

The use of mediation in the grievance process

The option of mediation to resolve the grievance can be considered at any stage of the grievance and if not considered earlier must be considered during stage 2 of the full procedure or a reason provided as to why it is inappropriate.

What is Mediation?

Mediation involves the parties attending a dispute meeting and discussing related issues with a person independent of the alleged issues. Mediation is a voluntary activity and can only be entered into with the agreement of all involved parties. Mediation may be provided by the Council using either its own staff or specialist agencies.

Key principles of mediation

- A way of sorting out disagreements or disputes without having to go to hearings. A neutral third person works with those in disagreement or dispute to help them reach an agreement that will sort out their problems.
- Voluntary – you only take part if you want to.
- Confidential - nothing said will be passed on to anyone else unless the employee agrees and nothing said in mediation can be used in any later school proceedings. The aim is to maintain the employment relationship if at all possible. Mediation is about the future, not the past and who was right or wrong.

The mediation process

Any party can request that they enter into the mediation process.

If all parties agree then the manager considering the grievance should, as soon as is reasonably practicable, arrange for all relevant parties to attend a mediation meeting.

Depending on the nature of the grievance and the preferences of the parties the mediator may meet with each party separately, meet with all parties present, or arrange a combination of such meetings.

The mediation meeting shall be chaired by a mediator (to be selected on rotation from a panel of internal staff maintained by HR or from an outside specialist Agency) and shall take place on a confidential, without prejudice basis. For the avoidance of doubt this means that not only should the matters discussed at that meeting not be conveyed or referred to on the resumption of the grievance process (should mediation fail to achieve a resolution), they will not be disclosable at or in any subsequent legal proceedings.

The purpose of the mediation meeting is to endeavour to reach a negotiated outcome to the employee's grievance. The role of the mediator is to facilitate the discussion not to suggest or impose a solution or express any opinion on the validity or not of the grievance.

If a resolution is reached which has been agreed by the employees, that shall be recorded in writing and will be disclosable as 'open' correspondence, subject to the condition of confidentiality.

If a mutually acceptable resolution cannot be reached, neither party shall be able to refer to any discussions or concessions made during the mediation process on the resumption of the formal grievance procedure or in any subsequent legal proceedings.

If mediation fails, the grievance procedure will resume from the point it was postponed.