Choosing Between Caucus and Joint Sessions

When to meet separately and when to bring the conversation together

A practice paper for mediators from Considered Mediation

The choice between a caucus and a joint session should turn on what the participants need to do next, and whether that format supports safe, informed and voluntary participation. A useful discipline is to name the purpose of the next conversation before deciding who should be in it.

Consider a hypothetical parenting mediation. In separate conversations, both parents tell the mediator that they want more predictable handovers. Each also believes the other refuses to discuss a practical arrangement. The mediator can see an opening that neither parent can see. Another round of private reassurance may change little. A carefully prepared joint discussion of one concrete proposal might let them hear the common concern directly. In a different case, the same invitation could expose someone to intimidation. Similar subject matter does not justify the same process.

This paper proposes a way to make that judgment deliberately. Its examples centre on family mediation, with principles that other mediators can consider within their own practice rules. The framework is a professional reflection aid, not a validated screening instrument or a claim that one session format produces better outcomes.

Separate the format from the purpose

A joint session brings the participants into the same mediated conversation, in person or remotely. A caucus is a private meeting between the mediator and one participant, sometimes with that participant's agreed advisers or support people. Shuttle mediation keeps participants apart while the mediator carries authorized communications between them. A mediation can use a short caucus within mainly joint work, remain entirely in shuttle format, or move between arrangements.

The useful distinction is between tasks. Direct explanation, checking a shared understanding and working on a common document may benefit from a joint conversation. Exploring a sensitive concern, preparing a difficult response or checking whether someone feels able to disagree may need privacy. Rest, independent legal advice and further disclosure may require a pause rather than more mediation in another room.

Assess suitability before choosing the room

Justice Canada identifies shuttle mediation as an option in some cases while cautioning that ongoing safety concerns can make mediation inappropriate. [1] OAFM's policy calls for continuous screening, consideration of process modifications and safe termination when modifications cannot support appropriate participation. [2] Separation can be one safeguard; it does not establish that intimidation, coercion or risk outside the session has been addressed.

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When a joint session has a useful job to do

Joint work is worth considering when hearing and responding directly adds something the mediator cannot reliably supply by relaying messages. A participant can explain why a proposal matters, hear a question about it and correct a misunderstanding before the mediator's summary becomes the accepted version. The participants can also test whether they mean the same thing by an apparently agreed term.

A narrow shared task is often easier to assess than an invitation to "talk everything through." Two parents might examine the wording of a school-holiday handover clause. A workplace mediation might focus on how an agreed communication arrangement would operate. The mediator can propose an agenda, clarify who will speak first and explain how anyone can request a pause. These are examples of process design, not guarantees of a productive meeting.

Disagreement alone is an insufficient reason to abandon joint work. A firm objection can clarify the actual problem. Before separating people, consider whether a question, slower pace, accessible information or a more specific agenda would let them continue meaningfully. The relevant concern is how the exchange affects participation. The mediator should not infer readiness from quietness or difficulty from a raised voice alone.

A joint session is a poor choice when someone cannot safely disagree, feels compelled to perform agreement, or cannot obtain the support needed to take part. Nor should it become a test of whether a parent can "cooperate." Explain the proposed benefit, invite concerns privately where needed, and assess whether the arrangement remains appropriate. An apology, direct confrontation or shared closing ceremony should not be imposed as proof that mediation has succeeded.

When a caucus has a useful job to do

A private conversation may help a participant identify a concern they cannot presently raise jointly, distinguish a tentative idea from an offer, or work out what they need before responding. It can provide space to ask whether the pace, language, participants or proposed next step is creating a problem. A mediator can offer this opportunity before the joint conversation deteriorates.

Caucus can also help prepare a return. A person may know what they want to say but need time to choose words, decide what may be shared, or request that the mediator introduce a topic. Preparation should preserve the person's meaning and choices. It should not become coaching intended to secure the concession the mediator wants.

Be clear about the difference between meeting privately with the mediator and obtaining private legal advice. The mediator's presence does not make the conversation independent advice. If a participant needs to consult their own lawyer or another adviser, provide an appropriate opportunity rather than filling that gap with the mediator's assessment of what they should accept.

