



**Internal Workplace Mediation
Policy**

Version no	V1
Date	14 October 2014
Drafting Officer	Liz Farrell
Lead Officer	
Equality Impact Assessment	

Contents

Policy

1.	Introduction	4
2.	Policy Aims	4
3.	Definition of Mediation	4
4.	Mediation Scheme	5
5.	Confidentiality	6
6.	The Mediation Process	7
7.	Related Process	8

Mediation Policy

1. Introduction

Southend Borough Council recognises that a positive working environment and working relationships can have a positive impact on staff. It can also lead to better performance, improved employee retention and reduced stress-related sickness absence.

Southend Borough Council also recognises that conflict in the workplace happens and when it does we wish to support staff and managers to work together to resolve disputes and conflicts.

Mediation is proven to be an effective tool for resolving interpersonal conflicts between colleagues, and managers.

Where issues cannot be resolved within the team/workplace with the support of the line manager this policy is designed to provide assistance.

2. Policy Aims

The aim of this policy is to provide individuals with a framework for resolving conflicts in a way which is impartial and objective.

This policy aims to offer an alternative informal approach for resolving conflict and/or reconciling working relationships if this is recommended following a formal investigation or hearing.

The mediation process will primarily be offered as a tool where two parties are in dispute. The aim is to resolve conflict at the earliest possible opportunity and to encourage individuals to resolve their differences without having to go through a formal process such as the Grievance and Dignity at Work Procedure.

This policy should be read in conjunction with the Grievance and Dignity at Work Policy and Procedure.

3. Definition of Mediation

Mediation is a confidential and voluntary dispute resolution process where an impartial third party helps individuals who are experiencing conflict to agree a solution that is acceptable to them both. The mediator will not offer solutions or tell either party what to do but will help parties to discuss the issues in order to reach an agreed solution.

Mediation is most effective when:

- Both parties are willing to work together to resolve their differences
- Room exists for an improvement in working relationships
- Allegations and counter allegations have been made
- There is dispute over a workplace situation
- No serious breaches of workplace policy or procedures have occurred
- One or both parties wish to avoid formal proceedings

People should in the first instance be encouraged to talk to each other about any concerns they may have, if they are unable do so they should seek guidance and support from their manager. If the matter cannot or is not resolved HR advice should be sought and mediation may be offered or can be requested

Mediation is not appropriate to use if:

- There is criminal or illegal activity involved.
- If an individual raises a harassment or discrimination complaint and wants it investigated formally
- The parties involved have no control over the issue in dispute.
- Parties are unwilling to participate.
- Where an external judgement or decision is required, or to determine if policies or procedures have been breached
- Parties do not wish the process to remain confidential.
- If there is evidence or concerns that the process will be abused or misused
- If one or both parties have a known mental health condition

In the event that one or more of these situations become apparent during the mediation, the mediation process would no longer continue.

Most kinds of dispute can be mediated if 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.

The process is voluntary and confidential throughout. The outcome of mediation is often an agreement which focuses on improving relationships and conflict resolution.

4. Mediation Scheme

The Mediation Scheme will be provided by either a trained internal workplace mediator, or the Council will buy in the services of an external workplace mediator.

Access to mediation as an alternative dispute resolution method is available by contacting HR or the line manager. Requests for mediation will usually be where two parties are in dispute or when an individual is considering making an informal or formal complaint under the Grievance and Dignity at Work Procedure. Alternatively, mediation may be recommended where two parties have been involved in a formal procedure and need to reconcile working relationships.

Individuals should contact a member of the HR team or their line manager to discuss any requests for mediation. However prior to any request for mediation being made individuals are encouraged to initially speak to their line manager to try and resolve any issues informally.

In the event that a member of staff requests mediation and their line manager has not been previously made aware of the issues the manager will normally be expected to work with the individuals informally in the first instance in an attempt to resolve the issues.

