

# Mediation Observer's Guidelines



2018 Edition

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## The Observer is bound by the confidentiality of the CEDR Mediation Agreement

### Purpose of Observerships

The purpose of Observership is to give CEDR Accredited Mediators:

- 1 An opportunity to observe a CEDR mediation.
- 2 Observe and learn from the Mediator.

### Booking an Observership

- 3 After successful completion of CEDR's Mediator Skills Training and joining CEDR's Exchange Network, Observers will automatically be added to the Observership online portal.
- 4 Details of confirmed mediations will be added to the online portal where Observers will be able to view and book themselves on to the mediation on a first come first serve basis.

### Pre-mediation

Prior to the mediation:

- 5 The Mediator will make contact with the Observer prior to the mediation at an appropriate time to discuss the case and to clarify the ground rules that the Observer should follow during the mediation.
- 6 The parties are requested to provide case summaries and supporting documents to the Mediator. The Mediator will send the Observer copies of the case summaries for the Observer's reference.
- 7 On occasions, where the mediation is arranged at short notice, it may not be possible to provide the Observer with any documentation in advance.
- 8 The Mediator usually contacts the parties before the mediation and where possible will brief the Observer on what was discussed with them before the mediation commences.
- 9 The Observer must not make any contact directly with the parties under any circumstances.

### At the mediation

On the day of the mediation:

- 10 The Observer should arrive in plenty of time to assist the Mediator in arranging rooms, checking facilities etc., should this be necessary.
- 11 The Observer should always work within the guidelines/ground rules agreed with the Mediator before the mediation.



- 12 The Mediator will introduce the Observer to the parties at the beginning of the mediation.
- 13 The Observer should not have any conversations directly with the parties without the Mediator being present, unless expressly permitted by the Mediator.
- 14 The Observer may only share ideas and thoughts when alone with the Mediator and only if requested to do so.
- 15 The Mediator might ask the Observer to provide logistical support, for example to act as a time keeper, take notes, liaise with the parties when a private session with another party is over- running, arrange refreshments.

No actions should be taken by the Observer without the Mediator's prior consent.

## Post Mediation

After the mediation:

- 16 The Mediator and Observer should either debrief immediately following the mediation or should agree a time when this can be done; either by a meeting or by telephone. Feedback should be given as soon as possible after the event.
- 17 The Mediator and Observer are required to submit reports to CEDR that should be completed and sent to CEDR no later than 5 days following the mediation. Please note that part of the Observer Report asks for a timeline of offers, thus ensure that you make notes accordingly during the mediation.
- 18 The Mediator should inform the Observer of any post mediation contact made with the parties e.g. feedback or information about concluding a settlement if this did not happen on the day of the mediation.
- 19 At all times before, during, and after the mediation, the Observer must abide by the strict terms of confidentiality that apply to the mediation process.
- 20 Observers are bound by the CEDR Code of Conduct for Third Party Neutrals and the CEDR Model Mediation Procedure in the same way as the Mediator. Any breach of these procedures may result in the Observer being precluded from being involved in future mediations with CEDR.