

HOW TO RESOLVE BUSINESS DISPUTES WITHOUT GOING TO COURT

BY DAVID ASHDOWN

WWW.WE-RESOLVE.CO.UK

Dispute resolution for Small Business Owners

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INTRODUCTION



Running a small business can be one of the most rewarding journeys in life, but it is not without its challenges. Alongside the excitement of growth, innovation and independence, there are risks and obstacles. One of the biggest and most stressful of these is conflict.

Disagreements are inevitable. A client disputes an invoice. A supplier fails to deliver on time. Two employees clash over responsibilities. These situations are not just stressful – they can cost your business dearly.

The hidden cost of conflict

Most entrepreneurs underestimate how much conflict drains resources:

- **Lost time** – hours wasted on angry emails or tense meetings.
- **Lost money** – unpaid invoices, legal bills, reduced productivity.
- **Lost focus** – stress and distraction that prevent you from growing your business.

It is tempting to think: "I'll just call a lawyer." But litigation is often the worst option for small businesses. Court cases can take months, or even years, legal fees quickly add up, and relationships are usually destroyed in the process.

BUT...

there's a better way

Mediation is a structured process where a neutral professional helps both sides talk openly, understand each other's perspective, and work towards an agreement.

Unlike in court, no one "wins" or "loses".
You find a solution everyone can live with.

And the best part? Mediation is:

- **Faster** – often days or weeks instead of months or years.
- **Cheaper** – a fraction of legal costs.
- **Private** – confidential, unlike public court records.
- **Relationship-friendly** – it focuses on preserving ties, not breaking them.
- **Effective** – CEDR's mediation audits report that around 9 in 10 mediations settle, either on the day or shortly afterwards.



This guide will show you

- The most common conflicts small businesses face.
- Why mediation often works better than litigation.
- How the mediation process works, step by step.
- Communication tools you can use immediately.
- How to decide when mediation is right for you.
- How to build a business culture that prevents conflicts before they grow.

Whether you are a sole trader, freelancer or company owner, this guide gives you practical tools to save time, money and peace of mind.

About this guide. This guide offers general information and practical suggestions, not legal, financial or tax advice. Costs, timescales and outcomes in the examples and comparisons are illustrative and typical, not guarantees. The case studies are based on real UK small-business disputes, with details adjusted for confidentiality. Where a dispute involves legal rights, deadlines or significant sums, take advice from a qualified solicitor.

CHAPTER 1

UNDERSTANDING BUSINESS CONFLICTS

Conflict is a normal part of running a business. What matters is how early you spot it, and what you do next.



1.1 Why conflict happens in business

Conflict is a normal part of running a business. Wherever people, money and contracts meet, disagreements will sometimes arise. For small and medium-sized enterprises (SMEs), the impact is often greater than for large companies, because even a small disruption can affect cash flow, customer trust and staff morale.

Typical triggers include:

- **Unclear agreements** – contracts or expectations not properly written down.
- **Communication breakdowns** – emails misunderstood, promises forgotten, or tone misinterpreted.
- **Changing circumstances** – supply chain delays, rising costs, or shifting customer demands.
- **Pressure and stress** – people under pressure make faster, harsher decisions, which can cause disputes.

1.2 The cost of ignoring conflict

Many business owners delay addressing conflict, hoping it will resolve itself. Unfortunately, unresolved disputes tend to escalate. Small misunderstandings can quickly become entrenched battles.



Hidden costs of ignoring conflict:

- Time wasted in arguments and unproductive meetings.
- Staff distraction, stress and even resignations.
- Loss of customers who see disputes as unprofessional.
- Missed opportunities, because energy is diverted away from growth.

RESEARCH

Research from the Chartered Institute of Personnel and Development (CIPD) has repeatedly found that unmanaged workplace conflict carries a significant cost for UK organisations. For SMEs, even one unresolved dispute can be critical.

1.3 The three main areas of business conflict

1. Clients and customers

- **Unpaid invoices** – cash flow disruption is a common reason disputes go legal.
- **Scope creep** – customers expect more than was agreed.
- **Quality disagreements** – dissatisfaction with products or services.

EXAMPLE

A small marketing agency delivered work worth £5,000. The client refused to pay, claiming it was "off brief".

2. Suppliers and partners

- **Delivery failures** – late or missing products.
- **Price changes** – suppliers raising costs without clear notice.
- **Partnership disputes** – joint ventures where roles and responsibilities are unclear.

EXAMPLE

A café faced huge losses when its coffee supplier missed three consecutive deliveries, causing closure for several days.

3. Employees and teams

- **Role clashes** – unclear responsibilities leading to finger-pointing.
- **Grievances** – allegations of unfair treatment, bullying or discrimination.
- **Team breakdowns** – poor communication causing stress and resignations.

