Service Policy: PODPOL12 Mediation Policy

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New	Oct 15	[redacted]	
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Equalities Impact Assessment:

Initial	Full	Date	Reviewed by	Comments
	X		ED&I TEAM	LOCATED ON PORTAL

Civil Contingencies Impact Assessment:

Date	Reviewed by	Comments

Related Documents:

Doc. Type	Ref No.	Title	Location

Distribution List:

Name	Position	Department

Sign-Off List:

Name	Position

Target Audience:

All MFRS	Principal Officers	Senior Officers	Operational Crews	Fire Safety	Community Fire Safety	Support Staff
X						

Ownership:

FOI exemption required?	Yes		URL	
	No	X	Reason	

Legislation:

Title	Employment Rights Act 1996
	The Employment Relations' Act 2004
	Equalities Act 2010
	ACAS guide to Discipline and Grievance 2014

Contact:

POLICY

Department	Email	Telephone ext.
Professional Standards	Professional standards	

PODPOL12 Mediation Policy

1. Policy Introduction and Background:

Mediation is a process whereby parties that are in dispute utilise an independent third party to facilitate a structured dialogue to support them in resolving the problems/issues that have given rise to the dispute.

Employee Relations issues often arise through misunderstandings and issues can be resolved swiftly and without escalation with open and constructive discussion with the Manager (or other appropriate person if raising it with the Manager causes local difficulty).

It may be appropriate for the matter to be dealt with by way of mediation depending on the nature of the grievance. This involves the appointment of a third party mediator who will facilitate a structured dialogue between the parties to the grievance to allow them to resolve the problem/issues that have given rise to the grievance. Mediation will only be used where all parties involved, including the mediator agree.

Mediation is voluntary and the Mediator reserves the right after speaking to the individual parties not to recommend mediation if they believe the parties will not genuinely benefit from the process, where it could cause undue distress, or if they believe that one or more of the parties is not entering mediation for open and honest purposes.

Access to mediation needs to be managed in order for cases to be assessed as to appropriateness.

In the first instance Professional Standards must be approached in order to ensure Mediation is appropriate in the circumstances.

Professional Standards will then appoint a third-party Mediator who will facilitate the mediation.

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2. Policy Explanation:

Mediation may be helpfully used to:

- Resolve conflict involving colleagues of a similar job or grade, or between a line manager and his/her staff.
- Rebuild relationships after a formal dispute has been resolved as the process is collaborative rather than adversarial.
- To address a range of issues, including relationship breakdown, personality clashes, communication problems and in certain circumstances bullying and harassment.
- Reduce the amount of time that management needs to spend attempting to resolve such disputes.
- Reduce an employee's sense of dissatisfaction.
- Encourage each person to view the situation from the other person's standpoint.

Quite apart from circumstances in which a party to a dispute refuses to engage with mediation, mediation may not be suitable:

- When used as a first resort, as employees should speak to each other and talk to their managers before seeking a solution through mediation.
- When used by a manager to avoid his/ her managerial responsibilities.
- Where a decision about right or wrong is genuinely required to resolve a dispute (for example, where there is possible criminal activity); and
- Where an individual raising discrimination or harassment concerns requires the allegations to be investigated.

If mediation is agreed, the formal processes may be suspended at the discretion of the Service as this might resolve the issue though mutual agreement. However, if mediation does not resolve the dispute, the relevant conduct process may be reinstated at the conclusion of the mediation.

3. Policy Implementation:

Relationship with conduct procedures

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Mediation does not replace the Service's conduct and capability procedures and should be adopted for conduct and capability issues only where the appeals procedures have been exhausted or where it is agreed that the matter might be best resolved through mediation at an earlier stage.

Appointing a mediator

The Service may appoint an internal accredited mediator who has not previously been involved in the dispute in question. The mediator and the parties will decide the venue, date and other practical matters relating to the mediation itself. Mediation meetings will generally be held at Service premises unless exceptional circumstances apply.

Mediation agreement

Parties that agree to mediation must sign a mediation agreement setting out the terms of the mediation and what happens after the mediation.

If the parties can reach a solution to the dispute, they will be required to enter into a binding settlement agreement detailing how they will deal with issues relating to their future working relationship and how they will communicate with each other to prevent further issues arising or escalating. The mediation agreement remains private to the disputants and will not be passed to any other party including management.

In the case of mediation all notes will be destroyed except for the settlement agreement which should be retained by the parties who are bound by it. It will not be used for any other purpose other than the mediation.

A Note for File will be sent to Professional Standards advising that the Mediation process has now been completed.

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All policies can be found on the **Website**