Mediator

You and the other party may jointly select a mediator. In some cases, a third party may propose or appoint a suitable mediator.

If that happens, I will seek feedback from all parties to ensure everyone is comfortable with the choice before the appointment is finalised.

Formal Appointment

Before mediation begins, I will:

- Confirm that there are no conflicts of interest
- Ensure my availability
- Formally accept the appointment in writing

These steps help create a safe, neutral, and transparent process where everyone can feel confident in moving forward.



AGREEMENT TO MEDIATE

An **Agreement to Mediate** is signed by all parties before the session begins. This document sets out the framework for the process and helps ensure that everyone shares a clear understanding of their roles, responsibilities, and expectations.

Key components of the Agreement typically include:

Appointment and Role of the Mediator:

I act as an independent and impartial facilitator, helping the parties identify issues, explore options, and negotiate a mutually acceptable resolution. I do not give legal advice, make decisions, or impose outcomes.

Confidentiality:

Everything discussed or shared during mediation including oral and written communications, settlement proposals, and supporting documents is strictly confidential. Information will not be shared with others unless required by law or with professional advisors who are also bound by confidentiality.

Privilege:

Statements and documents produced for the mediation are privileged and cannot generally be used in later legal or arbitration proceedings, except in limited circumstances such as enforcing a settlement agreement.

Authority to Settle:

Each party may have a representative present with full authority to settle the dispute, or immediate access to someone who does, if not in the position to do this themselves.

Co-operation and Conduct:

All parties agree to participate in good faith and follow reasonable directions and requests made during the mediation process.

Costs and Fees:

Unless otherwise agreed, each party will meet their own costs for legal advice, representation, or support people.

Termination of Mediation Process

Any party may end the mediation at any time by giving notice to the other parties and to me.

Exclusion of Liability and Indemnity:

I am not liable for any act or omission in the mediation unless it involves fraud. The parties agree to indemnify me against any claims arising from the mediation, except in cases of fraud.

Settlement Agreement:

If agreement is reached, I will record the essential terms in writing, in the parties own words. This will be signed by both parties, and becomes binding once signed.



The intake process (sometimes called a preliminary conference) is a crucial first step in the process.

Its purpose is to screen, inform, and prepare parties and me so that the mediation can proceed smoothly, effectively, and ethically.

During intake, I will:

- Assess whether mediation is appropriate and suitable for your situation.
- Confirm that I am the right mediator for the dispute.
- Explain the process, including roles, confidentiality, and the voluntary nature of participation.
- Identify key issues, parties, and any potential barriers that might affect progress.
- Ensure that everyone provides informed consent to participate.

This part of the process helps set the foundation for a constructive, respectful, and productive mediation session where everyone feels heard and well-prepared to work toward resolution.





