

BFA Dispute Resolution: Mediation Scheme FAQ's

What is a mediation?

The mediator is an independent third party whose role is to facilitate negotiations between the parties in dispute. The process is 'without prejudice' which means parties are not bound to settle their dispute and can walk away at any stage. The mediator does not give an award or make a decision, but any settlement agreed by the parties will be recorded in writing and will be final and binding.

1. How much will I pay for Mediation?

- This is dependent on several factors, such as the length of time the mediation take place, the Mediator's fee, plus any expenses and any pre-arranged split of costs between all parties. As an estimate, a half day Mediation would cost £1,750 on average with a full day Mediation costing £3,500 on average. The BFA's fee is in addition and set out in the mediation agreement and scheme rules and is discounted for BFA members.

2. How will a Mediator be appointed?

- The mediator will be appointed as per the BFA's Mediation Scheme Procedure. Once a completed application form has been submitted and deposits paid, the BFA will look for suitable Mediators and will check for conflicts of interest.

3. Is Mediation legally binding?

- The mediator does not give an award or make a decision, but any settlement agreed by the parties will be recorded in writing and will be final and binding.

4. Is my deposit refundable?

- Your deposit may be refundable as per the terms in the mediation agreement.
- If the other party doesn't agree to mediation after you submit the completed application form, your deposit will be refunded.
- If the mediation is cancelled before the mediation date (for example, if you settle or change your mind about mediation) cancellation fees may apply. These are set out in the mediation agreement.

5. Will the Mediator discuss the dispute with me prior to the Mediation?

- Yes, the Mediator will arrange separate calls with all parties in advance of the Mediation. This will usually be within a few days of the Mediation date, so you must be available to take the call.

6. How long does the Mediation take?

- The agreed Mediation will take place over either a half day (4 hours mediation with 2-4 hours advance preparation time) or a full day (8 hours mediation with 4 hours advance preparation time).

7. Why would I choose mediation?

- Mediation is a more affordable, and often quicker process of dispute resolution than arbitration or litigation. It is private, confidential and enables the parties to be creative in terms of settlement.