

Mediation



How do I?

If you wish to use the Mediation Process please complete the referral form below and send it to mediationservice@westminster.gov.uk

Mediation Referral Form: [Mediation Referral Form.doc](#)

Introduction

Mediation is a voluntary process we use to resolve conflict in the workplace and hopefully avoid the need to go down the more formal routes of grievance and discipline procedures or employment tribunals.

What is Mediation?

Mediation is a confidential, voluntary and informal process that involves two or more parties in dispute and impartial mediators. The mediators meet with each party individually before facilitating a joint session with all the parties.

The goal of mediation is for parties to speak with each other in an open and honest manner to try and reach a resolution that is acceptable to all parties in dispute. The mediators use techniques to facilitate a conversation between the parties in a safe and constructive environment.

The mediators will not tell the parties what to do. Any agreement that is reached is determined solely by the parties.

Key principles

- **Impartiality:** Mediation is facilitated by impartial mediators. The mediators do not take sides and will always act in an even-handed manner.
- **Confidentiality:** Confidentiality is key to the mediation process and the process in its entirety is confidential. All mediation sessions – the individual and the joint sessions – are bound by this confidentiality. The mediators will not disclose information either to the parties, to the organisation or to the person referring the case for mediation. Preceding mediation, the parties sign up to an agreement not to disclose any information discussed at mediation without the prior express permission of the other party involved. All hand-written notes made during mediation, the parties' and the mediators', will be destroyed at the end of the mediation process.
- **Non-adversarial:** Mediation is a non-adversarial process which aims to engage parties in a constructive dialogue.
- **Voluntary:** Mediation is a voluntary process and no party can be forced to attend mediation. During mediation, parties are free to withdraw from the process at any stage. If parties decide not to attend mediation, the person who has referred the case for mediation will be informed that mediation will not take place.
- **Safety:** The mediators use techniques to facilitate a conversation between the parties in a safe and constructive environment, preferably away from the parties' workplace.
- **Openness and honesty:** The goal of mediation is to allow parties to speak with each other in an open and honest manner to try to reach a resolution that is mutually acceptable to them.
- **Self-determination:** Mediation is an empowering process which allows parties to come to their own resolution. The mediators will not tell parties what to do. Any agreement that is reached is determined solely by the parties. This allows parties to reach a resolution which is realistic to their situation and which will enable them to restore their working relationship.
- **Control and ownership:** Whilst the mediators are responsible for the structure of mediation, it is the parties who are in control of the content and outcome of mediation. The mediators will not make suggestions or recommendations to the parties. This allows parties to have ownership over their mediated outcome.
- **Time-bound:** Mediations can be set up quickly and in general they require only one day of the parties' time.

- **Advantageous position:** Even if the parties do not come to a resolution, the mediation process may give each party a better understanding of the underlying issues to their conflict. If there is no agreement, the parties' positions after mediation are unlikely to be worse than they were before mediation.

The Mediation Process

There are several stages to the mediation process, outlined below, starting with the pre-mediation preparation work and ending with the follow-up work that is done post-mediation.

The mediation referral process

The mediation coordinator will initially talk in confidence with the person referring the case for mediation to assess its suitability for mediation and to discuss expectations. The mediation coordinator will send the person referring the case for mediation a mediation referral form. Once completed, the mediation coordinator will allocate mediators to the case.

Pre-mediation preparation

The mediators assigned to the case will have confidential telephone conversations with each party prior to meeting them on the day of mediation. The purpose of these initial calls is for the parties to be introduced to the mediators and for the mediators to answer any questions or concerns that the parties may have. If a date for mediation has not been set, the mediators will also ask the parties for their availabilities.

After this initial telephone call, the parties will be sent three documents

1. A pre-mediation questionnaire to help parties think about what they would like to achieve from the process. Parties should bring this questionnaire with them on the mediation day.
2. A mediation schedule to inform the parties of the mediation date and the scheduling of the individual and joint meetings.
3. A confidentiality agreement to be signed by the parties and given to the mediators at the beginning of mediation.

During mediation

The mediators will work with the parties for a full day. All mediation meetings will be confidential. The mediation meetings are separated into individual meetings and a joint meeting. Whilst face to face meetings are preferred it is recognised that there are circumstances where a more agile approach is required. Please refer to [Guidance Note - Virtual Meetings](#).

First individual meeting

The mediators will meet with each party individually for one hour. This meeting will give the parties an opportunity to tell the mediators what has brought them to mediation and what they see as the cause of the conflict. Each party will be able to express to the mediators how they see their current work relationship and to think about ways in which it could be improved. The mediators will help each party to explore the key issues relating to their conflict and allow each party to consider their goals for mediation. The mediators will ask each party to think about what they would like to say to the other

party during their opening statements at the beginning of the joint meeting. The mediators will not share any information disclosed during this meeting with the other party.

Second individual meeting

The mediators may hold a short second individual meeting with each party if this is required. This meeting is for parties to further prepare themselves for the joint meeting.

