CONTENTS

1. Introduction.

2. Purpose.


4. Mediation:
   4.1. What is Mediation?
   4.2. When to use Mediation?
   4.3. Principles of Mediation.
   4.4. Role of the Mediator.

5. The Mediation Process:
   5.1. Accessing Mediation.
   5.2. Mediation meetings.
   5.3. Recording and reporting outcomes.


8. Further Information Including 8.4 Glossary of Terms
Appendices

1) Mediator Skill-set.

2) Mediation process pathway.

3) Outline of individual meeting
   
   3A) Standard outcome letter.

4) Outline of joint meeting
   
   4A) Standard outcome letter.

5) Mediation Agreement template.

6) Outcome report from mediator

7) Monitoring and evaluation (follow-up).

8) Management Options prior to requesting mediation

9) Mediation Request Pro Forma

10) User Guide to Mediation
1. INTRODUCTION.

1.1 NHS Greater Glasgow and Clyde (NHS GG&C) is committed to promoting fairness in the workplace and to encouraging good working relationships between co-workers. These are important ingredients in creating a climate of effective patient care. NHS GG&C does recognise that sometimes there can be problems between co-workers; problems which require appropriate support. Mediation is one of the processes within the alternative dispute resolution (ADR) spectrum. Mediation attempts to address conflict by involving a neutral third party. The Mediator brings the conflicting parties together with the aim of reaching a mutually agreed way forward.

1.2 Mediation has a key role to play in settling workplace disputes. The NHS GG&C Dignity at Work Policy identifies mediation as a potential option for employees in dispute. A less formal approach, such as mediation, can provide greater flexibility to suit specific circumstances. The confidential nature of the process can offer a safe environment to facilitate more open and honest discussion.

2. PURPOSE.

2.1 This framework aims to encourage the appropriate use of mediation by:

- introducing mediation as an informal process;
- outlining the mediation process;
- providing practical guidance on using mediation and
- emphasising the importance of monitoring and evaluating the mediation process.

2.2 It is hoped that mediation will provide an effective alternative to formal procedures. There is no prejudice to either party if mediation is not considered to be an appropriate way forward or if mediation breaks down at some stage. Individuals reserve the right to use more formal procedures.

3. SCOPE OF DOCUMENT.

3.1 This document is intended for use by any employee involved in or considering mediation. It should also be useful to employees who act as mediators.

3.2 This framework emphasises mediation as an informal process which complements the Board’s Grievance and Dignity at Work policies.

4. MEDIATION.

4.1 What is mediation?

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.

4.2 When to use mediation?
Although the use of mediation is encouraged in the organisation, it is important to consider if it is always the most appropriate option. The following is offered as a guide but is not exhaustive.

4.2.1 Mediation may be appropriate:

- to address a range of issues, including relationship breakdown, personality clashes and communication problems;
- to resolve conflict involving colleagues of a similar job or grade, or between a line manager and a member of their team;
- to help re-establish working relationships after a formal dispute has been resolved / formal procedure completed;
- where an ongoing professional working relationship is required / or there is a requirement to act co-operatively;
- where there are questions over fairness and reasonableness and
- where it is in the interest of both parties to resolve a situation without recourse to the Grievance Procedure.

4.2.2 Situations where mediation may not be suitable include:

- as a first resort because people should be encouraged to speak to each other and talk to their manager before they seek a solution via mediation;
- to address allegations of bullying, harassment and victimisation. These issues should be dealt with using the Dignity At Work Policy or the Disciplinary Policy & Procedure for serious incidents;
- where a decision about right or wrong is needed, for example where there is possible criminal activity;
- where there is an unbridgeable imbalance of power;
- where the individual bringing a discrimination case wants it investigated;
- where one of the parties has learning difficulties or mental health problems and does not have the capacity to fully understand what is being discussed and what implications there may be;
- where the parties do not have the power to settle the issue; and
- where one side is completely intransigent.

4.3 Principles of mediation.

4.3.1 Mediation is voluntary and will take place only when all parties involved in the dispute agree to participate.

4.3.2 The process can be stopped at any point by any participant, including the mediator.

4.3.3 The mediator will be impartial and independent to the situation and the parties involved.

4.3.4 Every individual involved will keep information about the mediation confidential and will not disclose it to a third party, nor use it for any other purpose other than mediation. The only exception would be if there was a legal duty to disclose information that was shared at the meeting e.g. being made aware of a significant unethical or criminal act.