EXAMPLE

A family-run business faced tension when siblings running different departments disagreed on strategy. Staff became divided, and morale dropped.

1.4 Exercise – mapping conflict in your business

Take five minutes to reflect on where conflict shows up in your business.

Step 1: Identify the area. Clients and customers, suppliers and partners, or employees and teams?

Step 2: Note the common triggers. Is it usually about money, communication or expectations?

Step 3: Write down one current or recent conflict. What happened? What was the impact? Was it resolved, or is it still ongoing?

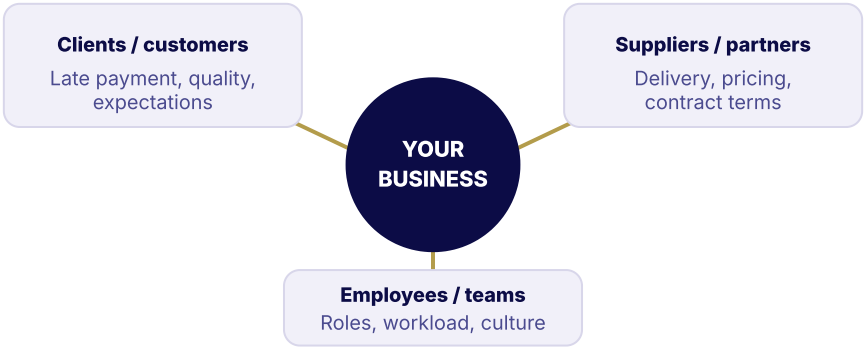
> Use the worksheet below to complete your answers.

1.5 Key Takeaways

- Conflicts are natural in business, but they have hidden costs when ignored.
- For SMEs, disputes are most common with clients, suppliers and employees.
- Addressing issues early saves time, money and relationships.
- Mapping your conflicts helps you spot patterns and prepare for resolution.

1.6 Worksheet – your conflict map

Use this map to see where conflict is most likely to arise in your business, then record what you find in the table below. Examples are filled in to get you started.



AREA OF CONFLICT	EXAMPLE SITUATION	IMPACT	RESOLVED? Y/N	NEXT STEP
Clients / customers	Late invoice £2,000	Cash flow delay	N	Consider mediation
Suppliers / partners	Missed delivery	Loss of sales	Y	Strengthen contract
Employees / teams	Role clash	Staff tension	N	Team meeting

> **TIP** The blank rows are for your own situations. Print this page or copy the table into your own notes.

CHAPTER 2

THE TRUE COST OF CONFLICT

The invoice is rarely the whole bill. The hidden costs of a dispute are usually larger.



2.1 The visible costs

When business owners think about disputes, they usually calculate the direct costs:

- **Legal fees** – legal advice can cost hundreds of pounds an hour.
- **Court fees** – filing claims, hearings and enforcement.
- **Lost payments** – unpaid invoices or withheld funds.

EXAMPLE

A contractor chasing a £2,000 late payment spent £7,000 in legal fees and over 12 months in court, only to settle for less than the original debt.

2.2 The hidden costs

The real danger for SMEs lies in the hidden costs of conflict – the ones that do not show up on invoices but hurt the business deeply:

- **Time lost** – hours spent preparing documents, attending hearings or arguing.
- **Stress and distraction** – owners and staff focus on conflict instead of growth.
- **Damaged reputation** – customers and suppliers may hear about disputes and lose trust.
- **Team morale** – conflict creates a toxic environment that can lead to resignations.

2.3 The emotional costs

Money is not the only price of disputes. For many small business owners, conflict feels personal.



- Anxiety, sleepless nights and constant worry.
- Strained relationships with colleagues, partners or even family.
- The sense of “battle” that overshadows day-to-day work.

CASE EXAMPLE

A small retail owner fell out with their supplier over missed deliveries. The dispute dragged on for over a year, during which the owner described "waking up every day with a knot in my stomach".

2.4 Litigation vs mediation: a cost comparison

FACTOR	LITIGATION (COURT)	MEDIATION
Typical cost	£5,000 – £50,000+ (legal fees)	£400 – £750 per party
Timeframe	12–18 months minimum	1–3 weeks
Control	Judge decides	Parties control the outcome
Privacy	Public record	Confidential
Relationship	Often destroyed	Often preserved

Figures are typical examples, not guarantees. Costs vary with the size and complexity of the dispute.

2.5 Exercise – calculate the cost of conflict in your business

Think about your most recent or current dispute. Fill in the table below to see the true cost.

