

To: Andrew Carpenter
From: Chris Reeves
Re: CE Construction Mediation Guide and Protocol
Date: 17 November 2016

The working group members met at Ashford's offices on 2 November:

Stephen Homer (Ashfords)

Alan Tate (Trowers and Hamlins)

Chris Hoare (Michelmores)

Chris Reeves (BPL / M4C)

Other group members not in attendance are:

Tris Tucker (Foot Anstey)

Andrew Ash (Royds Withy King)

A first draft of a guide to mediation was discussed by the group and we agreed that the document will aim to provide a useful guide (both in text and visual) to mediation:

- Preamble / What is mediation
- How the process comes into play
- Selection of the mediator and neutrality
- The mediation process
- The form of mediation agreement

As an appendix to the Guide the group agreed to work up a model Protocol with the aim of promoting best practice in mediation of construction and engineering disputes.

The next draft of the Guide and Protocol should be completed in the next few weeks whereupon a period of consultation with CE SW members will follow.

The aim is to have the Guide and Protocol ready for publication by 1 March 2017.

Whilst reporting CE SW members will be interested to learn that the Second Edition to the Pre-Action Protocol for Construction and Engineering Disputes to the Civil Procedure Rules has been updated which now recognises that the parties will hold a

mediation in place of a pre-action meeting. The CE SW Protocol and Guide is therefore expected to compliment the CPR Protocol and raise awareness of the process in the sector.

Chris Reeves