4.3.5 The Mediation Framework, including any written agreement, is non-contractual in status, binding by honour only. To encourage employees to participate in mediation and to emphasise its use at informal stages of disputes, ACAS advise that the content of mediation discussions and agreements should not be used in any formal process.
4.3.6 Any evaluation of the mediation process will be confidential.

4.4 Role of the mediator.

4.4.1 Mediators are not counsellors or legal advisors. Appendix 1 outlines the range of skill, competencies and qualities expected of a typical mediator. These reflect the importance of parties needing to develop confidence and trust in the mediator.

4.4.2 This framework therefore identifies these key activities and principles of the mediator role:

- Managing the mediation process;
- Emphasising confidentiality;
- Remaining impartial and non-judgemental;
- Creating a safe environment through facilitation of the meeting process and managing feelings and behaviours of participants;
- Encouraging the development of solutions and a shared agreement;
- Supporting evaluation of the mediation process; and
- Engaging with any mediator support opportunities and keeping up-to-date with best practice.

4.4.3 There is a mediator network of NHS GG& C staff who have completed mediation training (including, in some cases, the ACAS Certificate in Internal Workplace Mediation). Their details are held centrally by the Mediation Co-ordinator. Mediators are currently largely drawn from within Human Resources and from staff-side. However, the role is open to staff who have the right 'skill set' based on ACAS Guidance (see Appendix 1) and who have undergone training on mediation. In-house training is available for new mediators as well as refresher training available for existing mediators.

4.4.4 The mediator should not be associated in any way with either party involved in the mediation.

5. THE MEDIATION PROCESS.

5.1 Accessing mediation

5.1.1 Appendix 2 outlines the mediation process pathway.

5.1.2 When workplace conflict is identified and is impacting on the service then line managers should in the first instance consider the following options

- Informal discussion with both parties, setting clear objectives and outcome for improvement including timeframes Support from HR Support and Advice Unit (HRSAU) or People and Change Manager (PCM)

- Support from Learning & Education (L&E)

- Support from Organisational Development (OD) e.g. Team Building initiatives (See Appendix 8 for more guidance)
HRSAU staff/PCMs and trade union reps are generally the first point of contact regarding mediation enquiries from line managers and individual staff. This framework document should be used by them as a guide to establishing whether mediation is truly an option for the parties.

Mediation can be requested when all other means have failed to resolve the problem.

5.1.3 The requester will link in with the HRSAU or local PCM as appropriate and will, complete the Mediation Pro Forma (Appendix 9) This provides a brief outline of the reason why mediation is required, which service area the problem is in, who is involved and what previous attempts have been made to resolve the issues. Requests for mediation must be preceded by the parties being made fully aware of what the process entails. The parties must be 100% willing to proceed before the Mediation Pro Forma is forwarded to the Mediation Coordinator (see Appendix 9).

The Mediation Co-ordinator will review the completed pro forma. If this is not fully completed or it is unclear if alternatives to mediation have been explained, the co-ordinator may contact the requester for clarity on:

- What the conflict is about?
- Has the manager genuinely tried to resolve the issue?
- Do the parties genuinely want to resolve the issue or are they seeking to apportion blame?
- Is it the right time to intervene?
- Is there a more suitable process available (eg Dignity at Work Policy)?
- Are both parties willing to participate and do they understand that it is entirely voluntary?
- Has the manager explained the purpose of mediation and the process that will be followed

5.1.4 Once the Mediation Co-ordinator has the completed request form they will source an appropriate mediator based on the complexity of the case and the mediators experience and availability.

5.1.5 NHSGGC also has an approved list of external mediation services which the Health Board is able to make contact with. The Mediation Co-ordinator should be contacted where it is felt that the services of an external (paid-for by the requesting service) professional mediator is required. This will be for a limited number of extremely challenging cases which involve disputes between very senior staff and for which external mediation is deemed to be the most appropriate route.

5.1.6 The mediator taking on the case will make initial contact with the parties involved in the mediation to confirm understanding of the mediation process and begin to organise dates/times for the 1:1 meetings.

