

MEDIATION SERVICES

THE
PROPERTY
PEOPLE

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IT'S GOOD TO TALK



Mediation would not exist without a dispute.

The reality is often that no party in a dispute really wants to litigate, except in certain exceptional circumstances.

Every dispute is different, and so the history to every dispute will be different. It's not a Mediator's job to find fault or apportion blame, but they do need to show the parties that they understand how and why a dispute has arisen. This helps them to develop a rapport and empathy with the parties, and assists in exploring ways in which the dispute may be resolved.

Mediators have a broad understanding of how disputes work – why they happen, how they happen and how disputants behave.

Mediation is a voluntary, non-binding, and “without prejudice” process in which a Mediator intervenes in a dispute and attempts to bring the parties together to reach an agreed settlement that both sides can live with and that allows them to move on.

Over 80% of mediations succeed, and only then does it end with a binding agreement.

If anyone is dissatisfied with the process, either party or the Mediator may terminate the mediation at any time. The claimant may then proceed to assert their legal rights through arbitration or the courts.

At NG Chartered Surveyors we have expanded our dispute resolution services; Richard Sutton is now an ADR Group accredited Civil and Commercial Mediator, a position recognised by both the Law Society and the Bar Council.

Richard, a Director at NG, has worked in commercial property for over 25 years and over time it has become clear that a professional commercial mediation service is something that is beneficial to our clients and business contacts.

Unfortunately conflict arises over anything from property management to boundary disputes. For example, disagreements between landlords and tenants can quickly escalate to the point that it becomes difficult for people to do business together.

Mediation is a sensible, cost effective way of reaching a solution that is agreeable to both parties. Litigation is expensive, stressful and time consuming. It produces an outcome that is imposed on people rather than agreed between them. Mediation is the far more preferable route.

THE ADVANTAGES OF MEDIATING

A DISPUTE RATHER THAN LITIGATING INCLUDE:



SPEED

People rarely enjoy being in conflict because its worrying, time consuming, and a drain on resources.

Mediation sessions can be set up very quickly, within days if necessary, unlike the judicial system or arbitration, and can be settled on the day.



COST

A fairly obvious and major advantage. Because cases can be settled quickly, legal costs and management time costs are kept to a minimum.



IMPROVES COMMUNICATIONS

People in conflict tend to take up rigid positions and resort to communicating with the other party via their solicitors. This is not only expensive but it may lead to misunderstandings.

The face-to-face meetings which occur at mediation allow open communication directly between the parties and the carefully managed transfer of information by the Mediator.

The Mediator has to be careful in controlling the mediation and make sure passions and emotive language do not interfere with the actual settlement process.



CONFIDENTIALITY

“Confidentiality is essential and is at the heart of the service, so people shouldn’t be frightened of the mediation process.”





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