TYPE OF COST	EXAMPLE	ESTIMATED IMPACT
Direct costs	Legal advice (£200/hr)	£
Lost money	Unpaid invoice	£
Time	10 hours × your hourly rate	£
Stress	Lost sleep, anxiety	days
Team impact	Staff turnover or absence	

REFLECTION QUESTION

Could mediation have reduced these costs?

2.6 Key Takeaways

- Conflict costs far more than legal fees – it drains time, energy and reputation. Even small disputes can destabilise SMEs if left unmanaged.
- Mediation offers a faster, cheaper, less stressful and more constructive path.
- SMEs rarely have in-house teams to handle disputes, and in some cases an unresolved dispute can threaten the survival of the business.

CHAPTER 3

WHY MEDIATION WORKS

When disputes escalate, many owners assume the only answer is court. For small businesses it is often a poor fit.



3.1 The limits of litigation

When disputes escalate, many business owners assume the only solution is to "take it to court". While litigation has its place, it is often a poor fit for small business conflicts:

- **High costs** – solicitor and barrister fees can quickly exceed the value of the dispute.
- **Lengthy process** – hearings can drag on for months or years.
- **Uncertain outcomes** – a judge makes the decision, not the business owners.
- **Public exposure** – cases are on record, which can harm reputation.
- **Damaged relationships** – court is adversarial, pushing parties further apart.

EXAMPLE

A catering business spent over £10,000 in legal fees chasing a £6,000 debt. Even after winning the case, the client declared insolvency, and the money was never recovered.

3.2 How mediation is different



Mediation is built on a different philosophy: collaboration, not confrontation. It is:

- **Voluntary** – both sides agree to participate.
- **Confidential** – discussions remain private.
- **Flexible** – solutions can be creative, not limited to "win/lose".
- **Controlled by the parties** – you decide the outcome, not a judge.
- **Faster and cheaper** – most disputes are resolved in days or weeks.

3.3 The five key advantages of mediation over court

1. **Speed** – weeks, not years.
2. **Cost** – a fraction of litigation.
3. **Control** – you decide the outcome, not a judge.
4. **Confidentiality** – keeps your business reputation safe.
5. **Relationships** – preserves clients, suppliers and staff ties.

Three numbers that tell the story

£17,000
the average cost of resolving an £18,000 claim
FSB, Tied Up, 2016

3%
Yet only 3% of small businesses tried mediation
FSB, Tied Up, 2016

9 in 10
mediations settle, on the day or shortly afterwards
CEDR Mediation Audits: 87% (2025), 92% (2023)

Look at that first number again. The typical dispute cost almost as much to resolve as it was worth. You can win the argument and still lose the money.

And yet almost nobody tried the alternative, a process that settles around nine cases in ten.

The question isn't whether mediation works.
It's why so few people try it.

3.4 Benefits beyond money

While cost savings are a major advantage, mediation delivers benefits that go far deeper.

1. Preserving relationships

- Vital for family businesses, repeat clients and long-term suppliers.
- Allows both sides to move forward instead of burning bridges.

2. Protecting reputation

- A confidential process keeps disputes out of the public eye.
- Essential for businesses where trust and image are key.

3. Reducing stress

- Shorter, informal sessions mean less disruption.
- Business owners can focus on running their company, not fighting battles.

CASE EXAMPLE

Two directors of a design agency disagreed over company strategy. Mediation not only resolved the conflict but led to a written partnership agreement that strengthened their working relationship.

3.5 Common misconceptions about mediation

THE MYTH	THE REALITY
"Mediation is only for big companies."	**False.** Many mediations involve SMEs.
"It won't be legally binding."	**False.** A written settlement agreement can be enforceable in court.
"It's just a talking shop."	**False.** Mediators guide discussions towards concrete outcomes.
"It's a sign of weakness to suggest mediation."	**False.** It shows professionalism and control.

3.6 Exercise – could mediation have helped?

Think of your last two or three business disputes. For each, ask:

1. What was the issue?
2. How long did it take to resolve?
3. How much did it cost?
4. Was the relationship preserved?
5. Could mediation have achieved a better result?

3.7 Worksheet – mediation vs litigation reflection

DISPUTE	TIME SPENT	COST	RELATIONSHIP OUTCOME	COULD MEDIATION HAVE HELPED?
Client late payment	14 months	£4,000	Relationship ended	Yes
Supplier delays	12 months	£1,500	Still working together	Yes
Staff grievance	15 months	£8,000	Staff resigned	Yes

3.8 Key Takeaways

- Litigation is costly, slow and adversarial.
- Mediation is faster, cheaper, private and controlled by the parties.
- It not only saves money but protects relationships, reduces stress and preserves reputation.
- Mediation is not a weakness – it is a smart business decision.

