



**UNIVERSITY OF LEEDS**

**Mediation service policy**

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## **1. Introduction**

- 1.1 The University recognises that encouraging positive working relationships between individuals will have a positive impact on staff and student wellbeing and performance.
- 1.2 The University wishes to support staff and managers to work together to resolve disputes and conflicts at a local level, to ensure minimum disruption to the delivery of the University's priorities and objectives, and to maintain high levels of morale and productivity.
- 1.3 Mediation is proven to be an effective tool for resolving interpersonal conflicts between colleagues, managers and their staff, conflicts between teams or between staff and students.

## **2. Policy aims**

- 2.1 The policy has been adopted to provide individuals with an objective and impartial framework for resolving conflicts at an early stage.
- 2.2 This policy aims to offer an alternative first stage for resolving conflict and also to make available a process for reconciling working relationships if this is recommended following a formal hearing.
- 2.3 Staff have the right to take up the University's grievance procedure if mediation is not appropriate or is unsuccessful.

## **3. Principles**

- 3.1 Mediation can be defined as a method of conflict resolution that brings those in disagreement together with an objective third party in order to try to find a solution. It is based on the principle of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame. It gives the participants an opportunity to step back and look at how the situation can be put right, looking at their own actions as well as those of the other party.
- 3.2 Workplace mediation is most effective when individuals enter the process voluntarily as mediation helps to avoid power imbalances and enables people to negotiate equally to reach agreements. During the process individuals are encouraged to identify their own solutions and agreements.
- 3.3 Mediators are impartial to the conflict and seek to help all parties equally. Mediators do not express opinions or make judgements about who is right or wrong.

#### **4. The University mediation service**

- 4.1 The University's mediation service is entirely voluntary and any individual can request an initial confidential meeting with a trained mediator. Mediation does not need referral from a line manager.
- 4.2 Any request should be directed to the mediation service coordinator based in the equality service. Initial enquiries may be made in person, in writing, via email or by phone but confirmation of the request will be required by email or in writing.
- 4.3 Separate meetings will be arranged with individuals and a trained mediator or pair of mediators. The purpose of this initial meeting is to identify the key issues and assess if mediation is appropriate. The mediator(s) will also aim to build trust and gain commitment to the mediation process.
- 4.4 There may be circumstances where mediation will not be recommended. For example:
  - 4.4.1 Where the issues relate to the University's statutory obligations or duty of care;
  - 4.4.2 where there is a risk to safety / well being; or
  - 4.4.3 where formal action has been instigated (e.g. disciplinary proceedings for gross misconduct or in the case of alleged criminal activity).
- 4.5 Individual meetings will be strictly confidential and the mediator(s) will not disclose any information to the other party or parties until there has been an agreement to do so.
- 4.6 If mediation is considered appropriate, all individuals must voluntarily agree to be involved. All parties will be informed of their right to withdraw from the process at anytime.
- 4.7 The mediation process is confidential on all sides. The only exception to this rule of strict confidentiality is where there is a potential unlawful act or where there is evidence of serious risk to health and safety. In these circumstances the process will be terminated and the mediation service coordinator informed. Information (including documents) may in these cases be supplied to others.
- 4.8 The mediation service coordinator will try to arrange initial meetings as quickly as possible. The mediator(s) will contact all individuals with an initial plan for the mediation process. At the end of the first meeting the number of sessions that are needed to resolve the issues may be identified.
- 4.9 Should individuals have any concerns about the impartiality of the mediator(s) chosen, this should be raised with the mediation service coordinator as early as possible.
- 4.10 If the parties in dispute do not wish to meet together, the mediator(s) can work confidentially and separately with both parties to build up to a joint session. This type of mediation is known as 'shuttle mediation' and is a popular method of resolving issues.

## **5. During mediation**

- 5.1 During the meeting(s) each participant will have a chance to speak openly, without interruptions, about the areas of concern. Individuals will be encouraged to be open and honest, and express their feelings clearly to one another. The mediator(s) will ask questions to help to clarify the issues that need to be addressed and may try to help the parties look at the situation realistically. Once the issues have been identified and discussed, the mediator(s) will assist the individuals to identify possible solutions.
- 5.2 If requested, the mediator(s) may make recommendations as to how matters may be improved. The mediator(s) may also seek to work with the parties on improving their communication and style of interaction.
- 5.3 No information can be passed on by the mediator(s), by either party, or by any accompanying colleague, about any of the proceedings except in exceptional circumstances such as stated in paragraph 4.7 above.
- 5.4 Any notes taken (including those taken by the parties) during the mediation process will be destroyed at the end of mediation in front of the other parties, with the exception of written agreements between the parties.

## **6. The mediation agreement**

- 6.1 If a mutual agreement is reached, the mediator(s) may record the details in writing and the parties will sign the agreement.
- 6.2 Copies of any written mediation agreement will be held in the equality service by the mediation service coordinator for a period of 12 months (or longer if necessary to meet the requirements of the agreement). Any access requests would be considered by the mediation project manager.
- 6.3 If an agreement is not reached, staff may still use relevant informal and formal procedures (e.g. University's grievance procedure) but the mediator(s) cannot be called to participate.

## **7. Monitoring and evaluation**

- 7.1 In order to report to certain University committees such as the equality and diversity committee and joint union committees, information on staff category, school/department/service, gender, ethnic origin, age group, disability, sexual orientation and religion will be collected. The nature of the issue will be summarised and the perceived success of the mediation process will be recorded.
- 7.2 All parties involved in the mediation process will be requested to provide feedback on the effectiveness of the process.