

Guide to mediation

This note provides general guidance with regard to mediation and identifies those matters that ought to be considered in advance as part of a strategy for achieving a successful outcome. For further information please contact [Ed Weeks](#).

What is mediation

Mediation is a process in which a neutral third party leads a structured negotiation with the aim of assisting parties in a dispute to achieve a negotiated settlement.

The neutral third party is called the mediator.

Mediation is conducted on a 'without prejudice' basis. This means that the matters discussed in the mediation, or documents produced, cannot be shown to the court or otherwise employed in any litigation between the parties.

Unlike in litigation the parties and their advisers remain in complete control and ultimately decide whether and how a case will be settled. Any party to mediation can bring the mediation to a halt at any point, should they choose to do so.

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