

Mediation

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Mediation

1.1 Introduction

The College is committed to encouraging harmonious working relationships between colleagues. In most instances, workplace conflict can be resolved informally without the involvement of a third party, however where resolution is not achieved the College has both informal and formal processes that support the members of staff in conflict.

Mediation increases the choices available to individuals in dispute, and the College supports the use of voluntary mediation to address conflicts at work. Mediation has been proven to help communication by supporting members of staff in clarifying the issues involved in conflict and examining how these have arisen. Mediation offers a way for members of staff to explore options for resolution, and is focused on bringing people together to find a mutually agreeable solution.

For mediation to be effective, it is vital that members of staff trust the process and feel free to talk in confidence. Both/all members of staff participating in mediation will be asked to agree and sign the Agreement to Mediate form, at Appendix A.

1.2 Equality and Diversity

The College treats equality of opportunity seriously and has an equality framework that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this process must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise and understand this process.

The College's Values are at the very centre of our work and guide our behaviour as a community, across all levels of the College. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity and Innovation.

2.0 What is Mediation?

Mediation is a confidential process where a neutral, non-judgemental third party brings the parties in conflict together in a safe environment to facilitate open and honest dialogue as a first step in helping the parties find mutually agreed solutions.

This approach operates outside of any formal dispute or resolution procedures and is entered into voluntarily by both parties. It is best attempted before the situation escalates into a formal dispute.

Exploring mediation options usually starts with informal discussions with a member of HR or one of the accredited mediators within the College.

Accredited mediators all have the industry standard National Certificate in Workplace Mediation and participate in regular quality assurance activities

Use of this process is voluntary. Members of staff, therefore, have the option to withdraw from the process at any time and to instigate the formal [Resolution Policy and Procedure](#), should they wish to.

In addition to mediation, members of staff may also choose to contact the College's free, confidential employee advisory provider for advice and support. Further details can be found on the [Occupational](#)

[Health](#) website.

3.0 Formal Resolution Policy and Procedure

Mediation is a voluntary process which can be used as an alternative to the Resolution Policy and Procedure or may be undertaken if agreed by the parties involved after the commencement of a formal procedure. Where this is the case, the formal procedure may be suspended while mediation takes place but this depends on the circumstances. Mediation may also be recommended as part of the actions to be taken following the completion of a formal procedure.

Suggestions and recommendations for mediation referrals can come from individuals, line managers and senior managers, Occupational Health, Harassment Support Contacts or Human Resources. If mediation does not resolve the issues, members of staff can still choose to follow the formal Resolution Procedure.

If mediation takes place during a formal procedure, the procedure will usually be suspended pending the outcome of mediation.

4.0 Roles and Responsibilities

The Role of the mediator

The mediator will give equal value to the views of each member of staff and remain impartial at all times.

The mediator will keep details of the mediation process confidential.

The mediator will not impose solutions: their role is to support the members of staff to reach agreement.

Any notes made in the course of the process will be destroyed at the end of the process unless both/all members of staff have explicitly requested all or some notes are retained. or if both/all parties have agreed to a follow up with the mediator.

The mediator will not disclose to the member of staff's manager(s) anything beyond a communication that an agreement has or has not been reached unless both/all parties agree that something more specific is desired.

In the event that a failure to agree via the mediation process is followed by an action being taken under one of the College's formal procedures, reasonable attempts will be made to ensure that nothing that was discussed in the course of the mediation process will be disclosed during the subsequent formal process. If either party believes that confidentiality has been breached, the mediator may be required to attend as a witness to confirm if this is the case or not.

In order to maintain good quality practice throughout mediation most formal mediations have two mediators working together throughout the process.

The Participants' Responsibilities

When accessing mediation, members of staff are expected to enter positively into the process, with a view to reaching an agreeable outcome.

Members of staff should abide by and respect the terms of any agreement reached through mediation.

If mediation takes place as an alternative to a formal resolution and the areas in conflict are

resolved, through the mediation process, it will be the responsibility of the member of staff who raised the complaint to formally write to Human Resources to state that the complaint is resolved and closed. Similarly, if the case is not resolved, it will be the responsibility of the individual to write to Human Resources to re-institute the resolution procedure.

