

OXFORD MEDIATION

CONSTITUTION

1 Purpose

- 1.1 Oxford Mediation ("OM") is a non-profit making association of accredited mediators established for the benefit of its members.
- 1.2 OM comprises mediators working together to provide mediation services.
- 1.3 OM's purpose is to provide mediators for civil and commercial (non family) and workplace and employment disputes referred directly or through the National Mediation Helpline or the Courts throughout the UK and abroad.
- 1.4 OM is committed in the work that it does and the services that its members provide to principles of equality, diversity and non-discrimination.

2 Structure

- 2.1 OM shall, unless the members (or Steering Committee) agree otherwise, meet twice a year to consider its business and to elect a Chairperson, Secretary, Treasurer, other officers as needs be, and a Steering Committee from amongst its members.
- 2.2 The quorum for a meeting of OM shall be six members present in person.
- 2.3 All resolutions shall be passed by a simple majority of those voting in person. The last elected Chairperson shall have a casting vote in the case of a tied vote.

3 The Steering Committee

- 3.1 The Steering Committee elected by the membership and comprising at least four members of OM will meet as required and will direct the activities and management of OM.
- 3.2 Members of the Steering Committee will represent OM at any meetings with the judiciary or National Mediation Helpline or others. Members of the Steering Committee will report to the membership of OM as needs be about the business of OM.
- 3.3 Where meetings of, or consultations between, members of the Steering Committee are necessary a quorum of four members shall be sufficient to decide any matters necessary for the management of OM.
- 3.4 Should the number of members of the Steering Committee fall below six at any time, the remaining members of the Steering Committee may co-opt members to fill any vacancies.
- 3.5 The Steering Committee may at any time set up sub-committees drawn from members of OM to consider any matter relevant to the operations and management of OM and (for example) to consider complaints.
- 3.6 All decisions of the Steering Committee shall be passed by a simple majority of those voting in person or by email subject to quorum. The Chairperson shall have a casting vote in the case of a tied vote.

4 Amendment of the Constitution

4.1 This Constitution may be amended by a simple majority vote at a meeting of the paid up members of OM called on 14 days notice by email to all such members, or by the Steering Committee provided that any amendment by the Steering Committee shall be subject to the retrospective approval of members at the next meeting of members.

5 Membership

5.1 Membership of OM shall be restricted to those persons meeting the membership criteria set out in this Constitution, as may be approved by the Steering Committee.

5.2 The Steering Committee may approve or reject applications for membership without giving reasons for its decision.

5.3 Only mediators who have successfully completed an accreditation course provided by a recognised mediation provider comprising at least 35 hours of training will be accepted as members of OM, subject to the Steering Committee's discretion to waive this requirement in exceptional circumstances for experienced mediators.

5.4 Accredited mediators accepted as members of OM will be classified as "Experienced" or "other accredited mediators" depending of their experience as mediators. Experienced mediators must have conducted at least 10 mediations as lead mediator in the 2 years prior to joining OM.

5.5 Notwithstanding anything above mediators, must also satisfy the criteria for accreditation, training, conduct, and all matters required from time to time of mediators by both the Civil Mediation Council and the National Mediation Helpline to be considered Experienced mediators by OM.

5.6 Experienced mediators may accept appointments as mediators referred to OM. Other accredited mediators must first complete a pupillage programme and in other respects satisfy the members of OM of their suitability before being described as Experienced members and accepting referrals as mediator through OM.

6 Subscriptions

6.1 Each Member shall pay an annual subscription (and any additional subscription) decided by the Steering Committee after consultation with the Members. Subscriptions must be paid within 28 days of request for payment. Subscription fees are not refundable.

6.2 The funds of OM shall be held in such account(s) as the Steering Committee shall from time to time determine and all sums received by or on behalf of OM shall be paid into that account.

6.3 The Steering Committee may deal with the funds of OM and authorise payment of anything required for the business of OM.

6.4 The Treasurer will send an annual statement of income and expenditure to all members. The accounting period for such a statement will be 1 November to 31 October each year. The statement will be sent to members within three months of the relevant financial year end.

7 Training

- 7.1 The pupillage programme for “other accredited mediators” involves observing two mediations conducted by an Experienced mediator from within OM and acting as the lead mediator whilst being observed and supervised by an Experienced mediator. Mediators may be described by OM as Experienced, provided the pupillage programme has been successfully completed and that the mediator is considered reasonably competent by Experienced members of OM.
- 7.2 All mediators must have attended a recognised training scheme for Court based mediations before joining or within 12 months of their designation as an Experienced mediator by OM.

