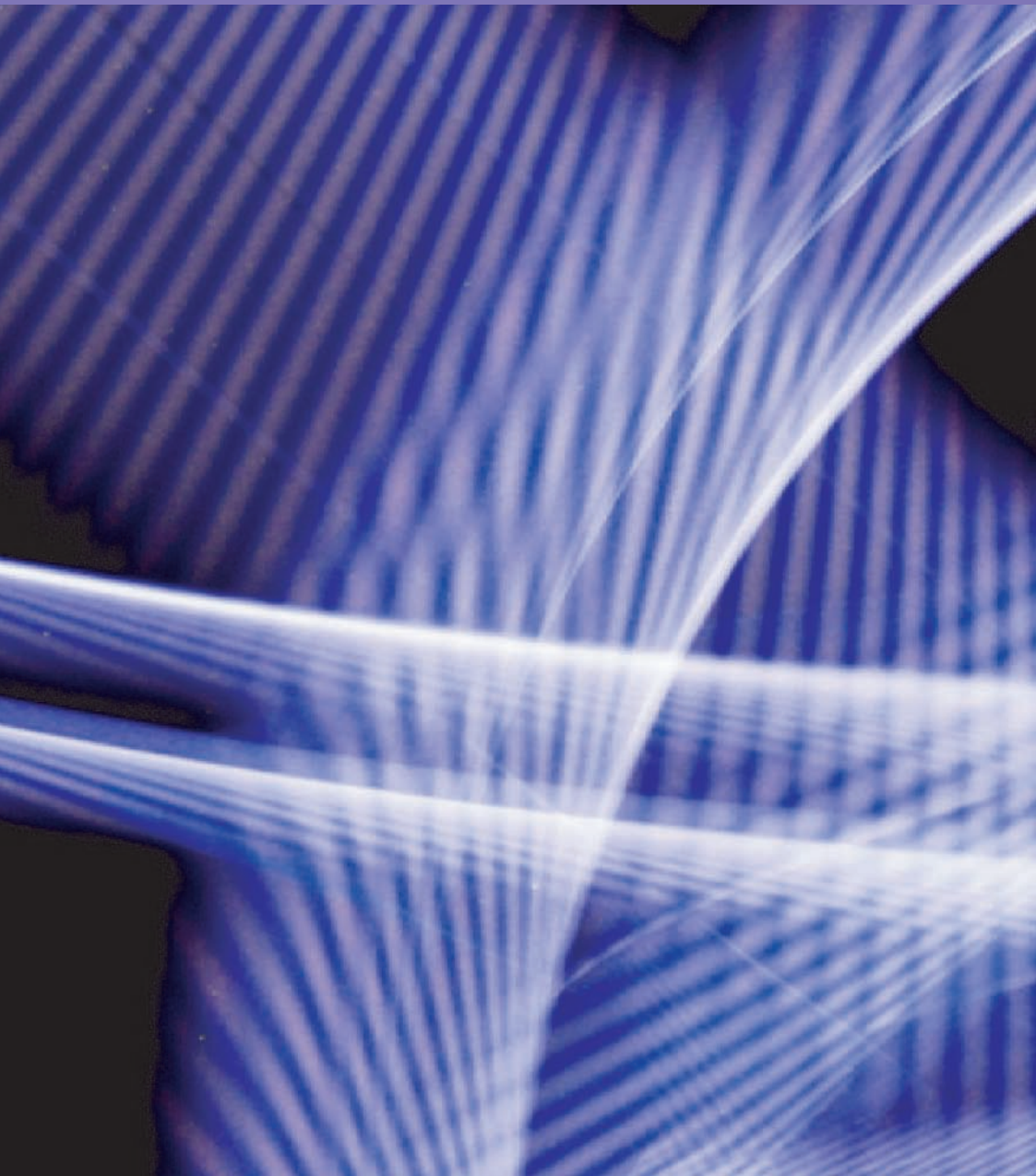
Nottinghamshire County Council

Employee Mediation Helping You Decide

June 2005



BRIDGE THE GAP TO

WHAT IS EMPLOYEE MEDIATION?

Mediation is a process of negotiation where a person not involved in the dispute, (a mediator), provides help and support to colleagues to work out their differences.

The **advantages** of using mediation are:

1. Mediation works best if it is at the early stages in the conflict. With this in mind, our aim is to provide you with an alternative to formal action under Personnel procedures, which is readily available and easy to access. We can help you to resolve the matter as quickly as possible before matters get out of hand.

2. Mediation can help to reduce tension, anger and misunderstandings.

3. Mediation can help to improve communication between you and your colleague(s) so that working relationships can be restored.

4. At the end of mediation, you should feel that there has been no "winner" or "loser" but that you have come to an arrangement that everyone involved in the dispute feels is fair.

WHAT IS THE MEDIATION SUPPORT & ADVICE SERVICE?