5.1.7 The Mediation Co-ordinator will maintain a confidential record of the number of mediation interventions taking place across the Health Board, which includes

- the work area that they are arising from
- the level of success of mediation
- average length of time to mediate
- evaluate the mediation process and performance of the mediator
5.1.8 Mediation should not be a drawn-out process. Wherever possible the coordinator and mediators will follow the timeframes below. However, it should be recognised these may not always be achievable and some flexibility on the part of the parties involved may be required due to e.g. work commitments, annual leave, sickness absence etc.

- From request for mediation being received by the co-ordinator to a mediator making introductions to the parties 2 weeks
- From the mediators first contact with the parties to the one-to-ones having taken place 4 weeks
- From the last of the one-to-one sessions to the conclusion of the joint mediated session 4 weeks

5.2 Mediation meetings

5.2.1 Mediation meetings should ideally be held on NHS GG&C premises. Venues should be neutral and accessible to the parties; not located in the ward or department where the parties normally carry out their duties.

5.2.2 The mediation should only involve the mediator and the parties concerned. The central principle of mediation is to provide an opportunity for those in conflict to find their own solution to the situation they find themselves in, and for the parties to remain the central focus of the process. There can be occasions when another individual may enter the mediation process in order to support one of the parties if they have special needs.

Examples
- An employee with a learning or communication difficulty may wish to be accompanied to assist
- Someone who does not have sufficient command of the language to express complex feelings and emotions, may need the assistance of an interpreter.
- A member of staff with mental health issues.

In these cases, the third party’s role is purely supportive. They must guarantee their independence, impartiality and commitment to confidentiality.

5.2.3 Separate one-to-one meetings.
After an outline of the mediation process has been shared with the participants and agreement to proceed is established, the mediator will in the first instance arrange a separate meeting with each of the parties

All letters or e-mails from the Mediator should be marked “Private and confidential” and “For addressee only”.

The purpose of this meeting is to have each party share their thoughts/feelings about what has happened and to identify what each party hopes to achieve from mediation. The result of these meetings will also confirm willingness to participate in the joint meeting.

The mediator should be aware that participants may convey strong feelings. The role of the mediator is not to judge the situation but to gain an understanding of each party’s view and encourage each party to identify acceptable outcomes.
The mediator may need to take notes at each of these meetings. A suggested meeting outline for the one-to-one meeting is provided in Appendix 3. Participants should be reassured that all notes will be destroyed at the end of the process.

No significance should be placed on the order in which these meetings take place. The order and timing will be driven by various factors eg availability of the parties, the mediator, the venue.

One hour would be a reasonable time to set aside for each of these meetings but in some instances longer may be required in cases which are especially complicated, if the upset has existed for many years or the party is distressed by recounting what has happened.

5.2.4 The joint meeting
The mediator and parties involved will decide arrangements for the joint meeting e.g. appropriate venue, date and other practical matters relating to the mediation itself. Appendix 4 outlines how a joint meeting might be conducted.

The initial separate meetings will help gauge the necessary duration of the joint meeting but how long the session takes is dependent upon a range of factors including whether adjournments prove necessary or whether any new concerns come to light which had not previously been talked about.

Successful mediation should be achievable in one joint session with both parties participating. Sufficient time should therefore be allocated to facilitate a successful outcome and minimise the need for repeat meetings. This could be up to a half-day.

If felt to be absolutely necessary, any subsequent joint meetings may be arranged only if all the parties (including the mediator) agree and if the initial meeting has provided evidence that progress is likely.

Participants may take notes during the meeting but these should be given to the mediator at the end for disposal.

5.2.5 Managers are expected to release staff from their responsibilities to attend mediation sessions

5.3 Recording and Reporting Outcomes

5.3.1 In line with ACAS guidance NHS GG&C strongly recommends that any agreement be recorded and retained by the parties in order to reinforce commitment to agreed solutions or actions. A template for recording an agreement is provided in Appendix 5. This should be completed at the end of the joint meeting and taken away by the parties or completed as soon as possible after the joint meeting with the timescales for this agreed by all parties.

5.3.2 No records/notes made during the mediation should be retained by the parties or the mediator other than this written agreement.

5.3.3 Mediation may or may not end in an agreement between the parties. The ‘requester’ will only be informed of the outcome, (i.e. no agreement, partial agreement or full agreement) if the parties provide their permission and identify who it can be shared with.
5.3.4 Participants should be reminded that, regardless of outcome, all mediation interventions will be actively evaluated by NHSGGC.

