

WHAT IS MEDIATION? INFORMATION FOR STAFF



‘Mediation is based on the principle of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame’

Quote from mediation Policy, University of Central Lancashire

Mediation is where an impartial third party, the mediator, helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediators may be employees trained and accredited by an external mediation service who act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider. They can work individually or in pairs as co-mediators.

Mediation distinguishes itself from other approaches to conflict resolution in a number of ways. Mediation is:

➤ Informal	➤ Flexible
➤ Voluntary	➤ Morally binding but has no legal status
➤ Confidential	➤ Unrepresented

What does mediation seek to achieve?

Mediation seeks to provide an informal and speedy solution to workplace conflict, and it can be used at any point in the conflict cycle. What the process offers is a safe and confidential space for participants to find their own answers; it does this in a number of ways, by:

- Exploring the issues, feelings and concerns of all participants and rebuilding relationships using joint problem-solving.
- Allowing those involved to understand and empathise with the feeling of those they are in conflict with.
- Giving participants insight into their own behaviour and that of others and opening up opportunities for change.
- Helping participants develop the skills to resolve workplace difficulties for themselves, in future.
- Encouraging communication and helping the people involved to find a solution that both sides feel is fair and offers a solution that favours them.
- Using energy generated by conflict in a positive way to move things on.

What happens during mediation?

There are distinct phases in the mediation process and these are variously described in the literature as a three, four or five stage process. Whichever way it is broken down, however, the essential elements remain the same. The

way it is broken down on paper the essential elements remain the same. The first stage will deal with the parties separately, while the remaining stages will generally be dealt with during the joint session. There may be a need to separate the parties at various points and speak to them individually – if there appears to be an impasse or the mediator feels that one side is unwilling to divulge information that might help to break the deadlock.

There are occasions where shuttle mediation – the mediator moving between the parties and relaying the view of each – has to be used because parties will not sit in the same room with each other, or because at certain points it is more effective to do so. But the aim is to bring them together eventually.

Although mediation is generally assumed to take place face to face, it can also be carried out via email, video link or over the phone.

The Stages of Mediation:

1. Separate Meeting:

First contact with the parties – the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.

2. Joint Meeting:

Hearing the issues – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.

Exploring the issues - Having identified the issues to explore, the mediation is now about encouraging communication between the parties. Promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and being to look for constructive solutions.

Building and writing an agreement - As the process develops the mediator will encourage and support joint problem-solving by the parties, ensure the agreements are workable and record any agreement reached.

Closing the mediation - Once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases no agreement is reached and other procedures may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings.

Confidentiality: *Anything said during the mediation is confidential to the parties. They may choose to reveal some or all of what has occurred during the mediation to colleagues, or their managers but only if all parties agree. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.*