Joint meeting

The joint meeting is the longest meeting of the day and can last until 5pm. The goal of this meeting is for the parties to communicate with each other in an open and honest manner. The mediators will support the parties in their dialogue with each other by facilitating the meeting and using communication and active listening techniques to enable the parties to have a constructive dialogue.

The joint meeting will start with an opening by the mediators to set out some guidelines for the meeting. This will include that the parties listen to each other and respect each other.

Following on from this, the parties will give their brief opening statements to each other. Opening statements allow the parties to focus on presenting to each other the key issues that have brought them to mediation, as well as their goals for mediation. It is up to the parties to decide what they want to say during their opening statements. What is important is for the parties to think about how they want the other person to hear what they have to say.

Each opening statement is given without interruption. The mediator will then summarise the opening statements to the parties. Once the summary has been finished, the parties are free to talk to each other about any of the issues that they would like to discuss. The mediator may intervene to ask the parties questions, to summarise what the parties have said, or to reframe the parties' statements.

Once the parties are ready to discuss their goals for mediation, they will be supported by the mediator through a problem-solving stage. This will allow the parties to reach a consensus that will help them to develop their future working relationship.

Either the parties or the mediators can ask for a break at any stage of the meeting.

Most mediations result in a signed agreement or action plan which the parties can use in the workplace. Anything that goes into the signed agreement has to be agreed by both parties. The mediators will write down, verbatim, what the parties want in their agreement. The agreement will be typed up by the mediators and sent to the parties to be signed.

There is no obligation on the parties to reach an agreement. If parties feel that mediation will not resolve their issues, they reserve the right to use other workplace measures or legal procedures. In legal terms, mediation is 'without prejudice'.

In mediation cases where parties do reach an agreement, parties may decide to retain a written record of this. The parties may choose to share this agreement with the person who has referred the case for mediation, their managers, or any other party of their choosing. However, it is up to the parties, and not the mediators, to make this decision. All other aspects of the mediation will be kept confidential. With the consent of the parties, the mediators will feed back to the individual who has referred the case that the mediation has taken place and that it has ended in a signed agreement.

Parties will be supported post-mediation, whether there is an agreement or not. The mediators will discuss the follow-up arrangements with the parties at the end of the joint meeting.

Follow-up procedures with parties post-mediation

An important element to the mediation process is the post-mediation follow-up which helps the parties to (re-)establish a healthy and effective working relationship.

The mediators will follow-up with the parties via telephone and/or email at these post-mediation intervals:

- Within one week - two weeks of mediation
- Six weeks – three months after mediation
- Six months after mediation

If you have any further queries, please contact the Mediation Co-ordinator jworthington@westminster.gov.uk

Mediation FAQ's

Is mediation confidential?

Yes. Confidentiality is a key aspect of the mediation process. Before mediation the parties agree not to disclose any information discussed at mediation without the prior express permission of the other parties involved. All mediation sessions - the individual and the joint sessions - are bound by this confidentiality. The mediators will not disclose information either to the parties, to the organisation or to the person referring the case for mediation.

In mediation cases where parties reach an agreement, they may decide to retain a written record of this agreement. The parties may choose to share this agreement with the person who has referred the case for mediation, their managers, or any other party of their choosing. However, it is up to the parties, and not the mediators, to make this decision.

All hand-written notes made during mediation, the parties' and the mediators', will be destroyed at the end of the mediation process.

Do I have to attend mediation?

No. Because mediation is a voluntary process, nobody can be forced to attend mediation. The parties will be given all the relevant information to enable them to make an informed decision about whether to attend mediation. During mediation, parties are free to withdraw from the process at any stage. If parties decide not to attend mediation, the mediation coordinator will call the individual referring the case to inform them that mediation will not take place.

If you are unsure about attending mediation, please contact us to speak with the mediation coordinator who will be able to answer all of your questions.

How long will mediation last?

A mediation between two parties typically lasts a full day. This timeframe allows the parties sufficient time to explore both the issues that have brought them to mediation, as well as how they would like to move forward with their working relationship.

Where will the mediation take place?

Mediation will place in a neutral and private venue.

Who determines the outcome of mediation?

Whilst the mediators are responsible for shaping the mediation process, it is the parties who are responsible for determining the mediation outcome.

Who will be present at mediation?

In most cases, only the parties in dispute and the mediators are present . This is because we believe that the right people to speak about and resolve their conflict are the people actually involved in it.

If parties want to bring a representative, relative or friend to mediation, this may be possible. However, this is only possible during the first individual meeting with the mediators. If you wish to bring someone to the first individual meeting, please inform the mediation coordinator or mediators in advance.

What happens if the parties do not reach an agreement?

There is no obligation on the parties to reach an agreement. If parties feel that mediation will not resolve their issues, they reserve the right to use other workplace measures or legal procedures. In legal terms, mediation is 'without prejudice'. Whether parties reach an agreement or not, the mediation process will remain confidential. The mediators cannot be called upon to provide evidence at any subsequent proceedings.

Who are our Mediators?

Our Mediators are a team of trained and accredited volunteers from various departments who are acting in an impartial capacity.

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