

Mediation

Mediation is a confidential and safe way to talk through issues with the assistance of an impartial mediator, to find a way forward and improve working relationships. The focus is on working together to go forward, not determining who was right or wrong in the past. Members of staff find their own solution and hopefully reach an agreement that will sort out their problem or improve the situation.

Mediation:

- Is voluntary (you only take part if you want to)
- Is confidential (nothing you tell the mediator will be passed on to anyone else unless you want it to be)
- Is impartial (the mediator won't take sides or judge who is right or wrong)
- Works towards an agreed solution which is "owned" by the parties to the disagreement
- Is most effective at the early stages of conflict
- Aims to maintain the employment relationship.

Why choose mediation?

- Conflict with your colleagues can undermine your effectiveness at work and lead to stress; mediation can help you resolve your disagreement so you can get on with 'normal' life again
- When you are involved in a conflict, talking to the person you are in disagreement with can seem impossible: mediation can re-establish those channels of communication
- Any agreement is on terms agreed by you, not dictated by someone else; it leaves you in control of what is finally agreed.
- Mediation is less stressful than more formal procedures – although we appreciate that taking part in mediation will still place demands upon you.

Process for employees

In the first instance you should raise any concerns you have with your line manager. If you think that mediation would be beneficial then your line manager will contact your HR Business Partner who will assist with getting a mediator and setting up the process if both parties are happy to proceed with mediation.

The chosen mediator may contact you prior to the meeting to gain some background information otherwise you will meet them at your individual meeting. Once both parties have met with the mediator individually you will be asked to attend a joint meeting.

At the end of the joint meeting you will be asked to put together an agreement and this will be shared with any relevant parties, with both your permission.

After the mediation session you will be asked to complete a confidential evaluation form which your line manager will comment on and which will then be sent to HR Services and the mediator.

Process for managers

If a member of staff approaches you or you feel that mediation may assist in a conflict situation at work then you need to ensure that both parties agree to mediation and that they understand the process (please direct them to these webpages). Your HR Business Partner can then nominate a mediator. You will be asked to complete a Request for Mediation which will be used by the mediator to gain an understanding of the issues before they contact the individuals. The form also requires you to issue a purchase order number which the HRBP will use when they send out a contract for services if an external mediation service is being used.

Once the mediation has taken place you should encourage both parties to complete a confidential Mediation Evaluation Form. You will need to complete the final section on both forms and this should then be forwarded to the Senior HR Business Partner (Mediation Co-Ordinator) in HR Services.

You should be aware that not all conflicts will be suitable for mediation and not all mediations will conclude with a positive result. If you would like more information on mediation then please contact your HR Business Partner.

Links to other procedures

It is the expectation of the University that staff will be able to resolve disputes informally, through dialogue and communication with their managers and their colleagues. The staff grievance procedures and the [Dignity and Respect](#) Policy encourage staff to resolve disputes informally before resorting to the application of formal procedures.

Mediation offers an alternative to pursuing complaints and disagreements between colleagues through the staff grievance procedure or the Policy on Dignity at Work and Study. It can be a more effective way to resolve disagreements informally before a more formal procedure is invoked. If you agree to take part in mediation, this does not prevent you from pursuing your grievance or complaint through a formal procedure in the event that mediation does not resolve the issue.

Mediation relies upon the cooperation of all parties – i.e. both the person making the complaint (or the one who feels aggrieved) and the person whose behaviour or conduct concerns them. If the person who is the subject of the complaint refuses to take part in the mediation then mediation cannot take place. In such circumstances, the person making the complaint can choose to pursue their concerns through the formal grievance procedure.

Forms and other guidance

You may wish to discuss any issues you have with a Dignity and Respect Advisor, your HR Business Partner or Trade Union representative.

- [Request for mediation form](#) – to be completed by line manager and signed off Senior HRBP
- [Mediation Evaluation Form](#) – to be completed by both parties who took part in mediation

Confidential support can also be found at [Spectrum Life](#).

Frequently Asked Questions

[What kind of problems can mediation help with?](#)

Most kinds of dispute can be mediated provided that those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any stage in a dispute but is often most effective if used early on.

Mediation will not be appropriate in every situation – for example where there is a disagreement about whether an employee is entitled to a particular benefit under the terms and conditions of employment or where your complaint is an allegation of serious bullying or harassment which could lead to serious disciplinary action.