CHAPTER 4

THE MEDIATION PROCESS

Mediation is not complicated, but it does follow a structure. Knowing what to expect removes uncertainty.



4.1 Overview of the mediation journey

Mediation isn't complicated – but it does follow a structured process. Knowing what to expect removes uncertainty and helps businesses prepare properly. The process typically unfolds in five steps:

1. Agreement to mediate
2. Appointing a mediator
3. Opening session
4. Joint and private discussions
5. Settlement agreement

4.2 Step 1 – agreement to mediate

Mediation starts only when both parties agree to take part. It is voluntary – no one can be forced.

What this step involves:

- One side raises the idea of mediation (sometimes with help from a lawyer or adviser).
- Both sides agree in writing to participate.
- A short written agreement to mediate is signed, confirming confidentiality and good faith.

> **TIP** Suggesting mediation shows strength, not weakness. It positions you as professional and focused.

4.3 Step 2 – appointing a mediator

Choosing the right mediator is crucial. Qualities to look for:

- **Neutrality** – the mediator does not take sides.
- **Experience** – ideally with business and commercial disputes.
- **Accreditation** – for example, the Civil Mediation Council (CMC) in the UK.

CASE EXAMPLE

A dispute between two business partners improved dramatically once a neutral third party created space for both to speak openly.

4.4 Step 3 – opening session

This is the first meeting, where everyone sits down together (in person or online). What happens:

- The mediator explains the process and ground rules.
- Each party gives a short statement of their perspective.
- No interruptions are allowed – it is about being heard.

Sample dialogue

Mediator: "Thank you both for attending. Today is about finding a solution that works for you both. Let's start by hearing each of your views in turn."

4.5 Step 4 – joint and private discussions

After the opening, the mediator may split the parties into private sessions (known as "caucuses") as well as joint discussions.

In private sessions:

- Each party can speak openly.
- The mediator may challenge thinking or reality-test options.
- Conversations are confidential – not shared without permission.

In joint sessions:

- Options are discussed.
- Points of agreement are noted.
- Creative solutions are encouraged (not just money, but timelines, future terms and apologies).

> **TIP** Many disputes settle once the parties feel they have been heard.

4.6 Step 5 – settlement agreement

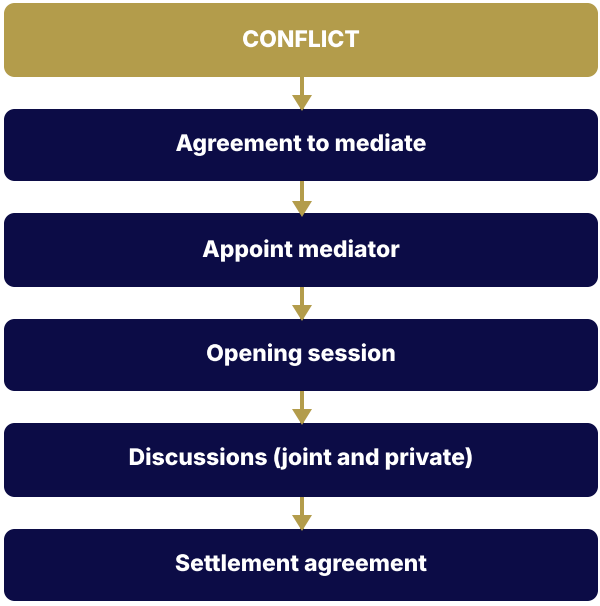
If an agreement is reached, it is written down and signed.

- It can cover payments, delivery of goods, future behaviour or contract terms.
- It is usually legally binding if signed as a contract.
- It is clear, practical and avoids further argument.

CASE EXAMPLE

A supplier dispute ended with a payment plan plus a revised delivery schedule – both sides walked away satisfied.

4.7 Flowchart – mediation at a glance



4.8 Template – email to invite the other party to mediation

Subject: Proposal to resolve our dispute through mediation

Dear [Name],

I want to find a fair and practical way to resolve our dispute without spending unnecessary time and money in court.

I'd like to suggest mediation as a quicker and more cost-effective solution. Mediation is confidential, impartial, and allows us both to control the outcome.

We can agree on a qualified mediator together and aim to resolve this matter within weeks, not months.

Please let me know if you are open to this approach, and I'd be happy to provide more details.

Best regards,
[Your name]

4.9 Exercise – preparing for mediation

Before your mediation session, answer these questions:

1. What outcome do you really want? (Money, relationship, future terms?)
2. What are your "must-haves" versus "nice-to-haves"?
3. What are the other side's likely concerns?
4. What alternatives do you have if mediation fails? (Known as your BATNA – Best Alternative to a Negotiated Agreement.)