A request for caucus deserves serious attention without being treated as evidence of weakness, dishonesty or incapacity. Equally, a mediator who prefers private negotiations should ask whether separation is serving an identifiable need or simply making the mediator more comfortable.

Manage the information difference that caucus creates

After separate meetings, the mediator may know more about the possible agreement than either participant does. That knowledge can help identify a route forward. It can also tempt the mediator to press for a result that seems obvious only from the mediator's private vantage point. A participant may have sound reasons to hesitate when they have not heard the explanation, qualification or assurance the mediator has heard.

This is a practical cost of caucus. The mediator must distinguish what they know from what they are authorized to communicate, and from what the participants actually understand. Before carrying a proposal across, ask whether the receiving person will have enough information to evaluate it. An offer stripped of its conditions may be easier to deliver and materially different from the offer intended.

Explain confidentiality before inviting private disclosures

Confidentiality toward outsiders and confidentiality between participants are separate questions. Explain the applicable agreement, professional duties and legal exceptions before caucusing. The AAA, ABA and ACR Model Standards address private-session information specifically: Standard V.B requires the disclosing person's consent before the mediator conveys it directly or indirectly to another person. These are US model standards; their legal effect and the rules governing a particular mediation must be considered separately. [3]

Avoid relying on a vague "Can I share that?" when several matters have been discussed. Confirm the particular message, who may receive it and whether any qualification must accompany it. One possible formulation is: "May I say that you would consider Wednesday handovers if the collection time is confirmed? I will not share your explanation about your work arrangements." This is illustrative language, to be adapted to the governing confidentiality terms.

Ask what must remain private before leaving the meeting, and summarize what you understand the permission to cover. If permission is unclear, clarify it before communicating. A response can reveal a confidence indirectly even if it does not repeat the words used. Timing, attribution or an explanation for changing the process may identify the substance or source of a private concern.

A difficult disclosure may leave the mediator unable to continue on the existing terms. For example, essential financial information may be withheld while one participant asks the mediator to keep the omission secret. The mediator should address the limits of continued participation under the governing rules, seek an appropriate authorized route to disclosure, and consider suspension or withdrawal. They should neither quietly facilitate a misleading agreement nor assume they can simply disclose the confidence.

Where safety is involved, an explanation for ending or changing the process can itself create risk. Follow applicable duties and safety procedures. Do not tell the other participant that a private disclosure caused the change merely to make the mediator's decision easier to explain. [2]

Move between formats when the task changes

There is no useful fixed ratio of caucus time to joint time. The question is whether the current arrangement still serves the next task. Once private exploration has produced a message that a person wishes to communicate directly, a joint session may become worth considering. If direct discussion starts to constrain meaningful participation, a private check or adjournment may be needed. A return to joint work is not a required destination.

Before changing format, identify what the change is intended to accomplish and what would lead you to reconsider it. Explain the arrangement in terms participants can understand. Check concerns separately where asking in front of the other person could suppress an honest answer. Agreement to an earlier format is not a reason to ignore a later concern.

A limited return to joint work

In the hypothetical handover discussion, the mediator might first confirm privately that each parent wants to discuss predictable arrangements and agrees to the proposed agenda. With the necessary permission, the mediator could introduce the shared concern and invite both to examine a draft clause. The immediate task is to test the clause against actual school days and work schedules. If one parent then needs time to consider a new proposal, a further private conversation may serve a different purpose from the first.

A possible invitation is: “We have a proposal that both of you are willing to discuss. I suggest a short joint conversation about how it would work on a school day. We can pause if either of you needs to.” Avoid announcing that everyone is ready or that the remaining issue is minor before the participants have confirmed that understanding.

Continued shuttle work

If direct contact remains inappropriate, joint discussion is unnecessary simply because the terms are becoming clearer. The mediator can help participants compare the same authorized wording in separate sessions, identify differences and seek clarification. A shared document can support a shared understanding without requiring a shared room.