In exceptional circumstances people may feel the need for additional support during the mediation process, which may be sought from a member of College staff not otherwise involved in the process. This should be raised at the first point of contact with a mediator who will then discuss options to enable full participation in the mediation.

The Line Manager's Responsibilities

Line managers should familiarise themselves with the benefits of mediation and promote this as a method of conflict resolution, where appropriate. However, there may also be situations when mediation would be inappropriate, and where people management issues may be better handled by the line manager, as a first resort, encouraging members of staff to talk to each other regarding their concerns.

Where mediation does take place, line managers should respect the confidential nature of the process and not seek information from the mediator or ask participants to reveal details of a mediation agreement.

5.0 Process

The generic process outlined below is typically how mediation sessions will be conducted. However the process may be varied to suit the specific situation with the agreement of the participants.

Pre-mediation

While it is an informal process, mediation can be quite intense for everyone involved. Mediators are trained to make the meetings as easy and comfortable as possible, and have the skills to help participants communicate.

When an issue is raised with either Human Resources, Harassment Support Contacts or through the Resolution Policy and Procedure then, dependent on the nature of the complaint, the option of addressing the matter through mediation may be discussed with the member of staff. If a member of staff requests mediation via a manager outside of Human Resources, they should be advised to contact the HR Staff Hub who will arrange for them to be contacted by a mediator. Where consideration is being given to using an external mediator, Human Resources will establish the cost and seek authorisation from the Head of Department prior to confirming with both/all members of staff involved that they are willing to participate in mediation. If an internal mediator is to be used, the mediator will confirm with both/all members of staff involved that they are willing to participate in mediation prior to arranging meetings.

Mediation is voluntary and will only be undertaken if both/all members of staff are willing to go through the process.

The process is carried out on the basis of agreed confidentiality between the members of staff and the mediator. The exception to this would be if one of the members of staff involved in the mediation process raised issues that were unlawful, amounted to serious misconduct, or were concerned with harm to self or others. In those circumstances the process would be terminated and Human Resources informed.

Individual Meeting(s)

Once it has been established that the members of staff concerned are willing to participate in

the mediation process, a meeting will be held separately with each individual to allow them to talk through their issues and concerns, prepare for the joint meeting and have an opportunity to ask questions about mediation.

All meetings take place in a safe, neutral environment.

The mediator does not disclose the content of these individual meetings with any of the other parties.

All members of staff taking part in the mediation process will be required to sign the Agreement to Mediate form.

Mediation is voluntary. If the member(s) of staff to whom the concerns relate to does not wish to take part in the process, the mediation cannot progress. In such circumstances, the member of staff who originally raised the concerns should discuss alternatives, such as other forms of dialogue, with either their line manager, Human Resources representative, Harassment Support Contacts or Trade Union representative.

Joint Mediation

Normally following the separate meetings the members of staff will come together in a joint meeting. The meeting will be an open and frank discussion of the issues, and will be led by the mediator to ensure fairness and appropriate behavior. The mediator will normally start by explaining how the session will work, setting the agenda for the mediation and giving everyone uninterrupted time to put forward the key issues.

During a joint meeting, either member of staff can ask to see the mediator privately. If this happens then the mediator will accompany the member of staff to a separate room and ask the other member of staff to remain in the room. Nothing said in a private discussion with one member of staff will be repeated to the other member of staff without express permission.

As the process develops, the mediator will help the members of staff to generate and assess the viability of options. As an area of agreement is reached, the mediator will clearly articulate this, secure agreement from both/all parties and record it.

Concluding the Mediation

The process will conclude when both/all members of staff confirm that they have dealt with the conflict and have reached a mutually acceptable resolution, which includes a clear understanding of what has been agreed. The agreement will be written down and both/all members of staff will be asked to sign a copy of the written agreement.

Both/all members of staff will also agree if the contents of the agreement will be disclosed to anyone else and the appropriateness of follow up arrangements with the mediator. All notes made by the mediator and all/both parties will be destroyed at the end of the joint meeting unless both/all members of staff have explicitly requested all or some notes are retained.

If agreement cannot be reached the mediator will assist both/all parties with identifying the next steps.