Write your answers in the worksheet below.

4.10 Worksheet – mediation preparation

QUESTION	YOUR NOTES
What outcome do I really want?	
My must-haves	
My nice-to-haves	
What might the other side want?	
My alternatives if there is no agreement	

4.11 Key Takeaways

- Mediation is a structured process, but flexible to your needs.
- The mediator guides, but you control the outcome.
- Preparation is key: know your goals, must-haves and fallback options.
- A signed settlement agreement brings closure and certainty.
- Mediation is faster, cheaper and less stressful than litigation.
- The process is confidential, protecting your reputation.
- Solutions can be creative – not just financial, but also agreements on timelines, responsibilities or communication improvements.

CHAPTER 5

COMMUNICATION TOOLS

The way you speak and listen can make or break the process.



5.1 Why communication matters in mediation

Mediation is not about winning an argument – it is about finding common ground. The way you speak and listen can make or break the process. Clear, respectful communication reduces tension and opens the door to solutions.

5.2 The principles of effective mediation communication

- **Listen first** – people want to feel heard before they are ready to compromise.
- **Stay calm** – heated words only harden positions.
- **Focus on the problem, not the person** – separate behaviour from character.
- **Look forward** – solutions come from discussing the future, not reliving the past.

5.3 Phrases to use vs phrases to avoid

USE THIS	NOT THIS	WHY?
"I'd like to understand your perspective."	"You don't know what you're talking about."	Shows openness instead of dismissal.
"Let's focus on how we can move forward."	"You always mess things up."	Future-oriented versus blame.
"Let's find something that works for both of us."	"It's my way or nothing."	Collaboration versus threat.
"I see where you're coming from."	"That's rubbish."	Acknowledges the other side without agreeing.

> **TIP** Even changing one phrase can shift the tone of a whole discussion.

5.4 The power of active listening

Active listening is more than staying quiet. It means showing the other person that you are genuinely paying attention. How to practise active listening:

1. **Nod or acknowledge** – use short phrases like "I see" or "Go on."
2. **Reflect back** – "So you're saying you felt..."
3. **Ask clarifying questions** – "What would make this right for you?"
4. **Summarise** – briefly repeat key points to confirm understanding.

CASE EXAMPLE

In a supplier dispute, one side repeated back what they heard: "So your main concern is reliability, not just price?" That simple reflection shifted the negotiation towards a workable solution.

5.5 Body language and tone

Communication is not just words. Tone and body language affect how a message is received.

- Sit upright, not defensive (no crossed arms).
- Maintain natural eye contact (don't stare).
- Keep your voice calm, even under pressure.
- Avoid sighing, eye-rolling or smirking – these escalate conflict.

5.6 Scripts for difficult situations

When the other side blames you
"I understand that's how it felt. Let's focus on what we can do now."

When the other side won't compromise
"What would a fair outcome look like for you?"

When emotions run high
"I can see this matters a lot to you. Let's take a moment and come back to the key issue."

When you feel defensive
"I want to explain my side, but I'd also like to hear yours fully."

5.7 Exercise – reframing language

Take one of your recent business conflicts. Write down a phrase you (or the other side) used that made things worse. Now rewrite it using mediation-friendly language. For example:

Original: "You never deliver on time."
Reframed: "I need deliveries to be more reliable – can we agree a clear schedule?"

Try this with three examples from your own business.