During repeated exchanges, check that the message has survived the journey. Distinguish an exploratory idea from an authorized offer. Confirm whether conditions remain attached and whether the response addresses the proposal actually made. Ask the receiving participant to describe what they understand before inviting a decision. Do not convert a reluctant “perhaps” into a confident “yes” for the next room.

Also account for the person waiting. Explain the purpose of separate meetings, how contact will resume and any likely timing, while preserving private information. Fair participation requires attention and opportunity; identical minutes alone do not establish it. Long, unexplained absences can leave a participant uncertain about the process and the mediator’s role.

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Recognize when changing rooms will not solve the problem

Consider two further hypothetical situations. A participant who appeared composed in joint session privately reports that disagreement will bring consequences at home. Continuing by shuttle cannot be assumed to resolve that concern. The mediator needs to reassess suitability and the response within their competence, including whether mediation should be suspended or ended.

In another case, both participants want to settle, but a pension valuation is missing. Moving them into separate rooms may generate more offers without supplying the information needed to assess those offers. The useful next step may be obtaining the valuation and independent advice. The mediator should identify the missing condition instead of treating every obstacle as a communication problem.

A brief decision guide before changing format

The following questions are proposed prompts for professional judgment. They are not scored and do not replace required screening.

1 What needs to happen in the next conversation

Name a concrete task, such as clarifying a proposal, exploring a private concern or checking how a term would operate. “Make progress” is too broad to explain a change of format.

2 What makes this arrangement appropriate for these participants now

Consider current safety, freedom to disagree, privacy, comprehension and necessary support. Reassess after breaks or new disclosures. A previous successful joint session does not answer the present question.

3 What information may move with the mediator

Confirm permission, the intended recipient, the wording or substance authorized, and any conditions. Distinguish the mediator’s inference from a participant’s actual message.

4 What will show that the format is helping

Look for the ability to ask questions, correct misunderstandings, consider options and make an informed choice. Agreement, quietness and rapid concessions do not establish those conditions by themselves.

5 What will happen if it is not helping

Identify a workable alternative: narrow the task, change the arrangement, obtain support, adjourn or end the process. Do not keep alternating merely because another round remains possible.

Make each transition explainable

The mediator should be able to explain the purpose of a format change without exposing a private confidence. A proportionate process note can record the task, the arrangement chosen and the condition for reviewing it, subject to applicable confidentiality and recordkeeping requirements.

Good use of caucus and joint sessions gives participants the conditions needed for the conversation they are actually facing. Sometimes that means helping them hear each other directly. Sometimes it means preserving distance. The measure is whether the next exchange supports meaningful choice, including the choice to stop.

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Sources and scope

This is an original practice discussion from Considered Mediation, written for mediators with particular attention to Canadian family mediation. The decision guide, examples and suggested language are the article's proposals. They have not been clinically or statistically validated, and no claim is made that they improve settlement rates or predict safety. All scenarios are hypothetical.

The sources below support specific background principles. They do not endorse this paper or prescribe its suggested sequence. Professional duties, confidentiality limits and legal requirements vary by jurisdiction, professional role, governing agreement and program. This resource does not replace professional training, required screening or independent legal advice. Sources checked 28 October 2026.

1 Department of Justice Canada

Making plans: A guide to parenting arrangements after separation or divorce. Section 5, mediation and shuttle mediation. Supports the description of shuttle arrangements and the need to consider whether mediation is appropriate where safety concerns exist.

Read Justice Canada's guidance

2 Ontario Association for Family Mediation

Policy on Intimate Partner Violence and Power Imbalances. Approved 15 September 2025. Sections F, G and H address process modifications, safe termination and continuous screening.

Read the OAFM policy

3 American Arbitration Association and partner organizations

American Arbitration Association, American Bar Association and Association for Conflict Resolution. Model Standards of Conduct for Mediators. Standard V, particularly V.B, addresses confidentiality and private-session disclosure. These US model standards are cited as professional guidance, not as a statement of Canadian law.

Read the Model Standards PDF

Companion reading

Reassessing Mediation After a Break discusses focused checks before continuing, when a fuller review is needed, and the importance of allowing the assessment to change the next step.

Read the companion paper and download the assessment

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