Mediation is a voluntary process and individuals have the right to withdraw from the mediation process at anytime. In addition to this the mediator may decide at any stage that mediation is no longer appropriate.

Whilst it is anticipated that mediation will provide a successful outcome to both parties, it is acknowledged that there may be some situations that mediation will not resolve. In these circumstances the individual has the option to raise a formal grievance or dignity at work complaint.

The purpose of the mediation process is:

- To resolve disputes at an early stage and reach more satisfactory sustainable outcomes.
- To provide a genuine alternative to employees in dispute outside formal procedures, where the resolution is achieved quickly through a facilitated confidential conversation.
- To provide employees with a route of dealing with conflict at an early stage to avoid stress, absence and other issues whilst retaining valuable staff.

Mediation can only be used where both parties in dispute agree to mediation and want the conversation to be and remain confidential.

5. Confidentiality

All aspects relating to mediation requests and meetings should be dealt with in strictest confidence by all parties.

All discussions during a mediation process are confidential. This is to ensure that all parties feel able to speak frankly and openly which aids discussions with a view to reaching a resolution. All parties, including the mediator are expected to maintain confidentiality about issues raised in mediation sessions.

Anything raised or discussed in the mediation process cannot be used at a later date in any formal procedures or Employment Tribunal.

There are expectations about strict confidentiality:

- Informed disclosure – this is when both parties give permission for specific information to be disclosed

- Exceptional circumstances – clear H&S risk, evidence of criminal activity, or potential damage to an individual/the organisation

All parties involved in the mediation process will be sent a questionnaire by the mediator one month after the mediation seeking feedback on the effectiveness of the process. All information provided is confidential and used to improve the mediation service provided. The completion of this questionnaire is entirely voluntary

6. The Mediation Process

Once mediation has been agreed as a way forward the mediator will contact individual parties to arrange to meeting.

The mediator will informed the line manager that a mediation meeting has been arranged and may disclose the date for operational reasons. No other information will be provided to the line manager.

Mediation will be recorded but no further information will be held on personnel files.

The mediation process will normally commence with initial one to one meeting which can last approximately 1-2 hours in duration. During these initial meetings both parties will speak to the mediator independently from each other. The purpose of these meetings is:

- To understand the role of the mediator
- To understand the mediation process & next steps
- To understand and discuss the issues
- To think about key issues to be discussed at the joint meeting
- To establish agreement to proceed with mediation

Following the initial meetings both parties will be invited to attend a joint face to face meeting. The mediator will explain grounds rules and allow each party the opportunity of uninterrupted time to explain their position and feelings. The mediator will summarise what has been said during the uninterrupted time and agreement will be reached on an agenda of issues to be explored. The mediator will then facilitate an open discussion between both parties. If an agreement has been reached the mediator will assist the parties in drawing up an agreement. This agreement will be confidential to both parties unless the parties jointly agree to share it with another party for example line manager.

The written agreement is not a legally binding document. It is however a useful record for the parties confirming what has been agreed between them and also a good way to recognise the work they have put into reaching a mutually agreeable outcome. Both parties are also encouraged to sign the agreement as a demonstration of their commitment to the joint agreement they have produced.

The mediator will also ask the parties to consider how they wish to debrief others who may need to know about any outcome. In most circumstances the parties external to the mediation process are simply informed that mediation took place and whether a workable agreement was reached.

If an agreement is not reached at the end of the process individuals may still utilise the Grievance and Dignity at Work policy.

Any notes or minutes taken during the mediation process will be destroyed. No information will be shared with management as to the detail of the mediation process unless both parties agree to additional information being provided.

Mediation meetings should always be held away from the individuals normal place of work.

After the mediation feedback forms will be issued to both parties. These forms are completed on a voluntary basis. Confidentiality is still observed and questions relate solely to feedback on the mediation process and the mediator. No party will be asked to divulge any details of the issues that have been discussed during the process.

7. Related Policies

Grievance and Dignity at Work Policy & Procedure