5.8 Worksheet – my communication reframes

ORIGINAL NEGATIVE PHRASE	REFRAMED POSITIVE PHRASE

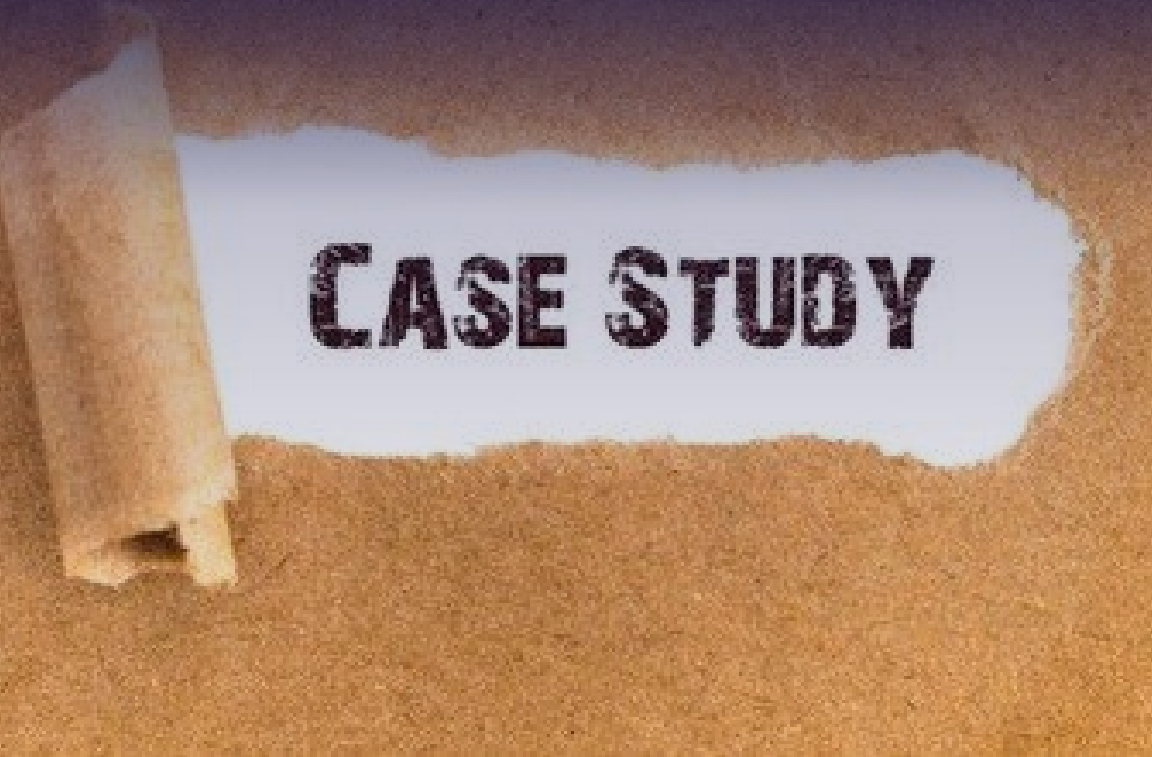
5.9 Key Takeaways

- Good communication builds trust and unlocks solutions.
- Small changes in phrasing can prevent big conflicts.
- Active listening and calm body language are essential.
- Reframing negative language into positive requests is a powerful skill.

CHAPTER 6

CASE STUDIES

Theory is one thing. Here is how mediation plays out in practice.



6.1 Why case studies matter

It is one thing to talk about “saving time and money” in theory, but it is far more powerful to show how this works in practice. Case studies provide:

- **Real-life context** – so you can see how disputes actually play out in small businesses.
- **Relatable situations** – from unpaid invoices to workplace grievances, the issues are ones you may face yourself.
- **Proof of effectiveness** – showing how mediation consistently produces faster and cheaper outcomes than court.

Each of the following examples is based on real UK SME disputes, with details adjusted for confidentiality. Costs shown for litigation are likely outcomes (estimates), not guarantees. They highlight the different types of conflict and demonstrate the practical benefits of mediation in comparison to litigation.

Here’s what you’ll see:

- **Case Study 1** – a client refusing to pay an invoice worth £5,000.
- **Case Study 2** – a supplier repeatedly failing to deliver.
- **Case Study 3** – family tensions inside a business partnership.
- **Case Study 4** – a workplace grievance that could have led to a tribunal.

Whether the problem involves money, contracts or relationships, the process works in the same way: bringing people together to find a practical and lasting solution.

6.2 Case study 1 – the £5,000 client dispute

The problem. A small marketing agency delivered a £5,000 campaign. The client refused to pay, claiming the work was "off brief". The agency considered court action.

LITIGATION: LIKELY OUTCOME

- Legal fees: £7,000+
- Duration: 12–18 months
- Relationship: permanently broken

MEDIATION OUTCOME

- Two mediation sessions (online)
- Client agreed to pay £3,500 plus a future discounted project
- Relationship preserved

Time saved: 10+ months Money saved: £5,000 in legal fees
Relationship: continued

6.3 Case study 2 – supplier delivery failures

The problem. A café relied on a supplier for fresh produce. After repeated delivery delays, the café lost customers and revenue.

LITIGATION: LIKELY OUTCOME

- Damaged relationship – supplier contract terminated
- Court claim for damages: £15,000+
- 12–18 months to resolve

MEDIATION OUTCOME

- One-day session
- Agreement: revised delivery schedule, partial refund, improved communication process
- Supplier retained, with stronger contract terms

Time saved: 8+ months Money saved: £10,000+
Relationship: improved, with accountability

6.4 Case study 3 – family business tensions

The problem. Two brothers co-owned a small manufacturing business. Disagreements over strategy caused toxic staff divisions and poor morale.

