

## Video and Telephone Assisted Mediation Factsheet

Video Assisted Mediation (VAM) and Telephone Assisted Mediation (TAM) involve the use of conferencing technology to support parties and mediators participate 'remotely' in mediation, without the need to be in the same physical location.

### When will CJC consider for a VAM or TAM session?

The majority of CJC mediation services occur in-person where all parties, including the mediator/s, are in the same room.

There are some circumstances where CJC will consider organising mediations using VAM or TAM.

- People live in remote areas or live far apart, and it is difficult to meet in person
- People have difficulty accessing CJC venues
- In-person services are unavailable
- Concerns for safety, welfare and wellbeing
- Time constraints
- Illness of mediation attendees (including CJC mediators)

VAM and TAM are only possible where participants have access to the appropriate devices and connectivity to be able to participate

- Laptops, tablets, desktop computers, smartphones with video capability
- Landline, mobile phone
- Access and reliability of phone/internet connection

### How can you prepare for your CJC VAM/TAM?

#### *Equipment and Connectivity*

- Consider the strength and reliability of internet connection and data availability
- Ensure devices are charged, connected to power and available for use

- Headsets can improve the sound, enhance your concentration, and reduce background noise
- Consider setting up the device to be hands-free for the mediation, as a session may take several hours
- Test your video equipment prior to the session - including the camera and microphone
- Ensure the camera angle is appropriate and your face is within the frame
- Prior to the mediation to the mediation, CJC will send all parties information on how their mediator/s will connect with them via VAM or TAM
- VAM platforms are most likely to be Skype or Teams

#### *Comfort*

- Have amenities at hand including drinks and light snacks (preferably not crunchy), tissues etc
- Ensure any documents or information needed for the session are accessible
- Have paper and pen available to make notes

#### *Environment*

- All participants, including the mediator, are required to be in a quiet space with no or minimal background noise.
- If there are others in your environment (for example home or office) try and find a space where you can close the door for confidentiality and privacy.
- Advise others in your environment that you should not be disturbed while in the mediation.
- Turn off phones, radios, TVs etc

- For VAM, ensure the background is appropriate for the session. This includes removing any personal items you would prefer other VAM participants not see.

### *Confidentiality and Privacy*

- Only parties approved by CJC to attend the mediation should be participating and listening to the discussion.
- Children should not be present/ during any part of the mediation. If there are concerns with childcare, CJC will be happy to postpone the mediation until appropriate care arrangements can be confirmed.
- People are requested not to message or take other calls during the session. This includes not privately messaging the other party or mediator.
- The recording of the mediation by any person, without the consent of all parties to the conversations (including mediators), is strictly prohibited under the law.
- Should the privacy and confidentiality of the session be compromised, the session may be terminated or rescheduled.

### **What happens during your VAM/TAM session?**

#### *Testing and mediator instructions*

- Participants are requested to be available at least 15 minutes prior to the official start of the session to ensure that equipment can be tested, and connection can be achieved.
- The mediator will begin the mediation with a short individual session with each person to check in on comfort, environment, wellbeing and preparedness to participate.
- The mediator will bring parties together and explain the process of mediation when using VAM or TAM technology, including when:
  - parties come together for joint discussions with the mediator
  - the mediator meets individually with each party, and the times parties should be available
  - rest breaks are required

#### *Technical issues*

- If connection is lost during the session the mediator will make several attempts to recontact the participants via the mode being used. If this fails, then the mediator will attempt to make contact by phone (if VAM) or an alternate phone number (if TAM).
- If video conferencing fails due to poor connection the mediator may decide to switch to telephone mediation instead or reschedule the mediation.
- If a person wishes to discontinue at any time during the mediation, they should request a private session with the mediator to discuss the reasons for their decision.

Although CJC appreciates some mediation discussion can be uncomfortable or

### **For more information about CJC**

Visit the website:

[www.cjc.justice.nsw.gov.au](http://www.cjc.justice.nsw.gov.au)

Free call: 1800 990 777

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If you are deaf, have a hearing or speech impairment, contact us through the National Relay Service on 1800 555 677 and ask for 1800 990 777.