If you wish to offer mediation to the other party to try to resolve matters, we suggest the wording below out below. They are under an obligation to consider using alternative dispute resolution although it is voluntary.

We are an independent mediation service provider, mediating between consumers and businesses throughout the UK

The other party needs to agree to take part. If they fail to do so you can draw this to the attention of the Court as demonstrating poor conduct. The solicitors might then be unable to recover their legal costs at the end of the process.

Unfortunately until the other party agrees to mediate we can't help at this stage.

Please see below the wording of a draft letter that you could send to your opponent offering to mediate.

You can tell them that the Courts encourage parties to mediate before proceedings are issued and that you reserve the right to draw any refusal to the attention of the Court upon the issue of costs.

If you are a trader you must in any event provide details of a certified ADR provider to customers when issuing a "deadlock" final response to complaint letter or you are in breach of the ADR Regulations.

Unfortunately we do need to have the other party's agreement before we can assist. You need to have received their final response and agreement to mediate.

If the other party refuses to mediate you can draw this to the Court's attention when it comes to decide the issue of who should pay the legal Costs.

Many thanks

Peter Causton

ProMediate

CTSI Certified Alternative Dispute Resolution Provider under the ADR Regulations 2015. Mediation Services

www.promediate.co.uk

Contact us by Phone: 0203 621 3908

Or 07827 961764

Or by Email: enquiries@promediate.co.uk

DRAFT LETTER/EMAIL

Re :

Without Prejudice Save as to Costs

Further to our last communication, we wish to formally offer alternative dispute resolution (ADR) to resolve the dispute between us and your client.

The Court and the Alternative Dispute Resolution Regulations expect us both to attempt ADR as a last attempt to resolve our dispute. Court proceedings are viewed very much as being a last resort, as you will be aware.

We are members of ProMediate’s Alternative Dispute Resolution scheme for consumer disputes certified by CTSI and registered with the Civil Mediation Council. In this case we are willing to offer telephone mediation.

We recognise that any dispute resolution mechanism needs to be affordable for us both. Mediation is likely to cost considerably less than arbitration or Court. In this regard, if you refuse our offer we reserve the right to draw this to the attention of the Court in relation to conduct and to argue that it should penalise you for refusing. Specifically, we would ask the Court to award costs in our favour on the basis of your client’s unreasonable behaviour under Civil Procedure Rule 27.14(2)(g).

Mediation will help us both have a better understanding of each other's perspective and working with a completely neutral person they can provide us with an opportunity to explore different ways of resolving the issues.

We would like to use ProMediate (UK) limited who are a CTSI Certified Mediation Provider, dealing with all types of consumer dispute. They offer their service either over the telephone or online at a time that suits us. If necessary they can organise a mediation meeting in person.

If we are both available the appointment can be booked in a few days.

There is a fee that is to be paid by both of us but we believe that this will be considerably less than going through the court process, in terms of costs and time that we will both have to spend.

We understand that ProMediate would charge £90 plus VAT to your client and £150 plus VAT to us for a telephone mediation although their charges are negotiable.

https://www.promediate.co.uk/click-2-resolve-mediation-services-for-consumer-disputes/click2resolve-charges/

We therefore ask that you contact ProMediate (UK) Limited to discuss mediation and arrange an appointment.