8 Mentoring and Development

- 8.1 All mediators must attend a supervision and feedback session with other members of OM or mentor twice a year (at approximately 6 month intervals) to review their performance, consider difficult cases and any problems arising.
- 8.2 All mediators will undertake such continuing professional training as is required by the Steering Committee. Members will be required to produce annually evidence of the training and professional development activities undertaken.
- 8.3 Each member must select a mentor from amongst other members of OM. Mediators and mentors may meet or discuss problems as needs be.

9 Referrals

- 9.1 Referrals to individual mediators will be made fairly and will be open to the scrutiny of other members, the Civil Mediation Council, the National Mediation Helpline and the Courts.
- 9.2 The mechanism for the referral of mediations to members shall be determined by the Steering Committee.
- 9.3 Mediators must comply with the time limits and other obligations set out in the National Mediation Helpline procedures and flow charts and imposed by the Courts.
- 9.2 Mediators must deal with referrals expeditiously on acceptance and notify OM of the outcome and deal with the Court in accordance with the National Mediation Helpline scheme guidelines.
- 9.3 When accepting referrals through OM mediators must, unless otherwise agreed by the parties, use any standard form of mediation agreement and forms required by the Court and comply with the fee structure and obligations of membership of the National Mediation Helpline.
- 9.4 Referrals of mediations to mediators shall be made under arrangements determined by the Steering Committee. The Steering Committee may require that mediators pay a referral fee in such a sum as may be determined by the Steering Committee for administration and referral services.
- 9.5 Where any member fails to pay any fee required or fails to comply in any respect with any obligations to OM the Steering Committee may direct that mediations are not referred to that member.

10 Other obligations of members

- 10.1 Members of OM shall at all times act in good faith, honestly and with professional integrity.
- 10.2 Members must not accept any appointments as mediator where a possible conflict of interest is reasonably foreseeable, where they are over committed, or where they not qualified to mediate.
- 10.3 Members undertake to assist as far as reasonably possible in the training of other mediators within OM.
- 10.4 All members shall comply with the EU Model Code of Conduct for Mediators published in 2004 including any amendments or revisions thereto made from time to time.

11 Complaints

- 11.1 The Steering Committee shall investigate and consider any complaints received about OM or mediators or mediations or the procedures adopted by OM and shall report to the members whenever such complaints are received.
- 11.2 Mediators shall co-operate fully in the investigation of any complaint within the limits of any obligations of confidentiality imposed under an agreement to mediate or otherwise.
- 11.3 The Steering Committee may adopt and the members shall comply with any scheme for the investigation of complaints required by the Civil Mediation Council or the Court Service.
- 11.4 The Steering Committee may suspend or terminate the membership of any member of OM if there is reason to believe that the conduct of the mediator falls below the standard to be expected of a professional accredited mediator or member of OM.

12 Insurance

- 12.1 Members must obtain and provide evidence on request of Professional Liability Insurance cover of not less than £1m.
- 12.2 Members may not accept mediations involving sums exceeding £1m without taking out jointly with OM appropriate insurance covering the professional liability of the mediator and indemnifying OM against all claims and all associated costs and expense howsoever arising.
- 12.3 All members shall ensure that their own insurers are aware of their involvement in OM and that their activities as part of OM are comprehensively indemnified through professional indemnity insurance.

13 Dissolution

- 13.1 If the Steering Committee by a simple majority decides at any time to dissolve OM it shall call a meeting of all members of OM on not less than 21 days notice, stating the terms of the resolution proposed. If the dissolution of OM is confirmed by a simple majority of those members present (regardless of whether there is a quorum of members) the Steering Committee may dispose of any assets held by or on behalf of OM and dissolve OM.
- 13.2 Any assets remaining after the satisfaction of debts and liabilities shall be given to charities or other "not-for-profit" organisations with similar aims. The Steering Committee's decision (or in

the absence of quorum the decision of the (acting) Chairman and Treasurer together) on the distribution of the assets shall be final.

END OF CONSTITUTION DOCUMENT

This Constitution was agreed by a vote of members at an ordinary meeting of OM on 16th June 2009.

The Names Oxford Mediation Group was substituted with Oxford Mediation on the 18th March 2010.