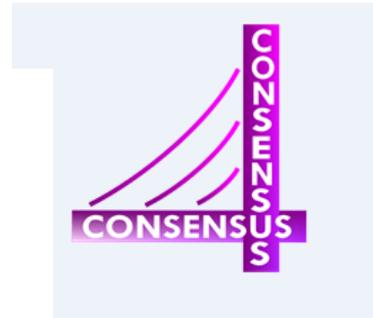


WHAT IS MEDIATION?

INFORMATION FOR LINE MANAGERS



We have developed a list of questions and answers about our mediation service to let Line Managers know more about how it all works.

What kind of problems can mediation help with?

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. It may not be suitable if you want to enforce a legal right or to decide the 'rights and wrongs' of an issue.

What can I expect to happen in mediation?

The mediator will decide the best way to carry out the mediation. They start by talking to the individuals involved separately, to find out about the situation and the effects it is having.

The mediator will not take sides or judge who is right or wrong, the aim is to repair the working relationships, they will help the individuals focus on the future, not the past. Both sides can talk to the mediator openly because they will not share anything that is said unless there is full agreement.

When the time is right the mediator will bring the individuals together. Individuals will have an opportunity to say exactly how they feel without being interrupted and must listen to the other person without interrupting. The mediator will ask questions, help look at the situation realistically and come up with ways to improve things.

Those involved will be given a written copy of anything that is agreed and asked to sign the agreement. As a Line Manager you will only receive feedback if the participants agree to this.

Where will the mediation be held?

Mediation meetings are usually held on the employer's premises, but outside of the employees usual working area.

What if the participants don't want to be in the same room as each other?

The mediator will take this into account and will not make them meet. 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 ground 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.

One of my staff does not want to come to the mediation alone. Can I bring a representative or friend?

Your staff member can choose to bring someone with them e.g. Trade Union Representative or colleague, however that person will not be allowed in the single or joint participation room. This is an informal process and it is not advisable to have union representation or a third party present.

Even if you don't want to bring someone with you to the mediation, you can still take advice about mediation from your Trade Union Representative or the Citizens Advice Bureau.

Can I be made to adhere to an agreement made in mediation?

Individuals will not be forced into making an agreement against their wishes or that of the organisation. Those in dispute will be asked to stick to what is finally agreed, otherwise there's no point going ahead, but agreements are not normally binding unless both sides specifically ask for this.

What happens if they don't reach agreement?

The Mediator will not be able to share the details of the discussion with you as the Line Manager they will only be able to tell you of any practical steps to help you make a decision on how to progress. You can still use any relevant workplace Policies or Procedures.

We make a condition that the parties maintain strict confidentiality and, in particular, undertake not to ask the mediator to give evidence on the content of the meditation at a later date.