

The purpose of mediation

Mediation is often described a process whereby a neutral third party intervenes in a workplace conflict or dispute to assist the parties in reaching a satisfactory outcome. Mediation typically lasts one full day but can be longer or shorter depending on the issues and number of parties involved. It creates a safe environment where parties are able to communicate and work towards the restoration of a positive working relationship. Mediation is a structured process which enables parties to identify, consider and discuss their own and each other's current and future needs with a view to establishing how a positive and productive working relationship can be restored.

The benefits of mediation

Mediation is a voluntary, informal process which provides a safe environment for parties to talk and listen to what is being said. The process seeks to avoid blame and provides the parties with a significant stake in the resolution outcome which is future focussed. The key benefits are:

- Voluntary – the process is entirely voluntary from beginning to end
- Confidential – what is said and written down during mediation remains completely confidential and all notes are destroyed at the end of the process.
- Informal – mediation does not form part of any formal grievance or other records
- Future focused – whilst historical factors are considered, the process is focussed on finding alternatives for the future

The role of the mediator

A mediator is an independent person who is invited into a conflict or dispute situation to work with the parties involved as they try to find a positive resolution to their situation. The mediator does not judge who is right or wrong, does not blame the parties involved and does not tell people what to do. The mediator listens carefully to what the parties say and asks a number of questions to allow parties to share information. The mediator helps the parties to address their current concerns and issues as well as their expectations and goals. Throughout the mediation process, the mediator considers how to move the parties forward, and works with the parties involved to consider future needs, expectations and options.

Stages of Mediation

First individual meeting - where the mediator meets each party separately, lasts one approximately hour. The purpose of this meeting is:

- To explain and clarify to the parties the role of the mediator and the mediation process;
- To consider the various elements of the dispute and the impact on the individuals involved;
- To identify, through a process of active listening, the history of the situation as well as the participants' future needs and expectations;
- To discuss participants' goals for mediation (goal for mediation questionnaire);

Second individual meeting - is relatively short and, in some mediations, will be absorbed into the first meeting. The purpose of this meeting is:

- To explore, in detail, the issues raised at the first meeting and any additional issues from each participant's point of view;
- To facilitate, as required, the sharing of information, ideas and potential ways forward between each of the participants.
- To encourage each party to listen to the other's perspective and to assist with the development of trust, empathy, respect and understanding.
- To agree a way forward, including the preparation of the joint mediation meeting

The joint mediation meeting - The joint mediation meeting is a carefully structured process which follows simple and effective guidelines. This by far is the most important stage of the mediation process. Entering into joint mediation meeting clearly symbolises commitment towards a positive and realistic outcome to the current situation. The purpose of this meeting is:

- To establish a safe and structured environment where all participants involved in the dispute/conflict can meet one another to engage in open and honest dialogue;
- To evaluate all available options and ultimately to arrive at realistic, manageable and agreed outcomes;
- To develop an action plan and agreement about how best to work together and;
- To consider longer-term requirements and follow-up arrangements.

The joint mediation process in detail: The mediator establishes a number of ground rules at the start of the session. After the ground rules have been agreed, each party will have the opportunity to tell their story. This is done during uninterrupted speaking time. It is important to prepare for this as it is not always easy to say what you want to say when you feel tense. Notes or bullet points can be helpful. You should try to speak for a maximum of five minutes, but you may take longer if necessary. Each party is given the same opportunity to speak and listen.

The mediator will act as a facilitator, listen carefully, ensure that ground rules are adhered to, ask open questions, summarise what is said and generally lead the meeting in a positive manner whilst ensuring everyone's point of view is considered during an open discussion between the parties that will follow the uninterrupted speaking time.

There are no set formulae for how mediation should end. Every situation is different and what is needed may be different depending on the circumstances. It is important that parties have the opportunity to start talking again and that they agree what they want to happen in the future. Any outcome will normally be put in writing for participants to consider, keep and follow. We contact all parties at 1, 3, 6 and 12 months after mediation has concluded to establish how the case has

progressed.

How you can help mediation work

Mediation will only work if the parties are committed to the process and are prepared to fully engage in an open and honest way.

The process can be challenging and emotional, but this is perfectly normal as it will ask parties to examine their feelings as a result of the conflict or dispute.

Mediation works best when parties are open minded about their behaviour, the impact it may have had on others and how their approach may have to change moving forward.

Mediation FAQ's

How long does mediation last?

Mediation generally lasts for one full day. However, in more complex cases or in cases involving more than two parties, it may last for up to two or three days. Conversely, in simpler cases mediation can be shorter and take the form of a facilitated conversation which will take half a day or so.

Who are the mediators?

Our mediators are fully trained, certified and experienced. Each mediator works within our exacting practice standards and the European Standards for Mediators. All mediators are members of the Professional Mediators Association (PMA).

Do mediators tell people what to do?

No. Mediators do not tell parties what to do. They do not judge who is right or wrong, nor do they impose a settlement or a solution.

Is mediation confidential?

Yes. Parties sign a confidentiality agreement at the first meeting. Mediators will not disclose anything that has been said during workplace mediation without the permission of the parties. If agreed by both parties, mediators provide a copy or a summary of the final agreement to the person who requested workplace mediation to enable them to continue to manage the situation. Mediators destroy all notes from mediation at the end of the process. Other than a copy of the agreement, we do not keep any records of the day and mediators will not provide evidence at any process or employment tribunal.

Where does mediation take place?

Mediation normally takes place in a neutral venue comprising of three rooms. Each party has their own private room for the entire day and there is a separate room for the joint meetings.

Is mediation voluntary?

Yes. Mediators ask parties whether they have entered into the process freely and voluntarily. We do not force, trick or coerce parties to engage in mediation.

Can I have someone with me during mediation?

Whilst we recognise that parties may wish to have someone with them, the mediators will create an environment where parties do not need anyone else to support them. If parties do wish to bring someone this is possible during the first individual meeting only, and that person must sign the confidentiality agreement. Mediators do not encourage anyone other than the parties to be involved during the later stages of mediation.

Mediation FAQ's

What happens at the end of mediation?

Hopefully, parties will have reached a resolution to their dispute together with a number of points of agreement. These will be given to the parties (usually on the same day). Ashfold offers ongoing support and will contact all parties at one, three, six and twelve months after the mediation. In some cases, we also offer further mediation meetings if required. We have a number that all parties, their managers or HR officer can call if help is required to maintain the agreement: 01444 401487.

I thought mediation was about us meeting each other. Why do we have to meet the mediator separately first?

Having separate meetings with the mediator gives all parties the opportunity to talk about the conflict from their point of view. The mediator listens to what each party says and explores how each party feels, what their concerns are, and what their underlying needs are.

Does mediation really work?

Yes. Our mediators achieve a resolution in over 90% of cases. However, for mediation to work it requires a commitment from all parties. When parties enter into mediation with a willingness to listen and to respect each other, to challenge and to be challenged, and to seek a new way of working together, there is a good chance that mediation will work.