LITIGATION: LIKELY OUTCOME

- Shareholder dispute in court (£20,000+ legal fees)
- One brother forced to exit
- Company reputation damaged

MEDIATION OUTCOME

- One-day session
- Agreement: both brothers agreed their respective roles, based on their strengths, and agreed to concentrate on rebuilding the company's customer reputation
- Relationship restored

Time saved: 12+ months (the earliest anticipated court date)
Money saved: £19,000 Relationship: restored

6.5 Case study 4 – workplace grievance

The problem. An employee alleged bullying by a manager. Morale across the team collapsed, and HR costs rose.

LITIGATION: LIKELY OUTCOME

- Employment tribunal claim (£8,000+ legal fees)
- 12–18 months to resolve
- Manager versus employee battle, staff turnover risk

MEDIATION OUTCOME

- Half-day workplace mediation
- Apology issued, new communication code agreed
- Employee stayed, grievance withdrawn

Time saved: 6+ months Money saved: £8,000
Relationship: staff retention and improved team trust

6.6 Case study comparison – at a glance

	CASE 1: CLIENT LATE PAYMENT	CASE 2: SUPPLIER DISPUTE	CASE 3: FAMILY BUSINESS	CASE 4: WORKPLACE GRIEVANCE
Cost if litigated	£7,000+	£15,000+	£20,000+	£8,000+
Mediation cost	£500 each	£700 each	£1,200 total	£400 each
Time saved	10+ months	8+ months	12+ months	6+ months
Relationship	Preserved	Improved	Restored	Improved

6.7 What these case studies teach us

Looking across all four examples, some clear patterns emerge:

1. **The cost of litigation almost always outweighs the value of the dispute.** In every case, going to court would have cost more than the money in question.
2. **Waiting months for a resolution can cripple an SME.** Mediation offered closure in days or weeks.
3. **Relationships matter more than wins.** Whether it is a supplier, client or family member, business disputes often involve people you will still need tomorrow.
4. **Flexibility is key.** Court usually ends with a “winner” and a “loser”. Mediation allows creative solutions – like revised delivery schedules, partial payments or future project discounts.
5. **Emotional stress is underestimated.** In each case, business owners said mediation lifted a huge weight off their shoulders.

6.8 Key Takeaways

- Mediation consistently saves time and money.
- Relationships are often repaired or strengthened.
- Even high-tension disputes can be resolved in weeks instead of years.
- For SMEs, mediation is not just cheaper – it is smarter.

CHAPTER 7

PRACTICAL CHECKLISTS AND WORKSHEETS

Disputes are stressful, and stress clouds judgement. A checklist gives you clarity.



7.1 Why checklists matter

Disputes are stressful, and stress clouds judgement. A checklist provides clarity, ensuring nothing important is missed. These tools are designed so you can take practical steps immediately.

7.2 Checklist – mediation readiness

Before suggesting or starting mediation, ask yourself:

- [x] Is the dispute about money, contracts or workplace issues?
- [x] Can I commit time to focus on resolving this?
- [x] Do both sides want a quick solution?
- [x] Do I want to avoid high legal fees?
- [x] Is the relationship worth saving?

> **TIP** If you tick three or more, mediation is likely the right choice.

7.3 Checklist – pre-mediation preparation

What to do before your session:

- [x] Gather relevant documents (contracts, invoices, emails).
- [x] Make notes of key issues and dates.
- [x] Identify your goals (what outcome do you need?).
- [x] Decide your “must-haves” versus “nice-to-haves”.
- [x] Think about the other side’s perspective.
- [x] Prepare a calm opening statement (one to two minutes).

> **TIP** Don’t over-prepare arguments. Mediation is about solutions, not proving who is right.

7.4 Worksheet – pre-mediation planning

Q1. What is this dispute about?	
Q2. What outcome do I want?	
Q3. What am I willing to compromise on?	
Q4. What are the risks if this isn't resolved?	
Q5. What might the other side want?	

7.5 Checklist – during mediation

- ☑ Listen without interrupting.
- ☑ Use respectful, forward-looking language.
- ☑ Take notes on agreements and options.
- ☑ Stay calm – if needed, ask for a short break.
- ☑ Focus on solutions, not blame.

7.6 Worksheet – mediation notes

ISSUE	WHAT THEY WANT	WHAT I WANT	POSSIBLE OPTIONS	AGREED?

7.7 Checklist – post-mediation action plan

- [x] Share the agreement with relevant staff and partners.
- [x] Put agreed changes into action quickly.
- [x] Ensure the settlement agreement is written and signed.
- [x] Monitor progress (set review dates if needed).
- [x] Keep communication open – don't let new issues build up.

