

Mediation Policy

March 2016

Contents	Page
1. Introduction	3
2. Policy Aims	3
3. Definition of Mediation	3 - 4
4. Mediation Service	4 - 5
5. During the Mediation	5
6. Monitoring and Evaluation	5
7. Enquiries and Change Control	6
8. Revisions	7

Mediation Policy

1. Introduction

- 1.1 We recognise that encouraging positive working relationships between individuals will have a positive impact on our staff and their general wellbeing.
- 1.2 We are committed to supporting staff and managers to work together to resolve disputes and workplace conflicts at a local level, to ensure minimum disruption to the delivery of the Councils' priorities, and to maintain high level of morale, staff engagement and effective performance.
- 1.3 Workplace conflict is a condition between employees whose jobs are interdependent, either directly or indirectly, who feel aggrieved, who perceive another or others as being at fault and who act in a way that causes problems within the organisation, which in turn affects the effectiveness of the business. It is the relationship between those individuals where there is incompatibility that impacts on the individuals, the team and/or the organisation to achieve outcomes.
- 1.4 The single most common reason for conflict is differences in personalities or difference in working styles. Constant change, also, brings tension, which can be a contributory factor. However, differences in perception, poor communication, incompatible goals or power imbalance between individuals are more common factors.
- 1.5 Mediation is an effective tool for resolving interpersonal conflicts between colleagues, managers and team, rather than allowing them to escalate to more difficult and potentially unmanageable levels.

2. Policy Aims

- 2.1 The policy provides employees with an objective and impartial framework for resolving conflicts at an early stage.
- 2.2 This policy aims to offer an alternative first stage for resolving conflict and, also, to make available a process for reconciling working relationships outside of any formal process but, also, if recommended, following a formal hearing to rebuild relations.
- 2.3 Employees should read this policy in conjunction with West Suffolk councils' Grievance Procedure and Dignity at Work Policy.

3. Definition of Mediation

- 3.1 Mediation in the workplace is a confidential and voluntary process in which an independent and neutral person helps employees, in dispute, to explore and understand their differences in order that they may find their own solutions to their

differences and may also agree a way forward. During the process individuals are encouraged to identify their own solutions and agreements.

- 3.2 The Mediator is impartial to the conflict and seeks to help all parties equally. They do not express opinions or make judgements about who is right and who is wrong. They will not offer suggestions or solutions to the situation. It is for the parties to discuss suggestions and solutions.

4. Mediation Service

- 4.1 The mediation service is voluntary and any individual can request an initial confidential meeting with a trained mediator. Mediation may be suggested by a manager where two colleagues are in dispute. However, a manager cannot insist on mediation. Mediation does not require approval from a line manager either.
- 4.2 Any request for mediation should be made to the Mediation Co-ordinator in the first instance, who will act as a "gatekeeper" and who will consider whether mediation is appropriate to the situation. Requests can be made in person, in writing, by email or phone. Employees will only be required to give their contact details and an outline of the issues at this stage.
- 4.3 In all cases, individual meetings will be arranged with one of the Councils' internal trained mediators. The purpose of this initial meeting is to identify the key issues and discuss the process and assess whether mediation is appropriate. The mediator will, also, aim to build trust and gain confidence between the parties and encourage commitment to the process.
- 4.4 There may be certain circumstances when mediation will not be appropriate. This might include situations where the Councils have a duty of care or statutory obligations; where there is a risk to health and safety; where formal action has been instigated (eg disciplinary proceedings) or where one party is not in agreement to the process.
- 4.5 Individual meetings between the mediator and the parties will be strictly confidential. The initial meeting with each party will be strictly confidential and no information will be shared with the other party without formal consent.
- 4.6 If mediation is considered appropriate, by all parties, all individuals must agree to the process. All parties will be informed of their right to withdraw from the process at any time; the process is entered into and continued on a voluntary basis.
- 4.7 The mediation process is confidential. The only exception to this rule of strict confidentiality is where there is evidence of a serious breach of statutory position or a serious risk to health and safety. In this situation the mediation process will be terminated.
- 4.8 No information will be shared with any other party. There will be no "feedback" to management upon completion of the mediation process, nor will there be indication on how the mediation has been concluded. The choice to share any information will only be agreed between the parties.

4.9 The mediator will contact individuals in order to hold an initial meeting before bringing the parties together. This meeting will give the mediator the opportunity to introduce themselves and outline the process including the role of mediation and that of the

mediator. The mediator will seek to gain the parties commitment to the process and build trust and rapport in order to establish the mediator's impartiality. The mediator will, also, seek to establish some ground rules and discuss what each party would see as their preferred outcome and shape those expectations in terms of the process.

4.10 Once the mediator has met the parties individually, the mediator will consider whether mediation is appropriate and, if it is, will make arrangements to bring the parties together.

4.11 Mediation will generally take place in an impartial setting and where confidentiality can be maintained. The location will be one which will be free of interruption and will remain available as long as the mediation takes. It is difficult to allocate a time to the length of the mediation session and therefore most mediation sessions will commence in the morning to enable them to run on into the afternoon if required.

5. During the Mediation

5.1 During the joint meeting each party will have a chance to speak and the mediator will help to clarify the issues which the parties raise to enable them to be addressed. The mediator will encourage the parties to be open and honest. Once the issues have been identified and discussed, the mediator will encourage the individuals to identify possible solutions and a way forward.

5.2 All discussions during the mediation are confidential and no information will be passed on at the end of the process, by either party, about any part of the process. The mediator may take notes during the meeting to act as a reminder and to give an opportunity to record any solutions or agreements or particular points, but these notes will be destroyed at the end of the meeting.

5.3 The only notes that may remain in the possession of each of the parties are those where an agreement is made and the parties choose to record those agreements. This will be at the choosing and the agreement of the parties.

5.4 If the mediation does not reach a satisfactory conclusion the parties may choose to invoke formal procedures (eg a grievance may be raised through the Grievance procedure or through the Dignity at Work procedure). However, the mediator cannot be called as part of any investigation in these procedures.

6. Monitoring and Evaluation

6.1 Information will be collected and monitored for equality purposes. The nature of the issue will be recorded, but the parties will not be recorded. Where there is an outcome this will, also, be recorded.

6.2 All parties involved in the mediation will be consulted for feedback on the process.

7. Enquiries and Change Control

- 7.1 All enquiries relating to this document should be directed to Human Resource Services.
- 7.2 Copies of this document can be found on our intranet site under HR policies or can be obtained by contacting Human Resources Services.
- 7.3 This policy will be subject to review which will be initiated by Human Resources in consultation our recognised trade union.
- 7.4 Suggestions for any changes to this document should also be forwarded to Human Resources.
- 7.5 For further information on mediation you may contact a member of the Human Resources team or visit the ACAS website www.acas.org.uk.

8. Revisions

Date of review or revision	Reason	Author
March 2015	Drafted	Wendy Canham