The Mediation Support and Advice Service is available to **all** Employees of the Nottinghamshire County Council Social Services Department, who need help to talk about, resolve and reach agreements in the area of workplace conflict.

The Service has a full time, permanent Manager and a team of trained Volunteer Mediators, who have been recruited from various service areas and grades within the Social Services Department.

Generally speaking, Mediators will be working in pairs to deliver the Mediation Service to Employees.

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You can refer yourself to the Mediation Service. Alternatively, someone else e.g. a Trade Union Rep; a Personnel Officer; a Friend etc. might refer you to our Service.

PRINCIPALS OF THE SERVICE

1. **Mediation is always voluntary.** However, for mediation to work, you and your colleague(s) need to take part and be prepared to share information about your situation with each other.

2. **Mediators are impartial -** and are trained to make sure that discussions in mediation are fair. Mediators do not take sides nor act for just you or your colleague(s). They are not involved with your day-to-day work and therefore have no vested interest in the outcome of your mediation.

3. **Mediators must make sure that you and your colleague(s) feel safe**. So the Mediator will check with each of you separately before and during mediation to see whether there is a problem with anger and physical or verbal intimidation. Mediation is not considered to be appropriate if there is a risk of violence and you should tell the Mediator if this is applicable in your circumstance.

4. **Mediation is informal –** which means that

a. You, not the Mediator, have the decision making power.

b. Entering into a mediation process will not affect your rights to enter into formal proceedings. However, should you choose to do so, the Mediator(s) withdraw their involvement at that point and Mediators would not be called as a witness within those proceedings.

c. What you say in mediation will not be used within formal processes.

WHEN CAN MEDIATION HELP?

You can use mediation to help make decisions about any or all of the following issues:

1. **Perceptions of discrimination - We have particular experience in mediating issues where race has been considered to be part of the reason for the conflict.**

2. **In situations where communication has broken down or seems to be going round in circles.**

3. **Where disputes/conflicts involve a member of Staff and Supervisor/Manager.**

4. **Where disputes/conflicts are between colleagues (i.e. Staff to Staff/ Manager to Manager).**

5. **Where disputes/conflicts involve a team.**

6. **Where a new Manager has inherited a team with existing conflict which has not been addressed.**

7. **In return to work situations.**

8. **To help restore working relationships following the conclusion to a formal process.**

THE MEDIATION PROCESS

By convention, the person who first approaches mediation is termed party one, and the people you are unhappy with are termed party two, party three and so on.

Mediation is a step by step process:

Step 1	**a.** You can approach the Mediation Service to discuss your circumstance &/or to make a referral. **b.** You should contact the **Mediation Manager** on 0115 8783538. **c.** The Mediation Manager will help you to decide whether mediation is appropriate to meet your needs.
Step 2	**a.** If mediation is appropriate, the Manager will arrange for you to have an **introductory session** with a Mediator(s). **b.** This is usually within 2 weeks of the initial referral and is likely to last 1½ - 2 hours. **c.** The time in the introductory session is divided between explaining the process of mediation, exploring the issues and deciding together whether this is an appropriate way to resolve the difficulties discussed. **d.** If you would like someone to accompany you to this session please discuss this with the Mediator(s) or Mediation Manager. **e.** The person(s) you are in conflict with will not be asked to attend the meeting at this stage. **f.** Attending an introductory session, does not affect your rights to decide **not** to continue with mediation.

Step 3	**a.** If you, with the Mediator(s), agree that mediation is suitable, the Mediator(s) will **approach your work colleague(s), separately.** **b.** You decide, with the Mediator, beforehand, the information that should be discussed with your colleague(s). **c.** Your work colleague(s) will be treated in the same way as you have been, with respect, fairness and rights to confidentiality. **d.** The Mediator(s) completes step 2 (in turn) with your colleague(s). **e.** The Mediator(s) encourages your colleague(s) to consider mediation.
Step 4	**a.** If all involved wish to pursue mediation, the Mediator(s) will arrange for you all to enter into **face-to-face mediation**. This takes place in a private and informal setting, with usually only the people involved in the dispute and the Mediator(s). **b.** The Mediator is there to help make sure that you and your colleague(s) each listen to what the other has to say; understand each other's needs and concerns; and try to find a solution. The Mediator will not tell you what to do but can share ideas with you and help you look at different solutions. **c.** The face-to-face session might be a full day's event or a series of meetings which last between 2 - 3 hours, depending on your circumstance and the issues about which you want to mediate. **d.** If you or your colleague(s) do not want to pursue face-to-face mediation, initially, then **shuttle mediation** will be used.

	e. In this situation, the Mediator(s) listens to each of you separately, and conveys messages between you to help reach an agreement that is workable and realistic for you all.
Step 5	**a.** At the end of mediation, you will usually get a written summary of the decisions (agreements) you have all made. Agreements are not legally binding but are based on good faith and commitment.

MEDIATION AND CONFIDENTIALITY

During mediation those involved in the dispute might be making disclosures about matters of a sensitive and private nature. Therefore, we ask that discussions which occur within the entire mediation process remain confidential and no formal record will be kept.

