

## Fact sheet – Telephone mediation

### What is telephone mediation?

Telephone mediation is when mediation is conducted over the telephone (using a landline and not a mobile phone). This is an alternative to mediation being held face-to-face with everyone in the same room.

### When is telephone mediation appropriate?

Using telephone mediation may be useful for people who:

- Live so far apart it is not possible to meet in person.
- Have restricted mobility due to disability or other factors.
- Have concerns about safety.

### Where is the telephone mediation held?

The mediators will conduct the mediation from a private room at a Community Justice Centre (CJC) office using a landline phone. People involved in the mediation are usually in their own home or at another suitable venue with access to a landline phone. There are not waiting lists.

### What happens in telephone mediation?

Generally, the process for telephone mediation is the same as any other mediation.

The mediators' role is to facilitate discussion so that people can reach their own common sense solution to their dispute. The process typically takes between two and four hours and generally follows these steps.

1. Everyone introduces themselves and mediators explain the process and 'ground rules' for the mediation.
2. Everyone takes turns expressing their point of view and what has brought them to the mediation. Each person is listened to without interruption.
3. Mediators summarise what they have heard, and prepare an agenda.
4. Mediators help the people involved in the dispute explore the issues on the agenda by encouraging and guiding the discussion.
5. Mediators speak with each person separately in a confidential private session, while the other person or people think about their options.
6. Everyone is then brought back on the line and the mediators help out to negotiate future arrangements.
7. If everyone agrees on some or all of the issues, the mediators can write an agreement and give a copy to each person as a record of what was decided. Agreements are not normally legally binding, but it may be possible to have them made legally binding if everyone agrees. See fact sheet: *'Are CJC agreements enforceable?'*
8. If no agreement is reached, but everyone agrees further mediation may help, another session can be arranged.

### Who should be present during telephone mediation?

People involved in the dispute who are able to make decisions about the disputed issues should be present. Support people may be present, but their attendance and the nature of their participation needs to be arranged and confirmed with CJC before the mediation.

Lawyers are not required as mediation is not a legal process. People involved can seek legal advice before mediation or during breaks.

Mediators may exclude a person if the presence of that person may frustrate the purpose or conduct of the mediation or end the mediation if necessary.

Mediations are not to be recorded by any means as mediation is confidential (with some exceptions relating to safety) and there may be legal consequences, just like in face-t-face mediation.

### Helpful hints

Have a pen, paper, tissues and water available. Talking on the phone for a long period can be tiring. You may find the process easier if, before the mediation sessions starts, you make sure your environment is comfortable, quiet, uninterrupted and private.

### For more information

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

Freecall: 1800 990 777

Email: [cjc@justice.nsw.gov.au](mailto:cjc@justice.nsw.gov.au)

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