



Mediation - Statement of Best Practice

This document details the statement of best practice of Cambridgeshire and Peterborough Fire Authority (the Authority) as implemented by Cambridgeshire Fire and Rescue Service (the Service/CFRS). It replaces all previous documents, Service Management and Administration Orders and forms relating to this subject and its content is based on legislation and good practice.

If you have any queries about the Authority's statement, please contact the Human Resources team. Questions of procedure should be addressed to your line manager.

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STATEMENT

Cambridgeshire Fire and Rescue Service (CFRS) are committed to encouraging harmonious relationships between all employees and recognise that where disputes or conflicts do arise, early and effective resolution supports staff wellbeing and work performance.

CFRS provides a mediation service, developed in line with ACAS best practice, which aims to support the early, local resolution of such conflicts without recourse to more formal procedures, such as grievance or discipline.

The mediation scheme is an informal scheme which aims to offer individuals an alternative impartial and confidential framework for resolving conflicts at an early stage. It may also be used as a (voluntary) process to encourage reconciliation in working relationships following more formal actions. Participation in mediation is entirely voluntary and the parties may withdraw at any stage of the process.

CFRS mediation scheme is an internal service. All mediators have been formally trained and accredited by ACAS. The scheme is an independent and informal process, sitting outside CFRS policies.

SCOPE

Mediation is open to all employees however not all matters are suitable for mediation. The decision regarding suitability will be taken by the Human Resources team and where appropriate, the mediator allocated to a particular case.

What is Mediation?

Mediation is an effective tool in facilitating dispute resolution and positive outcomes in a variety of interpersonal conflict between both individuals and teams. Its focus is on strengthening future work relationships rather than apportioning blame.

Mediation is intended to be used to resolve workplace issues between individuals or teams where the working relationship has broken down. It is not intended to be used on a corporate level or to resolve industrial relations issues.

Mediation brings the individuals in dispute, together with an impartial third party (the mediator), in order to find a solution which is acceptable to both parties. Individuals are encouraged to identify the issues and their own solutions and agreements.

The mediator is a facilitator and does not express opinions or make judgements.

Mediation is an informal and completely confidential process. Individuals may make their own written notes or agreements but any notes made by the mediator will be destroyed following the meeting and no notes will be kept on file.

Key Principles

The key principles that underpin the provision of mediation in CFRS are as follows;

- mediation is available to all CFRS staff.
- the process is voluntary for all parties.
- the process can be tailored to fit the situation and therefore encourages a positive outcome.
- mediation is a mechanism to achieve early dispute resolution between individuals and teams.
- the mediation process is facilitated by ACAS accredited, fully trained members of staff.
- the mediator will be impartial.
- the mediation process does not apportion blame.
- all discussions and agreements remain confidential to the participants at all stages.
- individual staff may request mediation directly by contacting Human Resources.
- the decision regarding suitability will be taken by Human Resources in conjunction with appropriate managers.
- the mediator may stop the process at any time if they feel that resolution cannot be achieved.
- the participants own the discussion and the outcome and are responsible for ensuring that any agreement is enacted.
- the mediator will have no further involvement with the issue or the parties when the mediation has ceased or is complete.

Why Use Mediation?

Key Benefits for Staff

The key benefits for staff of mediation are that it;

- enables both parties to explain what it is like from their perspective.
- generates mutually agreeable solutions and consequently there are no winners or losers.
- tries to resolve situations where individuals have entrenched positions without apportioning blame.
- is 'owned' by individuals, rather than imposed by CFRS.
- helps to identify and clarify the needs and interests of involved parties.
- enables flexible outcomes as agreements are tailored to meet joint/ participant needs.
- creates less pressure for participants than formal procedures such as grievance or discipline.
- is confidential to the parties, no record of the mediation process is taken or kept on an individual's file.

Key Benefits for CFRS

The key benefits for CFRS of mediation are that it;

- reduces communication problems between individuals or teams.
- can break an impasse between individuals or teams by shifting the dynamics and identifying concessions or mutual goals.
- is quicker than internal procedures.

Confidentiality

Human Resources are the 'gatekeepers' of the mediation process and will therefore provide advice and guidance to managers as to whether a case is suitable for mediation to ensure that confidentiality is maintained and expectations are managed.

Mediation meetings are confidential. Discussion within the meeting/s and any subsequent outcomes will be known only to the participants and the independent mediator. Line managers, Human Resources or any other entity will **not** be privy to the process or its outcomes.

Any notes made by the mediator will be destroyed after the session is complete.

An exception to strict confidentiality will be a potentially dangerous risk to health and safety has been identified, or the possibility of an illegal act is considered possible or has occurred. In this event, the mediation process will be terminated and Human Resources will be advised that the issue is not suitable for mediation.

In the event of any future legal proceedings, discipline or grievance being initiated mediation is considered to be inadmissible; the mediator will not be available to give opinion or act as a witness and no report from the mediation will be made available.

Process

The mediation scheme is based upon the ACAS five stage process detailed below and normally requires the participants to attend two meetings. These normally happen within a short period of time, ideally within a couple of days of each other. Separate meetings are held between the individual parties and the mediator and should the matter be considered suitable for mediation and both parties are in agreement to progress, a second joint meeting will be held between the mediator and the two individual parties. Stage 1 is covered in the initial individual meeting between the mediator and both parties separately and Stages 2 to 5 in the second joint meeting between both parties and the mediator.

Stage 1 - First contact with individuals

The mediator meets individually with the parties involved to explain the process, hear their side of the story and to assess their expectations. Providing the mediator feels that mediation is appropriate then Stage 2 commences.

Stage 2 - Hearing the issues

The mediator meets jointly with all participants and invites them to put their side of the story during a period of uninterrupted time. In rare cases, shuttle mediation may be appropriate, where the mediator speaks to each party in turn, in separate rooms. In this case it is hoped that the mediation will move to a face to face meeting within the session. The mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.

Stage 3 - Exploring the issues

The mediator encourages communication between the parties,

promoting understanding and empathy and changing perceptions. The aim of this stage of the mediation is to shift the focus from the past to the future and the identification of constructive solutions.

Stage 4 - Building and writing an agreement

The mediator encourages and supports joint problem solving by the parties and ensures that solutions and agreements are workable. This normally includes changes/actions/omissions by both parties. The parties may choose to have a written agreement and in such cases the agreement is recorded by the mediator, who will check their understanding with the participants, to ensure that they are fully signed up to making any necessary changes. Alternatively the parties may agree next steps verbally.

Stage 5 - Closing the mediation

When an agreement has been reached, the mediator will summarise and bring the mediation to a close. A copy of the agreed statement will be provided to each party and their responsibilities for its implementation detailed and explained. Exceptionally, plans may be made for a further meeting between the parties and the mediator, although usually this is not necessary. In the event that an agreement is not reached, the participants may choose to seek formal resolution. In this case, nothing which has been discussed during the mediation may be used in future proceedings.



