

Court Referral to Mediation: What Happens Next?

So, the court has referred you to mediation—what's next? Here's a step-by-step guide:

Order of the Sheriff: The Sheriff will often order you to contact a mediation service. The court usually shares your details with a preferred mediation provider, who will then reach out to you to explain how mediation works.

Mediation Providers: In Scotland, some mediation providers are funded by the Scottish Government and offer free services for Simple Procedure actions. There are also other providers, though they might charge a fee.

Intake Calls: An intake call is where you'll learn about the mediation process and decide if you want to proceed. Like mediation itself it is entirely voluntary. If you choose to go ahead, the provider will take brief details of your case and discuss what you hope to achieve. If you decide not to proceed, the provider will notify the court, but this won't affect any future court proceedings. Remember, both participants must agree to mediation before a session can be scheduled.

Mediation Session Scheduling: Once everyone agrees, mediators will arrange a session that suits all parties. This session might be online, in person, or by phone. Sometimes, a case might be deemed unsuitable for mediation, in which case, the provider will return the case to court.

Mediation Settlement Agreement: where a resolution has been agreed, the mediator will produce a written document called a settlement agreement. Once the terms have been fulfilled the case can be dismissed, bringing any legal action to an end.