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What happens if the disputants do not reach an agreement?

Where the individuals involved in the mediation are entering into the process voluntarily and with goodwill, it is amazing what can be achieved.

Often in situations where the individuals are keen to improve their working relationship but have been unable to find common ground on their own and have felt 'stuck', the process of mediation may enable them to explore the situation in a new way which will generate new solutions and give them the motivation and focus to re-establish the working relationship.

Where mediation does not work, the individuals involved may still consider other workplace policies or legal procedures.

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Mediation Service

Helping people to be
the best they can be

Introduction

This leaflet aims to answer some of the questions you may have about the mediation service provided.

When is mediation appropriate?

Mediation is a tool that can be used when there is perceived to be a breakdown in a working relationship. Clearly when this first occurs a manager or the individuals involved may be able to resolve the issue, but where the situation persists or deteriorates further, mediation may be helpful. Mediation will not 'fix' every dispute but it can be useful in improving working relationships where there is conflict relating to e.g. disagreements between staff members, personality clashes, bullying and harassment or communication problems.

Benefits of mediation

The main benefits include: an improvement in the working relationship; a reduction or elimination in stress or anxiety; a reduction in the number of formal grievances placed and an improvement in sickness absence.

What to expect during mediation

In agreeing to participate in mediation you are taking an important step towards resolving your dispute. The goal of mediation is to enable all parties to discuss what is happening in the working relationship from their perspective and to work together towards finding a way forward in a manner which all parties feel is reasonable and in their collective best interests.

Prior to mediation

Prior to mediation you will meet with the mediator who will be facilitating your mediation for a one-to-one meeting. This meeting will take up to one hour. This is an important meeting as it will give you an opportunity to meet the mediator, explain the issues you want to bring to mediation and have the opportunity to explore any concerns you may have about the process. During this time the mediator will explain their own role in the proceedings and explain the 'Three Rules' of mediation, namely:

- The boundaries of confidentiality will be agreed at the start of the mediation meeting
- Neither disputant will interrupt the other
- Each disputant will agree to treat each other in a respectful manner

The mediator

The mediators within the service are all trained. Their role is to hold the boundaries of the mediation so that each disputant has an opportunity to speak and express their concerns. The mediator is impartial and is not there to impose a solution on the disputants but rather to enable them to explore areas of concern and to see if the disputants can come up with solutions to move the relationship forward. In seeking to improve the working relationship, the mediator will help the disputants to focus on the future and not on the past. Where the mediator has concerns about a disputant or feels that as the mediation is progressing that the situation is 'unmediatable', they will draw the meeting to a close.

What happens in a mediation session?

The disputants will need to allow up to two hours for the mediation meeting. The mediation will begin with an opportunity for each participant to explain what is happening within the working relationship from their own perspective. There will be an open discussion where the mediator will help the disputants to clarify what the key issues for the disputants are and to explore ways of moving the working relationship forward.

If agreements are made, the mediator will write these down and give a copy to each disputant to sign and keep. A copy is normally given to the manager who initiated the mediation. This signed agreement is not legally binding but rather an indication of the goodwill and commitment each individual has put into the mediation process.

Is the meeting confidential?

YES. The purpose of the mediation is to attempt to find a way forward for all involved that is fair and equitable. The disputants will be asked not to discuss what is said within this meeting to others apart from as agreed at the start of the meeting e.g. manager.

Where the mediation does not resolve the conflict, then the disputants still have the opportunity to explore other avenues available to them, however, whilst it can be recorded that mediation has taken place, the discussions which have taken place during the mediation meeting, unless it is agreed with all parties, are confidential and will not become part of any future action taken.