6. **SUPPORT FOR MEDIATORS**

6.1 NHSGGC has networking opportunities for Mediators to share best practice and will provide them with a plan of how to access ongoing development opportunities.

7 **MONITORING/EVALUATION**

The Mediation Co-ordinator will maintain a record of all mediation interventions in order to quantify and evaluate the effectiveness of mediation.

7.1 Outcome Report from the Mediator *(Appendix 6)*:
Form to be completed by the mediator immediately following the mediation and the document to be forwarded to the Mediation Co-ordinator.

7.2 Evaluation by the Parties *(Appendix 7)*
Three months after the joint mediated session has taken place, the parties will be sent an evaluation form by the original mediator and given the opportunity to comment upon the process, the mediator and whether mediation has led to a positive outcome which has been maintained. The form is returned by the parties directly to the Mediation Coordinator.

If the agreement has not been maintained further mediation may be considered if all parties agreed to do so. If the need for further mediation relates to the issues identified in the original mediation it would appropriate for the same mediator to be appointed. However if the issues are new then it may be appropriate to appoint a new mediator.

8. **Further Information**

8.1 Local Human Resource Advisors, Learning & Education Advisors and staff-side representatives are a point of contact in terms of further advice and guidance. The Mediation Co-ordinator can also advise.

8.2 The ACAS / CIPD publication *Mediation, An Approach to Resolving Workplace Issues* (2013) is a valuable resource providing a more detailed and broader discussion of mediation in practice.

8.3 Staff-side colleagues in particular may also be interested in the ACAS/TUC publication *Mediation : A Guide for Trade Union Representatives*.

8.4 Mediation Glossary – who’s who in the mediation process:

**Mediation co-ordinator:**
The Mediation Co-ordinator (is a member of the Employee Relations Unit) is responsible for dealing with requests for mediation received from Human Resources and Line Managers (requesters) in the organisation.

**Mediator:**
The mediator is an NHS GG& Clyde employee who is nominated by staff-side organisation or management trained to carry out the mediation process as described in this framework.

**Requester:**
The requester is normally the line manager or member of the HR Department who has completed the mediation pro forma.

Parties
The parties are the people involved in the dispute that is to be mediated. The employees are referred to as the ‘parties’ in the Mediation Framework.

9. Mediation – concerns and complaints procedure
The Mediation service is offered as a voluntary and informal process to help resolve conflict within the organisation.

The complaints procedure is intended for use when the employee is unhappy about the service delivered or performance of the mediator. Any concerns about the process should be raised with the mediation coordinator and these will be investigated.

Complaints cannot be made about the mediation outcome when the process has been applied in line with the mediation framework.

To protect the integrity and fairness of the process, it is important that any complaints raised about the delivery of the mediation service are dealt with promptly.

If one of the parties to mediation wishes to make a complaint please contact the Mediation Co-ordinator via the HR Support and Advice Unit by e-mail or by telephone on 0141 278 2700.

The complaint will be acknowledged, logged and a response will be confirmed within 20 working days.

The Mediation Co-ordinator will:
• Make enquiries with the appropriate mediator and any other parties involved (when required)
• Send a written response to the complainant;
• Arrange for any necessary changes or service improvements to be made.

10. Review of Framework
This framework will be reviewed regularly.

MEDIATION FRAMEWORK

APPENDICES

1) Mediator Skill-set.

2) Mediation process pathway.

3) Outline of individual meeting

3A) Standard outcome letter.

4) Outline of joint meeting
4A) Standard outcome letter.

5) Mediation Agreement template.

6) Outcome report from mediator

7) Monitoring and evaluation (follow-up).

8) Management Options prior to requesting mediation

9) Mediation Request Pro Forma

10) User Guide to Mediation
Appendix 1
Mediator Skill-set

This describes the range of skills, competencies and knowledge/experience,(based on ACAS guidance), that make up the mediator skill-set – not all of these are essential, and it is unlikely that every mediator will possess all those listed. Many of the specific skills needed will depend on the context, and most mediators develop their skill-set as they build up their experience.

