

EX730

Would you like to settle your case without going to a court hearing?

HM Courts & Tribunals Service provides a free and confidential telephone mediation service for parties (people) involved in current defended small claims cases.

If you have an on-going small claims case in court, this service could give you the opportunity to resolve your dispute without having to attend a court hearing, saving time and money.

The Small Claims Mediation Service offers, before any court hearings, one hour mediation appointments with trained HM Courts & Tribunal Service mediators.

What is mediation?

In mediation, each side to a dispute has a chance to summarise the main points of their case and to think about what the other side has to say. A mediator helps you to consider the best solution to the dispute and whether you can both reach agreement about how the dispute could be settled.

The mediator is neutral and will not make any judgment on the rights or wrongs of the case. The role of the mediator is to help you and the other party negotiate an agreement.

Mediation is a voluntary process so all the parties involved need to want to use the service.

What are the benefits of mediation?

- There is no cost to use the service.
- Mediation is quicker and less expensive than attending a court hearing.
- The process is less formal than a court hearing with a judge.
- All discussions are confidential and without prejudice.
- Appointments are arranged at a time to suit all the parties.
- Parties are in control of the outcome, rather than having a decision imposed upon them by a judge at a hearing.
- Settling a dispute through mediation avoids the build up and risk of costs that will have to be paid if a case goes to a hearing.
- If you agree to settle your dispute at mediation a formal agreement will be sent to you by the mediator. You or the other party can apply to the court to enforce this if it is breached (not acted on). The mediator will explain this process to you in more detail at the mediation.

What are the requirements to use the Small Claims Mediation Service?

- Anyone participating in a mediation appointment has full authority to negotiate a settlement.
- The parties need to agree to go to mediation in good faith with the aim of achieving a settlement.
- For mediation to be successful there needs to be some flexibility from all parties and a willingness to listen and consider each other's positions.
- The parties or their representatives should be familiar with the details of the dispute and be able to answer any queries raised.

What if mediation fails?

The Small Claims Mediation Service has proved highly successful with an excellent customer satisfaction rate. However, if parties don't reach a settlement the case will go to a hearing.

All negotiations made at mediation will remain confidential and cannot be disclosed to a judge at a hearing.

If the matter goes to a court hearing, the claimant will have to pay a hearing fee (or the defendant if the matter proceeds on a counter-claim only).

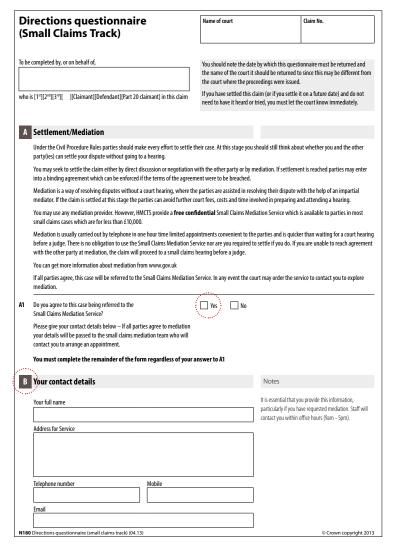
You are reminded that you must continue to comply with all court directions while you consider or take part in the mediation process.

I wish to use the Small Claims Mediation Service – what should I do next?

If the court has asked you to complete a Directions Questionnaire (N180) you should tick Yes to question 'A1' and complete section B.

If you have received a judicial order recommending that your case is suitable for mediation you should contact the Small Claims Mediation Service as soon as possible to register your interest in going to mediation. Mediation will only take place if both parties contact the Small Claims Mediation Service to confirm that they want an appointment, so it is important that you contact us as soon as possible using the contact details given on the judicial order.

You may also visit www.gov.uk for further information, or you can contact the HM Courts & Tribunals Service Small Claims Mediation Service by phone at 0300 123 4593 or by email at scmreferrals@hmcts.gsi.gov.uk



The Small Claims Mediation Service cannot assist with the completion of the Directions Questionnaire (N180). Court staff cannot provide you with any legal advice. You should instead contact a solicitor, a local legal advice centre, law centre or the Citizens Advice.