

Workplace Mediation Guide

What is workplace mediation?

Mediation is a safe place where people in conflict can come together to hold a difficult conversation. Mediators help people to talk about the issues they face and give them the opportunity to find a shared solution they are both happy with. Mediation provides a space where people can think about what they want for the future, rather than about what has happened in the past.

Workplace mediation is a constructive process that facilitates a resolution of workplace disputes with a view to retrieving or preserving working relationships.

Many problems in the workplace can escalate unnecessarily and create stress, personal unhappiness and absence from work which also directly impacts on colleagues and the organisation as a whole.

It is simply working towards getting the people involved in the conflict to meet each other, and mediators. The mediators help the parties to get the issues out in the open and help the parties consider how they might change things going forward.

In the vast majority of cases where parties agree to meet each other with the mediators, important steps towards resolving the conflict are made.

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It is much better to think about involving mediators early on, as mediation can help to avoid stress, worry, fears and anxiety by helping the parties bridge the gap between each other and sort out the conflict.

Mediation is confidential, which means things that are discussed at mediation are not shared with people outside of the room. Mediation is also voluntary and people are given the choice whether they want to try mediation as a way of resolving their dispute.

Who are our workplace dispute mediators?

We have a dedicated team of accredited workplace mediators on our panel. Their background and skills are diverse, and include experience of legal practice, public sector experience and trade union negotiation and advocacy.

Why should I consider referring someone to mediation?

Mediation often produces very **creative** solutions to problems. A complaint about noise levels might involve sharing information about work patterns, discussing hours where quiet is needed and then making an agreement that takes this into account.



Mediation is an **empowering** process which gives the responsibility back to the people involved. Parties are involved in sorting out a solution that they think will work for them and they themselves are responsible for ensuring that their side of the agreement is kept.

Mediation also **prevents future conflict** from taking place, because it encourages people to look to the future as well as the present. Mediators will try to help individuals to learn how to talk to each other and communicate better. This means that when future problems arise, they may be able to work together on sorting out their own solution to the issues.

How does workplace mediation work?

Each case is different but broadly these are the following steps:

1. Referral

You may be referred to us by your HR department, your manager or you may come to us yourself.

2. Initial discussion

After an initial discussion with you, and if you are willing to go ahead we will contact the colleague with whom you are in dispute. We may also need to speak confidentially to your HR department for example to find out a bit more about your organisation.

3. Joint Meeting

If both of you agree to mediate we will arrange a venue (our offices are near Clapham Junction) and will talk to both of you on the telephone in confidence before we meet. At the mediation there will normally be two mediators who will hold a short joint introductory session with both of you together, and then meet with each of you privately.

You will have the chance to explain what the problems are, first to your colleague present and then in private to the mediators. This is a chance to say how you feel, explain how the situation is affecting you and to explore the main issues. The mediator will facilitate the discussion, clarify issues, above all listen to your thoughts and feelings. They will also help you both identify any common interests. You can then proceed to a further joint session where you can exchange views with the aim of reaching an understanding and an agreement as to the way forward. Agreements reached during workplace mediation are not intended to be legally binding, but are meant to be made and observed as a matter of good faith.

4. Follow Up

We contact both parties after several weeks to find out how things are since the joint meeting. We may suggest meeting again if both parties feel this could help.

How do I refer a case?

To refer a case call 020 7223 7744 or email commerical@wandsworthmediation.co.uk. We will help you work out whether the situation is appropriate for mediation and will offer you relevant advice. We can also tell you how much it will cost, which will take into account any amount in dispute, as well as how long the mediation will take.

You can also visit our website www.wandsworthmediation.co.uk for more information.



Where we have mediated

We have conducted workplace mediations in one of the largest inner city London boroughs, in several of the London NHS Clinical commissioning groups, in government Departments, the scientific research sector, in charities and in schools.

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How much does mediation cost?

Community mediation is free to all local residents.

We ask housing associations or Wandsworth Council to pay a fee. This fee will help us to cover our costs, as we are a registered charity. If you are not a resident of Wandsworth, we charge £50 per party.