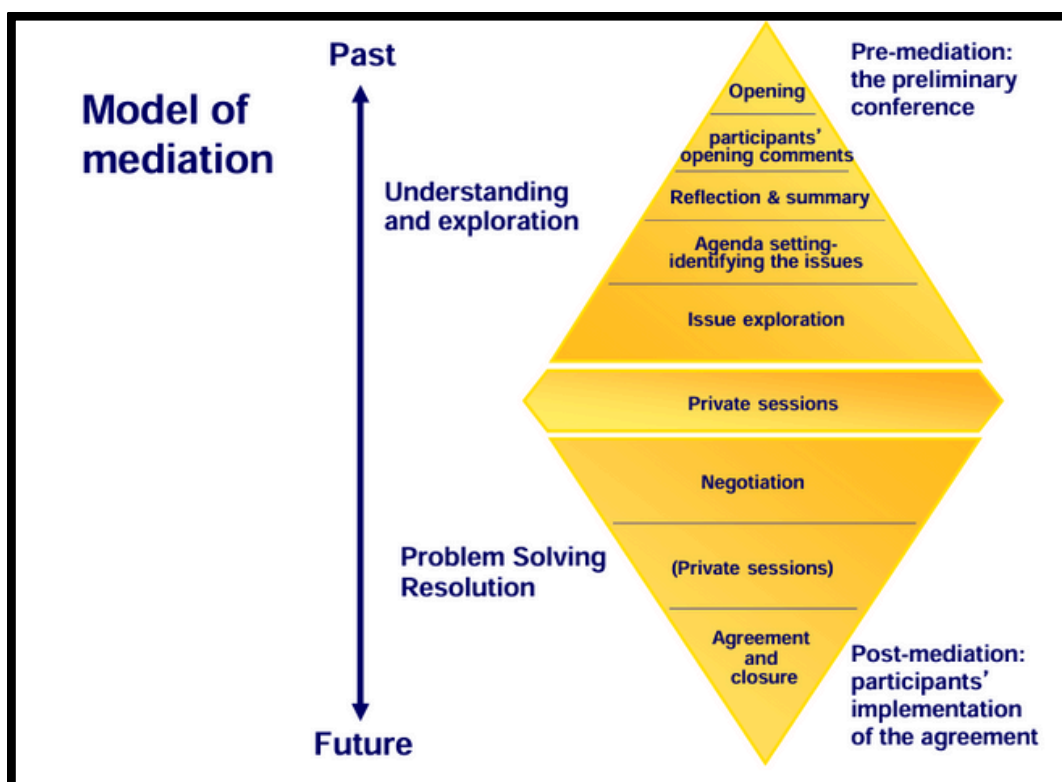
MEDIATION MEETING OVERVIEW

A mediation meeting is a guided and structured process aimed at fostering open, respectful communication and achieving practical resolutions.

At Discerning Solutions, I adhere to the Resolution Institute framework, ensuring a fair, transparent, and balanced experience for all parties involved.

During the intake meeting, I will:

- Outline what to expect
- Address any questions you may have
- Ensure that all participants feel informed and comfortable before we proceed





A VIEW OF A MEDIATION SESSION

Following the process below, I will walk with you through the matter at hand toward mutually beneficial resolution.

Opening – Mediator Opening Statement

The session commences with an introduction to the mediation process, outlining the ground rules and guiding principles. I will clarify my role as a neutral facilitator while confirming expectations regarding confidentiality and participation.

Participants' Opening Comments

Each participant will have the chance to share their perspective on the situation without interruption. This allows everyone to grasp the key concerns and experiences involved.

Agenda Setting – Identifying the Issues

I will pinpoint some topics or issues that I believe could be discussed. This step establishes a clear framework for the conversation, ensuring that all important points are addressed

Issue Exploration

In this phase, participants, with my support, openly explore the facts, emotions, and underlying needs at the heart of the dispute. In a structured and safe space, parties share information, acknowledge each other's perspectives, and reflect on how the situation has affected them—creating a foundation of understanding that supports a respectful path toward resolution.

Private Sessions

There may be times when I hold private meetings with each participant. These confidential discussions provide an opportunity for individuals to reflect, clarify their priorities, and consider options before returning to the group conversation.

Negotiation

Once the issues have been clarified, we will begin generating and evaluating potential solutions. The aim is to identify outcomes that are realistic, equitable, and mutually agreeable.

Private Session (If Required)

If additional reflection or clarification is necessary, a brief private session may be arranged to finalize ideas or confirm understanding.

Agreement and Closure

When consensus is reached, the key terms will be documented, ensuring that everyone leaves with a clear and shared understanding of the outcome and the next steps.



If an Agreement Is Reached

When the parties reach an agreement, the terms can be put into action straight away.

I'll provide each party with a copy of the agreement for their records, and confirm that the mediation has come to a close.

If it's helpful or appropriate, I may also suggest that you seek advice from your legal or professional advisors to support the next steps.

If No Agreement Is Reached

I may formally close the mediation.

The parties

- could agree to return for a follow-up mediation session
- may proceed to litigation without prejudice

I may provide a closure statement but cannot disclose confidential content (only note that no agreement was reached)



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