Mediation may not be suitable if you want to enforce a legal right or want someone to decide the ‘rights and wrongs’ of an issue for you.

[Who will carry out the mediation?](#)

If you agree to take part in mediation, HR Services will nominate a mediator. The mediator will usually be either a trained HR professional within HR who does not normally support your College or Service and will have had no previous involvement with the issues which are concerning you, or will be a mediator from an external mediation service. The parties to the mediation will not be able to choose a mediator or challenge the nominated mediator.

[What will the process involve?](#)

The mediator will decide the best way to carry out the mediation. Generally there will be separate meetings with those concerned and the mediator and then a joint meeting with the mediator. Where possible these will all take place on the same day.

[What does the mediator do?](#)

The mediator guides the individuals through the process and helps them to identify the real issues and come up with ideas to improve things. They do this mainly by asking questions but if you find it helpful they can use their experience to make suggestions. The individuals involved will decide if they want to take up these ideas. Both sides can talk to the mediator openly because the mediator will not pass on anything said without the agreement of the person who said it. Those involved with the mediation will be given a written copy of anything that is agreed.

[Where will the mediation take place?](#)

Where possible the mediation will take place at the campus that the employees are based. Where these are different, the HRBP coordinating the meeting will contact the individuals to agree the most convenient location. A private room will be used for the meetings, where possible, away from your normal work area.

[Do I have to agree to mediation?](#)

No. Mediation is entirely voluntary. You can ask to consider mediation before committing yourself to taking part in a mediation process. Similarly, you may be asked to consider mediation after you have made a formal complaint of grievance as an alternative to following the formal procedure. You will have the opportunity to speak to HR and ask questions about the mediation process without any obligation on your part to take part in mediation. If, following this

discussion, you decide not to take part in mediation, you will still be able to pursue your concerns through the formal procedure.

[What if I don't want to be in the same room as the person I am in dispute with?](#)

The mediator will take this into account if you tell them at your individual meeting. However, an open and frank discussion of the issues, controlled by the mediator to ensure fairness and appropriate behaviour, can be key to sorting out conflict. They will agree some rules with both sides about how everyone will behave in any joint meeting and help everyone to stick to them. Anyone can ask for the joint meeting to be stopped for 'time out' or to speak to the mediator privately.

[Can I bring a representative to the mediation?](#)

Mediation is often most successful when those actually in conflict directly work with the mediator to resolve it – particularly when you need to work together in the future. Experience of mediation shows that you are the best person to explain how you feel. An open and frank discussion of the issues, which is controlled by the mediator to ensure fairness and appropriate behaviour, can be key in sorting out conflict. Consequently, we believe that in most cases mediation will be most effective if only parties to the disagreement are involved with the mediator. There may, however, be good reasons why you feel you need to bring a representative to the mediation and you should discuss this with HR and the assigned mediator before you start the process. It is important that all those involved know in advance who will be attending and what their role will be.

[What do I need to do before the mediation?](#)

You will be given more information on this when the mediation is arranged. Sometimes you and the person you have the disagreement with will be asked to write down what the problem is you want the mediator to help with and a short list of the main things that have happened. This is to help the mediator understand what the issue is and to save time during the mediation discussions.

[What if anyone involved has any particular requirements/needs?](#)

If anyone has particular requirements like wheelchair access, or mobility problems for example, they should tell HR as soon as possible so that arrangements can be made.

If you feel you need a short break during the mediation discussions (e.g. to calm down or collect yourself), then you should ask the mediator.

[What happens if an agreement cannot be reached?](#)

If agreement cannot be reached, you can still use the University's staff grievance procedures, but you cannot bring up what has been said at mediation.

[Can I be made to keep to an agreement reached in mediation?](#)

You will not be forced into making an agreement against your wishes so you must be committed to sticking to what is finally agreed. You and the person you are in dispute with will both be asked to agree to stick to what is finally agreed otherwise there is no point in going ahead.

Agreements reached in mediation are not normally legally binding. In some circumstances, for example where a change in working arrangements is proposed, the outcome agreed by the

parties to the disagreement may need to be approved by managers in your College/Service. It is important that any suggestions made by the parties are 'realistic' and acceptable to managers and colleagues in your work area.