<table>
<thead>
<tr>
<th>Skills and Competencies</th>
<th>Qualities</th>
<th>Desirable knowledge &amp; Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active listening</td>
<td>Empathetic</td>
<td>Theory of conflict resolution</td>
</tr>
<tr>
<td>Oral, written and non-verbal communication</td>
<td>Impartial</td>
<td>Experience of conflict resolution</td>
</tr>
<tr>
<td>Questioning</td>
<td>Approachable</td>
<td>Understanding of equality and diversity issues</td>
</tr>
<tr>
<td>Reasoning</td>
<td>Non-judgemental</td>
<td>Awareness of what can impact on mediation process such as status, and positions of authority</td>
</tr>
<tr>
<td>Observing</td>
<td>Professional</td>
<td>Understanding of HR policies and practices</td>
</tr>
<tr>
<td>Summarising</td>
<td>Honest</td>
<td>Experience of facilitating informal groups</td>
</tr>
<tr>
<td>Problem-solving</td>
<td>Creative</td>
<td>Knowledge of the mediation process</td>
</tr>
<tr>
<td>Reflecting</td>
<td>Credible</td>
<td>An awareness of the legal context of mediation</td>
</tr>
<tr>
<td>Building rapport</td>
<td>Flexible</td>
<td>Some knowledge of employment relations</td>
</tr>
<tr>
<td>Facilitation</td>
<td>Integrity</td>
<td></td>
</tr>
<tr>
<td>Reframing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Objectivity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information analysis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conflict management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Following procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Organising</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Generating options</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix 2: Mediation Process Pathway

1. Initial request to Coordinator via Mediation Pro Forma
   - If initial request to mediator then re-direct to Coordinator

2. Requester asked key questions by Coordinator to establish appropriateness of mediation and parties’ willingness to participate in the process
   - No
     - Coordinator suggest alternatives to mediation and ‘signposts’ requestor accordingly
   - Yes
     - Mediation co-ordinator will source mediator

3. Mediation Meetings
   - Mediator contacts parties, describes and confirms understanding of (ACAS) mediation principles, explains the mediation process and confirms willingness to participate

4. Mediator organises and facilitates separate one-to-one meetings with the parties
   - No resolution
     - Mediator refers parties back to the requestor and ‘signposts’ potential alternative options
   - Yes
     - All parties agree to continue with mediation

5. Mediator arranges and facilitates joint meeting
   - No resolution
     - Mediator sends evaluation information to Coordinator
   - Resolution (full or partial)

6. Mediator completes Outcome Report & sends to Coordinator

7. The parties will be sent a 3 month follow-up form by the original mediator
Appendix 3
Outline of individual meeting

Introductions
- Will already have communicated by phone and / or email but introduce each other – highlighting that the meeting will last for about an hour.
- Affirm that the order in which you meet the parties is of no consequence.
- Explain once more what mediation is:
  - A confidential and voluntary process in which a neutral person helps people in dispute to explore and understand their differences so that they can find their own solution.
- Explain mediator’s role – listen, impartial, non-judgemental, help to identify common ground.
- Confirm with the party that the session is confidential and that you need to take some notes. The notes will be destroyed at the end of the mediation process.

The One-to-One Meeting Note
- Invite the party to detail the situation and capture the key elements in your notes.
- At appropriate points check your understanding of the situation by:
  - Restating the main points;
  - asking if what you have said is correct and amend your notes as required; and
  - asking about the feelings associated with the situation and confirming that you have understood them correctly.
- The participant may inadvertently convey his / her expectations of the process – these should be noted.

Desired Outcomes?
Ask the participant to identify the outcomes (what they hope to achieve). Some of these may have already been mentioned but now is the time to explicitly identify them and confirm that these are complete and accurate.
Highlight that the participant will want to think about (and record) these in preparation for the joint meeting.

Close
Thank the participant and confirm continued willingness to meet jointly.
Indicate that you will make contact shortly to arrange the joint meeting.
Appendix 3a
one-to-one Meeting – Optional Standard Letter or Basis for E-mail Contact

Dear ...............................

I am writing to confirm the details of our recent conversation and your agreement to participate in mediation.

I will conduct a separate one-to-one meeting with each party which will last approximately one hour. The purpose of the one-to-one will be to identify the issues that will be explored and discussed at the subsequent joint meeting.

