

People Framework

Mediation Procedure



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Tracking

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Service			

Revision History

Revision Date	Revisor	Previous Version	Description of Revision

Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

1. **What is Workplace Mediation**

Workplace Mediation is a confidential and informal way of seeking to resolve disagreements or disputes between two or more people who work together.

The mediation process is assisted by a trained mediator, who will discuss the issues with all parties involved and seek to facilitate a resolution.

Mediation works by encouraging all parties to work together to reach a mutually acceptable agreement to resolve their issues. It gives the parties the opportunity to talk about the situation, express their concerns to each other and to come up with some practical ideas about how things could change for the better.

Mediation is:

Voluntary

- It cannot work unless all parties agree to participate in the process. It is therefore essential that the parties are not put under pressure to attend mediation or made to feel that it will count against them if they decide not to participate.

A means for reaching agreement

- The parties will be asked to identify their issues and concerns and from this an agenda will be set to help them jointly work towards an acceptable agreement. The mediator will encourage open communication and will help the parties to generate options and ideas that will improve the situation. The aim of mediation is to achieve a win/win outcome with the parties taking responsibility for making changes and agreeing a more positive way of working for the future.

Confidential

- The process is carried out on the basis of agreed confidentiality between the parties and the mediator. The exception to this would be if a party raised issues of harm to themselves or others or issues of serious misconduct. The content of mediation is not disclosed to Human Resources or managers; neither is it recorded on the employee's HR file. However, the parties may find it helpful to share some or all of details of their agreement with people outside of the process.

Quick

- The aim of mediation is to resolve issues at the earliest opportunity. Mediation can be arranged in a few days and the process can usually be completed in one or two days.

2. **What types of workplace disputes can be addressed through workplace mediation?**

These could include:

- Communication issues
- Personality clashes
- Unresolved or ongoing grievance issues
- Perceived discrimination, harassment or bullying
- Differences in working style or approach
- Inappropriate use of power, status or position

3. What is the role of the Mediator?

The mediator's role is to act as an independent and impartial facilitator. They will not take sides or judge what is right or wrong. They will coordinate the process by making sure that each party has an equal voice, is heard and is able to respond. There will be an agreement of willingness to participate in mediation from each party before the process begins.

The mediator will establish the ground rules and ensure that all parties comply with these. They will also encourage the parties to discuss their issues of concern and help them look for realistic solutions. Where appropriate, the mediator will assist the parties to draw up a mutually acceptable agreement that all parties are willing to sign up to.

4. How Does Mediation Work?

Stage One: Separate meetings with the parties

The mediator will meet with the parties individually to:

- Explain the mediation process, including confidentiality, and the role of the mediator.
- Explore the core issues and identify the ideal outcome for all parties.

The mediator may need to meet with the parties on more than one occasion to clarify any further issues arising from Stage One.

Stage Two: Face-to-face mediation

The mediator will ensure that a suitable venue has been arranged where there will be no interruptions and confidentiality can be maintained. The mediator will:

- Set the scene.
- Establish the ground rules for the meeting (e.g. the need to respect and listen to each other's views, confidentiality, etc).
- Provide uninterrupted time for each party to set out the issues as they see them.
- Agree an agenda of issues to be explored and discussed further.

5. Explore the issues:

- Explore the issues with all parties.
- Encourage open communication.
- Identify all parties' concerns about the issues.
- Encourage a mutual understanding of the issues.
- Encourage a change of focus from the past to the future.
- Summarise areas of consensus and disagreement.

6. Build an agreement

- Assist all parties in generating and assessing options.
- Encourage problem solving.
- Accept or acknowledge conciliatory gestures.
- Construct a mutually acceptable agreement for a more positive way of working for the future, including fall back arrangements.
- Identify next steps where no agreement can be reached.

7. Closure and Follow-Up

- The session will conclude when all parties agree that they have dealt with the dispute and have reached a mutually acceptable agreement, with a clear understanding of what has been agreed.
- If an agreement is reached, it will be written down in clear, unambiguous language and all parties will be asked to sign it.
- All parties will decide who retains copies of the agreement (e.g. just the parties or whether the parties agree to others, such as their manager, receiving a copy).
- Reminder of the confidential nature of the process.

8. What happens if an agreement cannot be reached?

Mediation is successful if it simply helps the parties to communicate and get a new or different perspective on the issue. Mediation does not prevent the parties from pursuing other options.

9. Mediation Process

The decision to proceed to mediation will be on a case by case basis and following discussion with the employee's involved and relevant manager.

Where it is agreed that mediation is appropriate, HR will support the manager in commissioning this service and in communicating this outcome to all employees involved in the mediation. The manager will be responsible for identifying budget for the mediation.

Where there is a written agreement as a result of the mediation process, this will be shared with the commissioning manager for information only.

If there is no agreement between the employees concerned at mediation, the mediator will confirm this to the commissioning manager.