

Online mediation has a range of benefits and downfalls. It is arguably more affordable, expedient, and appropriate for an increasingly technologically capable society. For individuals without available local services online mediation may not just be easier to utilise, it may be the only way to access such a provision.

Online mediation is suitable for most types of dispute, although there may be occasions that this is not suitable due a party threatening physical harm to the other. If video-link was being used this may lead to a clue to the vulnerable party's whereabouts and thus raises some safeguarding concerns.

Another safeguarding issue relates to the online environment being less regulated; the session can be recorded by either of the parties and other people in the participant's close vicinity may be able to listen to the session. This may also be problematic where the participant is aware of this and thus feels less able to talk about issues relating to the dispute.

However, it can make the participants feel more secure, as they are in a familiar environment, which can help them to talk more openly and feel less defensive in the situation.

Physical distance between the parties may help moderate the negative effects of any antagonistic behaviour. The option exists to use voice call exclusively, should one or more of the parties feel that in-person mediation would make them uncomfortable or threatened. It is also safer for all parties concerned due to not being in the same building or even location as it removes the risk of physical violence.

On the other hand, participants may become more confrontational as they feel safer 'behind a screen' and as such, increases the risk of things become verbally assaultive. However, to mitigate this risk, in such a situation; the party's microphone can be muted and the mediation stopped if deemed necessary.

Additionally, the physical distance can also cause issues in that a lack of physical cues can impede the effectiveness of communication and cause misunderstandings; unless video-link is utilised, the participants have to rely solely on intonation of voice. Technical issues and the inability to see whether a participant has finished speaking may lead stifle conversation. It is also difficult for mediators as they cannot physically gauge whether or not the participants are fully engaged with the session.

It can also improve access to justice in that individuals whom are geographically isolated, or physically disabled, online mediation provides a means to improving access to justice (CJC, 2015). It enables individuals to seek specialist assistance on a global scale and is debatably more user centred.

Conversely, those who are 'digitally excluded', expanding online mediation is arguably a barrier to the maintenance and availability of traditional dispute resolution methods (JUSTICE, 2018). Potentially compounding the difficulties faced by those without access to internet infrastructures.

There is seemingly a range of benefits to online mediation, however, its suitability in each case should be considered with careful risk-assessment to ensure it remains an effective way of resolving disputes.

References

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