This initial one-to-one meeting with you will take place

- Date
- Start-time
- Venue

*NB – provide directions as required

At this initial one to one meeting I will:

- explain the mediation process and my role in it
- explain that I shall maintain a safe and confidential environment for you
- listen to your version of issues in an objective and non-judgemental way
- capture the key areas you wish to discuss at the joint meeting
- explain the purpose and format of subsequent joint meeting

I will only share information from any mediation meetings with the people you give me permission to share it with. At the end of each mediation all notes will be collected and destroyed.

I am enclosing a quick guide to mediation Appendix 10. You can find out more about mediation from the NHS GG&C Mediation Framework which is on HRConnect. Alternatively contact me or HR Support and Advice Unit and we can supply you with a copy.

I look forward to seeing you on (insert date). Please do give me a call if you have any questions before we meet.

Yours sincerely

Insert name
Designation
Appendix 4  
Outline of joint meeting

Introductions
- Welcome and personal introduction.
- State – thanks for attending, agreeing to be involved & your willingness to explore and seek a mutually acceptable way forward.
- Explain once more what mediation is: -
  A confidential and voluntary process in which a neutral person helps people in dispute to explore and understand their differences so that they can find their own solution.
- Explain mediator’s role – listen, take you through the process, impartial, non-judgemental, help to identify common ground.
- Check parties are still willing to participate?

Ground rules
- Introduce ground rules to help the process along and promote a safe environment.
- Need for confidentiality.
- Courtesy/respect.
- Honesty.
- No interruptions.
- Note taking (allowed, but destroyed straight after)
- Time-outs if required.
- Gain agreement from parties to ground rules.

Discussion
Outline the following process to the parties.
- Both parties will get uninterrupted time to talk. Probably commence with the aggrieved party or if both aggrieved, the first person seen by the mediator in the one-to-one meetings.
- Mediator summarises after each person has talked and checks understanding.
- When both parties completed – mediator to state – let’s look at common ground / issues which may be identifiable as the basis of moving forward. These will probably reflect explicit outcomes identified by each party during the individual meetings.
- Create an agenda based on these areas of common interest / areas which need to be explored.
- Agree this agenda with both parties.
- Look to change the focus from the past / blame to the future and resolution.
- Seek to generate and agree potential options and solutions under each area identified.
- Recommend a written and signed agreement and agree how parties will review the process.
- Advise regarding options if mediation / agreement breaks down.
- Start the process.
- The mediator should take notes highlighting potential common ground.
- A quick tea break may be appropriate after both parties have had their initial uninterrupted time.
- Each party now has an opportunity to respond. The mediator should now be able to gauge the initial reactions and begin to facilitate the remainder of the session.

Time-outs or Adjournments
It is likely that strong feelings will be conveyed. The timing and degree of Intervention by the mediator is a matter of judgement and the suggestion of a “time-out” may help. It is
essential to be explicit with the parties that talking about how each feels is not only acceptable but very important. However there may be times when a little “space” is helpful.

Close
The mediator will record the outcome.
Appendix 4a
Joint Meeting - Optional Standard Letter or Basis for E-mail Contact

Dear……………………..

I am writing to confirm that all parties have agreed to continue with the mediation process and attend a joint meeting.

The joint meeting with you will take place:

- **Date**
- **Start-time**
- **Venue**

*NB – provide directions as required.*

At the outset I will explain the format and expectations of the meeting. The enclosed/attached Mediation Framework provides further detail.

At the joint meeting I will ensure:
- a ‘safe environment’ for people to communicate;
- ‘space’ where necessary within the mediation session to allow people time to reflect or process information;
- that behaviours are appropriate.

I will:
- chair the meeting;
- take everyone’s notes that will eventually be destroyed;
- within 2 weeks, produce the final mediation agreement and send it to each party;
- finalise the details with all parties as to who will have access to the signed agreement;
- outline any follow up arrangements.

I look forward to seeing you on (insert date). Please do give me a call if you have any questions before we meet.

Yours sincerely,

Insert name/ signature
Mediation agreement: [date]

<table>
<thead>
<tr>
<th>Name of party 1: [insert here]</th>
<th>Name of party 2: [insert here]</th>
</tr>
</thead>
</table>

In this mediation process we agree the following underlying principles:

- Confidentiality: All parties agree that this information will only be shared between the mediator and the named parties and will not be shown to any other third party, unless all named parties identify and agree who else it can be shared with.
- The document and the agreements within it will be reviewed by both parties according to the timescales agreed with the mediator.
- This document and mediation discussions that created it, will not be used by either party in any formal process either internal or external to the organisation.

