



PALADIN

PALADIN CODE OF CONDUCT FOR MEDIATIONS

This Code of Conduct sets out the core principles to which Paladin commits whenever providing mediation services to clients. For the purposes of this Code, ‘mediation’ means any structured process, however named or referred to, whereby two or more parties to a dispute attempt by themselves, on a voluntary basis, to reach an agreement on the resolution of their dispute with the assistance of a third person (the Paladin mediator).

Competence

Paladin will ensure that any person providing mediation services is competent and knowledgeable both in the process of mediation generally, and in the subject matter of the mediation specifically. Paladin will not provide mediators, for example, for the purposes of family-related disputes or disputes involving or engaging the laws of jurisdictions outside of England & Wales.

No person will be offered to a client as a mediator without having undergone appropriate training and without either holding a professional legal qualification with a minimum of 7 years’ PQE in a relevant area or a mediation qualification recognised by the Civil Mediation Council and a minimum of 5 years’ mediation practice. Paladin mediators will at all times maintain their continuing professional development, to include a minimum of 4 hours’ relevant mediation training each year. Paladin mediators will at all times comply with the professional code of conduct applicable to their qualification to mediate.

Appointment

Paladin mediators will confer with the parties regarding suitable dates on which the mediation may take place. They will verify that they have the appropriate background and competence to conduct the mediation in a given case before accepting the appointment. Upon request, they will disclose information concerning their background and experience to the parties.

Fees

Paladin mediators will always supply the parties with complete information as to the mode of remuneration which they intend to apply. They will not agree to act in a mediation before the principles of their remuneration have been accepted by all parties concerned.

Promotion of services

Paladin mediators may promote their practice provided that they do so in a professional, truthful and dignified way.

Independence and impartiality

If there are any circumstances that may, or may be seen to, affect a Paladin mediator's independence or give rise to a conflict of interests, the mediator must disclose those circumstances to the parties before acting or continuing to act. Such circumstances include: any personal or business relationship with one or more of the parties; any financial or other interest, direct or indirect, in the outcome of the mediation; the mediator, or a member of his firm, having acted in any capacity other than mediator for one or more of the parties. In such cases the mediator may only agree to act or continue to act if he is certain of being able to carry out the mediation in full independence in order to ensure complete impartiality and the parties explicitly consent. The duty to disclose is a continuing obligation throughout the process of mediation.

Paladin mediators must at all times act, and endeavour to be seen to act, with impartiality towards the parties and be committed to serve all parties equally with respect to the process of mediation.

The mediation agreement, process and settlement

The Paladin mediator will ensure that the parties to the mediation understand the characteristics of the mediation process and the role of the mediator and the parties in it. The mediator will in particular ensure that prior to commencement of the mediation the parties have understood and expressly agreed the terms and conditions of the Mediation Agreement including any applicable provisions relating to obligations of confidentiality on the mediator and on the parties. The mediation agreement may, upon request of the parties, be drawn up in writing. The mediator must conduct the proceedings in an appropriate manner, taking into account the circumstances of the case, including possible imbalances of power and any wishes the parties may express, the rule of law and the need for a prompt settlement of the dispute. The parties may agree with the mediator on the manner in which the mediation is to be conducted, by reference to a set of rules or otherwise. The mediator may hear the parties separately, if he or she deems it useful.

The Paladin mediator will ensure that all parties have adequate opportunities to be involved in the process. The mediator will inform the parties, and may terminate the mediation, if: a settlement is being reached that for the mediator appears unenforceable, illegal or improper, having regard to the circumstances of the case and the competence of the mediator for making such an assessment, or the mediator considers that continuing the mediation is unlikely to result in a settlement, or the mediator considers it otherwise improper to continue.

The Paladin mediator will take all appropriate measures to ensure that any agreement is reached by all parties through knowing and informed consent, and that all parties understand the terms of the agreement. The parties may withdraw from the mediation at any time without giving any justification. The mediator must, upon request of the parties and within the limits of his competence, inform the parties as to how they may formalise the agreement and the possibilities for making the agreement enforceable.

The Paladin mediator will keep confidential all information arising out of or in connection with the mediation, including the fact that the mediation is to take place or has taken place, unless compelled by law or grounds of public policy to disclose it. Any information disclosed in confidence to mediators by one of the parties must not be disclosed to the other parties without permission, unless compelled by law.