Inter-generational mediation is free to all local residents.

However we ask parties to pay a refundable deposit of £25 each, which is repaid if they come to the mediation meeting or cancel within 24 hours of the mediation meeting. This is as a result of parties failing to show up to previous mediations, and leading to mediators spending their valuable time and money coming to our offices.

We may ask social services to pay a fee. This fee will help us to cover our costs, as we are a registered charity. If you are not a resident of Wandsworth, we charge £50 per party.

How does mediation work?

Broadly speaking mediation cases involves the following stages:

1. Referral

When you refer a case, we will help you work out whether the situation is appropriate for mediation. If it is, and both people agree to mediation, then an initial appointment will be made with both people, this is called the first meeting.

2. First Meeting

A first meeting can take place at home or at the mediation service. It will involve each person involved in the dispute sitting down individually with the mediators. At the first meeting the mediators will explain how the mediation process works. They will also listen to each party explain about the conflict they are facing and may ask some questions relating to this. If both parties agree to try mediation at this meeting then a joint meeting will be arranged.



3. *Joint Meeting*

The joint meeting involves both parties meeting together, usually in the same room. The meeting usually lasts two to three hours and is a chance for the parties to hear each other's point of view, and to work together on a resolution that they both find acceptable. The joint mediation meeting is held at the WMS office or another local venue that everyone agrees to.

If the parties are able to reach an agreement, they can usually choose whether they are happy with a verbal agreement, or whether they would like it written down. These agreements belong to the parties – in other words, they are not shown to anyone else unless they agree to do so. An agreement is not legally binding and relies on the good faith of both parties to enforce it.

4. *Follow Up*

We contact both parties after several weeks to find out how things are since the joint meeting. We may suggest meeting again if both parties feel this could help.

What is shuttle mediation?

Sometimes people do not feel able to meet together with the other party in the same room. In this case, the mediators can arrange a 'shuttle' mediation. This involves the mediators going back and forth between the parties, who are in separate rooms. The mediator will pass on messages, exchange information and settlement offers, and try to negotiate a solution without the parties actually sitting in the same room together. Shuttle mediation can make be difficult as without tone, body language and eye contact communication can be more difficult.

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Frequently Asked Questions

How long does a case take?

This depends on the availability of parties to attend appointments and on the number of sessions needed. Cases can take anything from three weeks to three months to resolve.

Is mediation confidential?

Yes. Mediation is confidential and without prejudice so nothing said or done in mediation can be referred to elsewhere.

Who are the Mediators?

We always allocate two mediators per case. Mediators are independent and neutral people who facilitate the mediation process. All of our mediators are local volunteers who give their time to their community.

What does the Mediator do?

The mediator offers the parties a neutral and balanced opportunity to come together and talk about the issues at hand. They do not give any opinions or make any judgments. They will help the parties find solutions that they are both happy with.

Can the mediator provide advice?

No. The mediator's role is not to provide advice or guidance. Instead they will help people to talk, listen and think through solutions for the issues at hand.

Is offering mediation a sign of weakness?

No. Offering mediation can be a sign of strength, showing that people are prepared to come together and talk about the difficult issues in a safe and controlled environment.

What happens if there is no agreement?

Mediation is an important time to reflect, take a step back, and move forwards. Even without an agreement people often find mediation takes some of the stress out of the situation.

When is the best time to mediate?

The sooner, the better, usually people who have been to mediation say they wish they had come earlier.

Can people leave at any time?

Yes but most mediators will ask to speak to peoples for a few minutes beforehand.

Does the Mediator decide what happens in the mediation?

No. The parties do. The Mediator is there to help them reach a settlement and to ensure that the mediation is a safe environment where the parties are able to speak freely and respectfully as well as to be listened to and respected.

What are the risks of mediation?

Mediation cannot prove someone wrong or right and it is not legally enforceable. Because mediation is voluntary, nobody can make the other person attend or tell them what to do.

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