Acas Principles and NHSGGC Organisational Values

<table>
<thead>
<tr>
<th>Acas Mediation principles</th>
<th>NHSGGC Organisational Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voluntary process</td>
<td>Putting patients first</td>
</tr>
<tr>
<td>Impartiality of the mediator</td>
<td>Focussing on outcomes</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>Taking responsibility</td>
</tr>
<tr>
<td>Agreement by all parties</td>
<td>Always trying to improve</td>
</tr>
<tr>
<td>Non legally binding</td>
<td>Work as one team</td>
</tr>
<tr>
<td></td>
<td>Treat each other with dignity and respect</td>
</tr>
</tbody>
</table>

Issues addressed during the joint meeting related to:

Actions/resolutions agreed by Parties re the way ahead:

In addition: Mediator will contact by the parties in 3 months time, week commencing [enter date] to review progress of this agreement.

Can this information be shared with any other third parties  Yes □  No □

If Yes, and both parties agree then please provide details of who it can be shared with:

Signed:  Date:  Signed:  Date:
Outcome report from the mediator
To be completed by mediator: Name:

In order to capture some details around the mediation process can you please complete the details below:

Mediation number:

Parties involved in mediation if number not provided:

Did mediation go ahead, if not why not?

Yes □ No □

Reason why did not go ahead ____________________________________________________
_____________________________________________________________________________

Date of individual meetings: Meeting 1
Meeting 2

Approximate length of these meetings: Meeting 1
Meeting 2

Date of joint meeting:

Approximate length of this meeting:

Was a resolution agreed

Full □ Partial □ No □

Comments if necessary
Appendix 7  
Monitoring and Evaluation (follow up)  

3 month Evaluation  

Dear colleague,  

You were recently involved in a mediation process and we would value your feedback.  

This information, should you choose to give it, will be used to:  

- quality assure the process you went through against the NHSGGC Mediation Framework  
- to provide feedback on the role of the mediator  
- and to provide you the opportunity to comment on any part of the process that you feel worked well or that we could improve upon  

Information to help you complete the questionnaire:  

If you choose to complete the form, the personal information you give will only be reviewed by the Mediation Coordinator. We may use some of the examples of good practice you tell us about or some of the ideas and suggestions you give us to improve the process into group work and activities during the delivery of on going mediation training sessions and in to the review of the Mediation Framework.  

**All information provided will not be shared and only viewed by Mediation Co-ordinator other than on an anonymised basis**  

| Optional |  
| --- | --- |  
| **Perrsonal detail name** mediation |  
| **Month & year that the mediation took place:** |  
|  
| **Information on the performance of your assigned mediator** (Were you told it was a voluntary process, as a mediator they were impartial and not there to judge or make decisions, it was a confidential process with information only shared with anyone that all parties agreed to share it with, aimed at jointly agreeing solutions, and that any agreed solutions were not legally binding) |  
| The Mediator fully explained mediation process and what was involved |  
| Partly explained mediation process and what was involved |  
| Did not explain the mediation process |  

Mediation framework 2018
### Mediation meetings

| The Mediator clearly explained the one to one meetings and what was involved |  
| The Mediator partially explained the one to one meetings and what was involved |  
| (What was missing?) |  

-----------------------------------------------------------------------------------------------------------------

| The Mediator clearly explained the Joint meeting and what was involved |  
| The mediator partially explained the Joint meeting and what was involved |  
| (What was missing?) |  

-----------------------------------------------------------------------------------------------------------------

Is what happened at the meetings what you had explained and expected?  Yes  No  
(If no please give additional information):  
General / additional comments on the way the meetings went:

### Additional comments / feedback

Thank you for taking the time to complete this questionnaire.
Appendix 8

Management options prior to requesting mediation

Prior to requesting formal mediation the line managers should attempt the following

- Line manager’s responsibility is to respond to the conflict in a timely informal way which is in line with the Dignity at Work Policy
- Resolving conflict is the manager should aim to resolve any conflict when it first arises
- It is expected the line manager discusses the issue with both individuals then jointly, almost mirroring the formal mediation process, to agree how the parties will work together
- It is expected that outcomes and areas for improvement are agreed going forward and monitored over a set period of time.

