

HRPG2c - FREQUENTLY ASKED QUESTIONS

EPUT STAFF MEDIATION SERVICE

WHAT IS MEDIATION?

Mediation is a process where a neutral person - the mediator - works with people who have a disagreement to help them to find their own solutions and reach an agreement that will sort out their problem or improve the situation. Its success depends on participants' willingness to be open and honest, and to listen to and understand each other.

The mediator won't take sides or judge who is right or wrong.

Trust mediators offer work place mediation, that is, mediation to resolve difficulties arising between colleagues that affect them carrying out their work. They do not offer mediation for interpersonal difficulties that occur outside of work.

MEDIATION:-

Is voluntary – you only take part if you want to.

Is confidential – nothing you tell us will be passed onto anyone else unless you want it to be and what has gone on in mediation cannot normally be used in any later Trust procedures or court action.

Is quick – mediation can be arranged in a few days and the mediation itself usually takes less than a day.

Can be less stressful than going through internal Trust procedures or worst case scenario, an Employment Tribunal.

Is most effective at the early stages of conflict and aims to maintain the employment relationship.

WHY SHOULD I CHOOSE MEDIATION?

Mediation can help you resolve your disagreement so you can get on with 'normal' working life again. When you are involved in a conflict, talking to the person you are in disagreement with can seem impossible. Mediation can re-establish those channels of communication.

Any agreement is on terms agreed by you, not dictated by someone else. It leaves you in control of what is finally agreed.

WHAT DOES THE MEDIATOR DO?

The mediator will decide the best way to carry out the mediation. They will usually start by talking to each of the people involved in the dispute or disagreement separately and then later on, talk with you all together.

If you find it helpful, the mediator may make suggestions or give you information about how other people have sorted out similar situations but they cannot tell you what you should do.

Both sides can talk to the mediator openly because the mediator will not pass on anything said without the agreement of the person who said it.

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WHAT KINDS OF DISAGREEMENT ARE SUITABLE FOR MEDIATION?

Most kinds of dispute can be mediated provided that 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.

Mediation may not be suitable if you want to enforce a statutory or contractual right or want someone to decide the 'rights and wrongs' of an issue for you.

DO I HAVE TO AGREE TO MEDIATION?

No. Mediation is entirely voluntary.

WHAT IF I DON'T WANT TO BE IN THE SAME ROOM AS THE PERSON I AM HAVING THE DISAGREEMENT WITH?

The mediator will take this into account and will not make you meet with the other person initially if you do not agree, although this makes the process more complex and less likely to be successful.

The mediator will agree some rules with both sides about how everyone will behave in any joint meeting. You can ask that a joint meeting be stopped at any time.

CAN I BRING A REPRESENTATIVE TO THE MEDIATION?

To be successful, mediation needs to happen with those individuals actually in conflict, working directly with the mediator to resolve it - and not through another person who is representing them.

Experience shows that you are the best person to explain how you feel. An open and frank discussion of the issues, which is controlled by the mediator to ensure fairness and appropriate behaviour can be key to sorting out conflict.

You may choose to bring an accredited representative of a recognised Trade Union representative or a current work colleague as support at any pre-meeting stage of the mediation process, but not during any of the subsequent individual or joint face-to-face meetings.

CAN I BE MADE TO KEEP TO AN AGREEMENT REACHED IN MEDIATION?

You will not be forced into making an agreement against your wishes so you must be committed to sticking to what is finally agreed.

You and the person you are in dispute or disagreement with will both be asked to agree to stick to what is finally agreed – otherwise there is no point going ahead.

WHAT HAPPENS IF WE CAN'T REACH AGREEMENT?

If agreement cannot be reached, you can still use any of the Trust's internal procedures, but you cannot use anything that has been said in mediation as this will have been said in confidence and without prejudice.

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WHERE WILL THE MEDIATION MEETINGS BE HELD?

Private rooms will be provided using Trust premises. So that people can feel as comfortable as possible and not distracted, it is preferable that wherever possible this be away from the usual place of work.