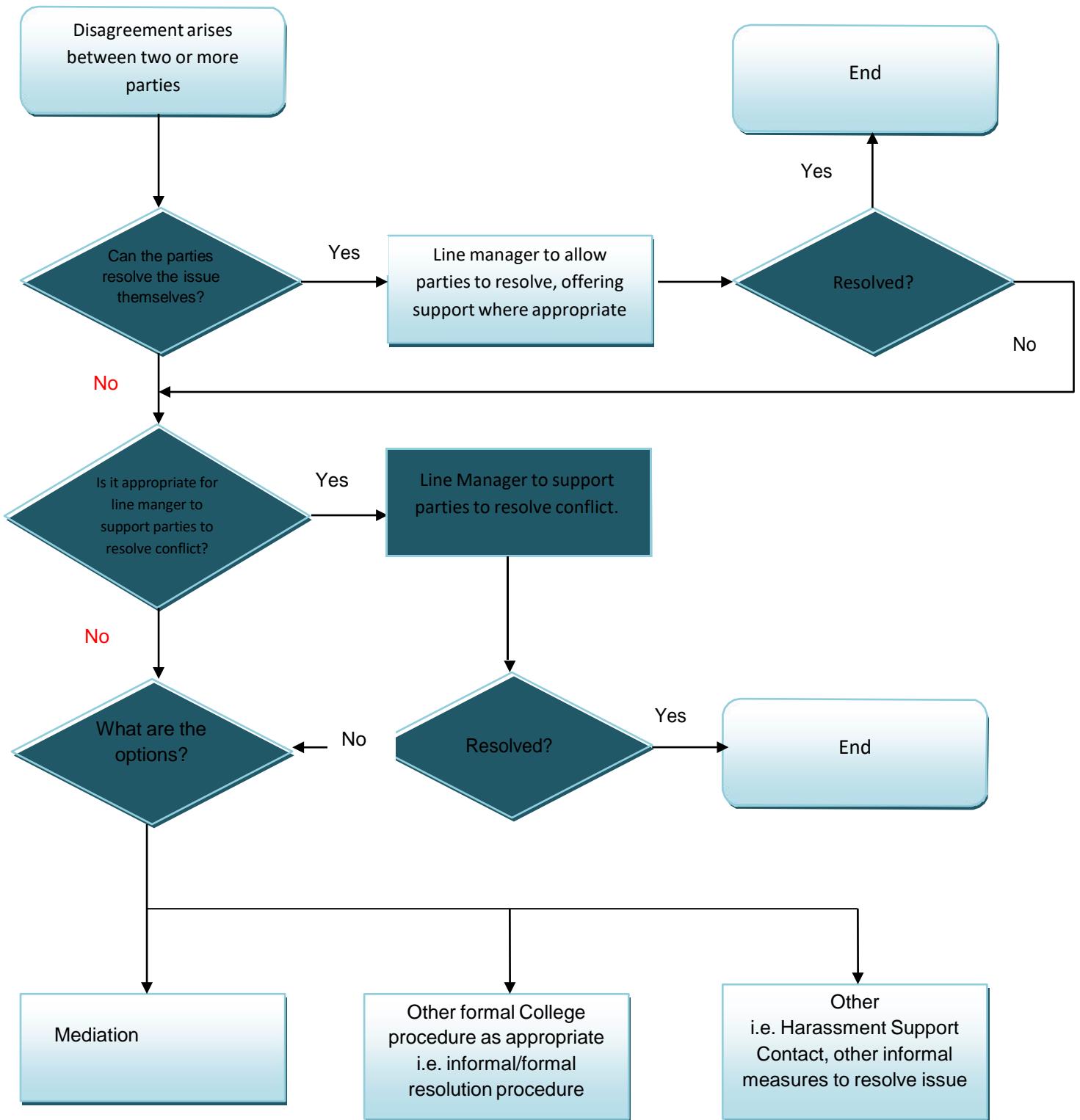
Post mediation

There is no appeal process associated with mediation. However, participation in mediation does not exclude members of staff from instigating other formal College procedures, see point 1.4 above.

Evaluation

Although no records are kept of the content of the mediation, members of staff taking part in mediation will be invited to complete an evaluation of the process. Evaluation of the mediation process allows the College to assess the satisfaction of participants on their experience of the process, the benefits of using mediation, the impact of mediation on reducing formal discipline and formal resolution activity and provides feedback to improve and strengthen mediation practice within the College.

Conflict – first steps



The Mediation Process