Managers support

Support for the managers is available from HR Support and Advice Unit or HR People and Change Manager depending on the circumstances.

In addition there is support from your local L&E Advisor and for skills development the following courses

- Assertiveness
- Managing difficult conversations
- Mentorship
- 90 minute leadership roles.

Team support

If it is more fundamental and involves for example team effectiveness, team dynamics etc the advice should be sought from your local Organisational Development Advisor.
# MEDIATION REQUEST PRO FORMA

Date requested:

---

Details of manager commissioning mediation:-

Name:

E-mail address:

Job title:

Contact telephone number:

---

Within which precise work area is mediation required:-

Directorate/partnership:

Department:

Sub Department:

Site:

---

Parties to mediation

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designation</td>
<td>Designation</td>
</tr>
<tr>
<td>E-mail address</td>
<td>E-mail address</td>
</tr>
<tr>
<td>Contact number</td>
<td>Contact number</td>
</tr>
<tr>
<td>(preferable mobile)</td>
<td>(preferable mobile)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designation</td>
<td>Designation</td>
</tr>
<tr>
<td>E-mail address</td>
<td>E-mail address</td>
</tr>
<tr>
<td>Contact number</td>
<td>Contact number</td>
</tr>
<tr>
<td>(preferable mobile)</td>
<td>(preferable mobile)</td>
</tr>
</tbody>
</table>
Describe the problem and the source of conflict:

In line with the Dignity at Work Policy and mediation framework, describe what measures have been put in place to try and resolve matters:

What other routes have been considered?

Have you explained the mediation process fully to both employees (parties to mediation)?

Do both parties understand that participating in the mediation process is voluntary?

Do both parties understand that they can stop the process at any time?

Are both parties willing to participate?

Are both parties committed to seek a resolution?

Return by e-mail to:

*The Mediation Co-ordinator, Employee Relations Unit, West Glasgow ACH. Up to date contact details are listed on HRConnect in the Dignity at Work policy section.*
What is mediation?
Mediation is a potential option for employees in dispute. The mediator is an impartial third party and helps two or more people in dispute to attempt to reach an agreement.

How is mediation used in practice?
- **to resolve conflict** - Workplace relationship breakdown, personality clashes, and communication problems
- to help **re-establish working relationships** after a formal dispute has been resolved or a formal procedure completed
- to **resolve a situation** without recourse to the Grievance Procedure

The Mediation Principles:
1. Participation is **Voluntary**.
2. The Mediator is **Impartial**
3. The process is **Confidential**
4. The aim is to **achieve mutually agreed solutions**
5. The outcome is **not legally binding**.

Every individual involved will keep information about the mediation confidential and not disclose it to a third party, nor use it for any other purpose other than mediation.

Who are our mediators?
NHSGGC has a central register of mediators. Mediators are currently largely drawn from the extended Human Resources service, staff partnership representatives and operational employees.
I think mediation may help resolve an issue. How do I contact a mediator for help?
Local Human Resource advisors and partnership representatives are generally the first point of contact regarding mediation enquiries from line managers and individual staff.

Can I bring a representative to the mediation meetings?
- Involving representatives in mediation is not generally encouraged, whether that be a lawyer, a trade union representative, employee representative or friend.
- One situation when a ‘representative’ may be unavoidable, is where you have an employee with special needs or non-English-speaking employee. *You should seek advice from your local HR dept in these circumstances.*

Recording and reporting outcomes
NHSGGC strongly recommends that any agreement be recorded and retained by the parties in order to reinforce commitment to agreed solutions or actions. Mediation may or may not end in an agreement between the parties. The Mediation Co-ordinator and the person requesting the mediation will only be informed of the outcome of the mediation, (i.e. full or partial resolution or no resolution) but not the content of any meetings. Sharing contents of the agreement will require the consent of all parties.

What information will I need to provide? To help get an understanding of the issue and whether mediation is appropriate, the co-ordinator will ask for some information. This will include:
- What is the conflict about?
- Do the parties want to resolve the issue or are they seeking to apportion blame?
- Is it the right time to intervene or is there a more suitable process available?
- Has the manager tried to resolve the issue?
- Are both parties willing to participate and do they understand that it is voluntary?

![Diagram](https://via.placeholder.com/150)