

Fact Sheet:

What is Mediation?

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Mediation is an informal process where a neutral mediator facilitates a process which enables the parties to openly discuss their issues and concerns confidentially.

Key principles

- Mediation is a voluntary process.
- Mediation is confidential and “without prejudice”. Anything that is said during mediation remains confidential unless those involved consent to information being shared.
- The mediator is entirely independent and neutral.
- It is not the mediator’s role to impose any solution or make a judgement on the issues, rather the mediator facilitates the individuals involved to identify and understand the issues and consider solutions.
- Mediation is future focused; it is designed to assist those involved to identify solutions themselves.

When can mediation be used?

Some examples of when to use mediation are where:

- A formal grievance or disciplinary matter is being contemplated or has been issued.
- An employee is returning to work in difficult circumstances, for example following a grievance or long term absence.
- The relationship between a manager and one or more team members has broken down.
- There is a loss of trust between colleagues and/or a communication breakdown.
- There are allegations of bullying, harassment or inappropriate behaviour.
- When it is clear that grievances or disciplinary matters have not been satisfactorily resolved following a formal process.
- Where conflict has arisen as part of a changes to job roles, responsibilities or other change management processes.
- Team conflicts or collective disputes.

Potential benefits

- Mediation does not impose an outcome and it is not concerned with who is right or who is wrong. Rather the power to resolve (or not) is with those involved.
- Mediation deals with the underlying issues. It is not a soft option, it will be challenging, difficult and emotional but this is necessary in order to achieve understanding and resolution.
- Mediation allows the parties to say what they really think and feel directly to each other in a confidential environment.
- Mediation is highly effective; studies show that mediation succeeds in over 90% of cases.
- Mediation is cost effective; most mediations will be completed within one day.
- Mediation is an opportunity for learning and promotes responsibility on individuals to resolve conflicts themselves.
- Mediation preserves dignity and can improve individual well-being.
- Mediation can reduce the indirect costs of unresolved conflict such as ill health absence and loss of productivity etc.

Process

- Firstly, the mediator will meet with the parties confidentially to explain the process, discuss the issues and concerns and the outcomes that each may wish to achieve.
- Individual meetings are followed by a joint session where the mediator will reiterate the process and their role and obtain agreement to the confidentiality of the process.
- Each person will in turn make an opening statement. During this phase it is important that there is no interruption whilst each is speaking so each has an opportunity to speak, be heard and listen without interruption.
- The mediator will summarise what has been said.
- The mediator will manage the discussion, summarising and noting the areas of agreement and disagreement. The mediator will ask questions of each to encourage a greater understanding of each other's position and point of view.
- It is possible to have separate meetings to explore the issues identified in greater detail.
- If agreement is reached the mediator may draft an agreement with those involved.