Our policy is that Mediators will not discuss matters raised in mediation with your line Manager and/or Personnel Officer outside the context of mediation without your consent.

Mediators will, however, need to disclose any statements made in relation to the following:

- **Child protection issues or those affecting vulnerable adults.**
- **Conduct which is an offence or a breach of law.**
- **Disclosures related to miscarriages of justice.**
- **Health and safety risks, including risks to the public as well as other employees.**
- **Damage to the environment.**
- **The unauthorised use of public funds.**
- **Possible fraud and corruption.**
- **Sexual or physical abuse of Service Users.**
- **Institutional racism.**
- **Action to conceal any of the above.**
- **Any other unethical conduct or acts or impropriety by staff.**

CONSENT FORM

If you are interested in pursuing mediation, please complete and detach this form.

I have read and understood the leaflet entitled **"Employee Mediation – Helping You Decide"** and agree to work with the Mediation Support and Advice Service in accordance with these principals.

Print Name

Signature

Date

Contact Number

You should return this form to:

c/o The Mediation Manager,
The Mediation Support & Advice Service,
Social Services
West Bridgford House,
Loughborough Road,
West Bridgford,
Nottingham,
NG2 7UN.

Please remember to mark the envelope
PERSONAL, PRIVATE & CONFIDENTIAL.

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Nottinghamshire County Council

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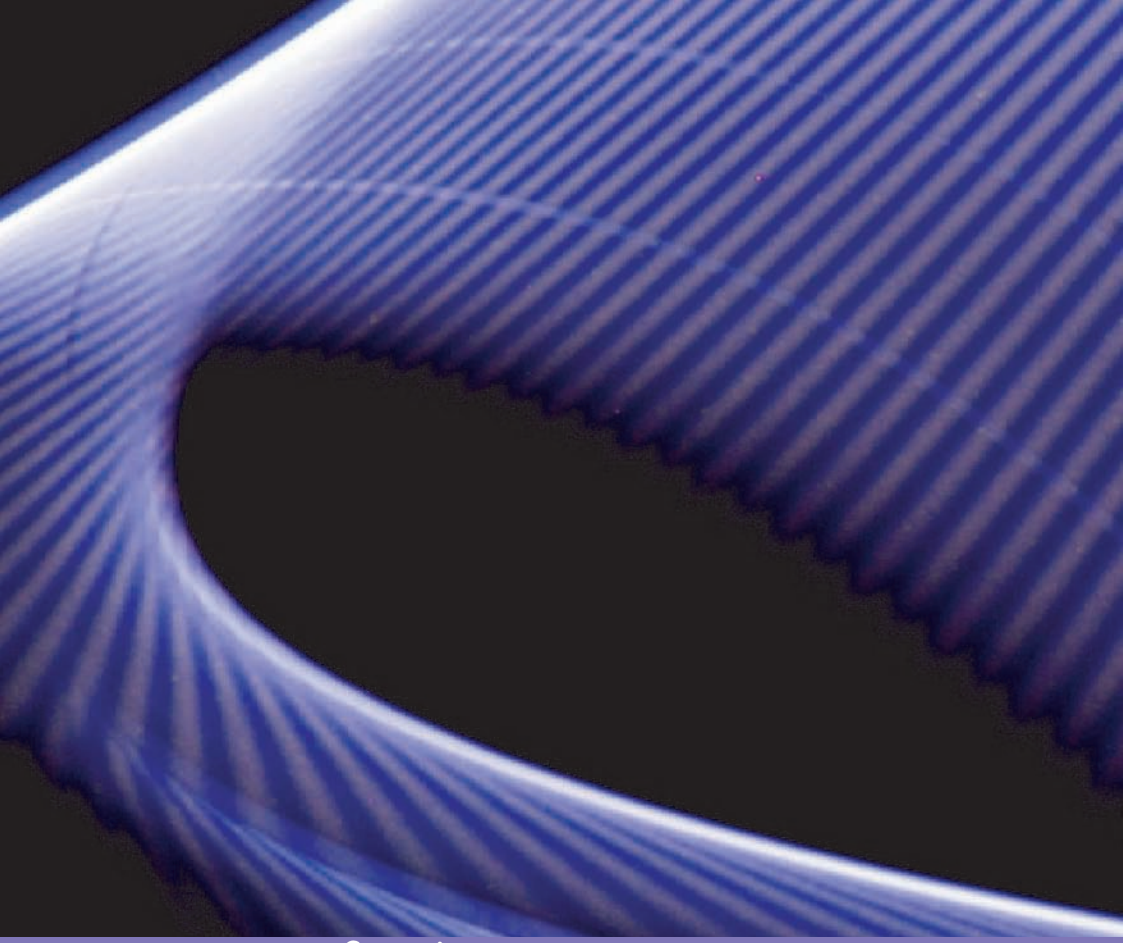

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