

Providing information about costs

Mediation costs can be confusing and different mediators charge in different ways. It is important to provide clients with information about the costs of mediation at the outset, as well as making clear that Legal Aid is available for clients who are eligible.

This helps ensure that privately paying participants are willing and able to pay for the cost of mediation, including any outcome documentation.

Mediators in private practice can set their rates as they choose and there are a wide variety of practices: hourly or sessional rates vs fixed fees; a sliding scale of fees according to a participants' income vs one rate irrespective of the participants' income; fees which include the drafting of paperwork vs separate charges for paperwork.

Irrespective of the pricing structure that you choose, you should always:

- Be transparent – set out all potential costs and explain what is or is not included. Don't surprise clients with what they might see as hidden extras
- Be clear – Is your fee per person or split between the parties? Is the fee per hour or per session? How long is a session?

It may also be beneficial to:

- Provide guidance on the average or likely overall spend to ensure that clients' expectations are realistic at the beginning of a mediation
- Explain the purpose of a charge.

To avoid clients refusing to pay for paperwork at the end of mediation, it is recommended that at the outset mediators explain that clients will pay for the time in each mediation session and one set of paperwork after each session, saying what this is likely to be. If clients understand what the practice and its purpose is from the start, they are far less likely to question whether paperwork is necessary and the charge for this. If a fixed fee is charged, regardless of time spent, then clearly this should refer to the paperwork element or set out any additional payment that will be required.

It is also recommended that you remind clients at the end of each mediation session of what the likely paperwork will be.