7.8 Worksheet – post-mediation action plan

ACTION	WHO IS RESPONSIBLE?	DEADLINE	PROGRESS

7.9 Checklist – choosing a mediator

When selecting a mediator, check:

- [x] Are they accredited (for example, by the Civil Mediation Council)?
- [x] Do they have experience with business disputes?
- [x] Are they independent and neutral?
- [x] Can they work online as well as in person?
- [x] Are their fees transparent and fair?

7.10 Key Takeaways

- Checklists reduce stress and keep you organised.
- Worksheets help you reflect and plan effectively.
- Pre-, during- and post-mediation tools ensure the process leads to lasting results.
- Choosing the right mediator is crucial for success.

CHAPTER 8

RESOURCES AND TEMPLATES

The right tools turn knowledge into action.



8.1 Why resources matter

Mediation is most effective when supported by the right tools. Having templates and resource links gives business owners confidence to take action immediately, instead of hesitating or turning back to costly litigation.

8.2 Template – agreement to mediate

This agreement can be used in simplified form for your business. A fuller version would usually be provided by the mediator, but this gives you a head start.

AGREEMENT TO MEDIATE

This agreement is made between:

Party A: _____
Party B: _____
Mediator: _____

We agree that:

1. Mediation is a voluntary process.
2. The mediator is independent and neutral.
3. Discussions are confidential and, so far as the law allows, cannot be used in court.
4. Any settlement reached will be written down and signed by both parties.
5. Fees will be shared equally unless otherwise agreed.

Signed:
_____ (Party A)
_____ (Party B)
_____ (Mediator)
Date: _____

8.3 Template – confidentiality clause

This can be inserted into contracts or agreements after mediation.

> *"All discussions, documents and settlement terms arising from the mediation held on [date] between [Party A] and [Party B] shall remain strictly confidential and shall not be disclosed to any third party, save as required by law or to enforce the settlement agreement."*

NOTE These templates are starting points. For anything involving significant sums or legal rights, ask a solicitor or your mediator to review them.

8.4 Template – invitation email

Use the invitation email in section 4.8 to propose mediation to the other party.

8.5 Resource directory – UK mediation bodies

- **Civil Mediation Council (CMC)** – www.civilmediation.org
- **Chartered Institute of Arbitrators (CIArb)** – www.ciarb.org
- **ACAS (Advisory, Conciliation and Arbitration Service)** – www.acas.org.uk
- **Centre for Effective Dispute Resolution (CEDR)** – www.cedr.com

8.6 Further reading

- *Getting to Yes* – Roger Fisher and William Ury (a classic negotiation book).
- *The Mediator's Handbook* – Jennifer E. Beer (a practical guide to mediation).
- UK Government guidance on alternative dispute resolution (ADR).

8.7 Practical tools online

- Civil Mediation Council website – information on mediation and finding a mediator.
- ACAS templates for workplace dispute resolution.
- Small Business Commissioner – late payment advice and support.

8.8 Worksheet – my mediation resources

TYPE OF RESOURCE	CONTACT / LINK	HOW I COULD USE IT
Mediator directory	www.civilmediation.org	Find a qualified mediator
Workplace support	www.acas.org.uk	Staff grievance advice
Contract clause	Template above	Add to new supplier contracts

8.9 Key Takeaways

- Templates give you a head start in managing disputes.
- Confidentiality is central to mediation.
- The right resources turn knowledge into action.
- The UK has a strong support network – use it before resorting to court.

ABOUT THE AUTHOR



David Ashdown is a serial businessman, entrepreneur, mentor and accredited mediator. He started his first business while still at school in 1975 and has been running his own businesses ever since, apart from a short period between 1979 and 1986, when he worked in a small estate agency and property management company with considerable autonomy.

Over the past 40 years, he has started, developed and built a number of successful businesses from the ground up.

For the past 25 years, David has served as a consultant, adviser and non-executive director to small, medium and large organisations, providing strategic guidance in marketing, development, leadership and management. He is also the founder of DAA Consulting, the 21point5 Group, Cre8 Business and We-Resolve Mediation, dedicated to helping entrepreneurs and established business owners grow and manage their companies more effectively.

David's career has spanned multiple industries, from transport and property management to franchising, manufacturing and international services. A career highlight came in 2012, when he played an important role in orchestrating key transportation operations of athletes, dignitaries and staff for the London Organising Committee of the Olympic Games (LOCOG).

As a qualified mediator, David specialises in resolving disputes between shareholders, directors, suppliers and employees – offering business owners a faster, cheaper and more constructive alternative to litigation.

NEXT STEPS

DON'T WAIT FOR A DISPUTE TO ESCALATE

For more resources and mediation support, visit

www.we-resolve.co.uk

Or contact David directly

david@we-resolve.co.uk

01707 527003

Thanks for reading

& GOOD LUCK