

TO: Policy and Resources Committee

FROM: Human Resources Business Partner Sam Smith

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MEDIATION PROCESS – STATEMENT OF BEST PRACTICE

1. Purpose

- 1.1 To inform the Policy and Resources Committee on work done to develop the Service's use of mediation and in particular the development of a statement of best practice.

2. Recommendation

- 2.1 The Policy and Resources Committee are asked to note the Service's approach in the use of mediation and the statement of best practice.

3. Risk Assessment

- 3.1 **Legal** - the use of mediation as a mechanism for resolving workplace disputes is referred to within the ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on discipline and grievance. Although the Code of Practice is not in itself legally binding, employment tribunals are required to take an organisation's adherence (or otherwise) to it into account when considering relevant cases. Therefore the use of formal mediation, supported by a statement of best practice, is one of the ways the Service can demonstrate adherence to principles set out in the Code of Practice.
- 3.2 **Social** - use of formal mediation in appropriate cases will help promote and support early conflict resolution therefore contributing to positive relationships in the workplace.
- 3.3 **Economic** - effective early dispute resolution has the potential to lead to direct cost savings (in the form of sickness absence costs, re-recruitment costs and legal costs) as well as indirect costs (in the form of the associated cost of management time to address matters through more formal procedures, which are often lengthier and involve more people).

4. Background

- 4.1 The organisation is committed to encouraging positive relationships between all employees and recognises that where disputes or conflicts do arise, early and effective resolution supports both staff wellbeing and work performance.
- 4.2 The organisation has introduced a mediation scheme, developed in line with ACAS best practice. The mediation scheme is an independent and informal process, sitting outside of (but complementary to) formal Service policies such as discipline and grievance.
- 4.3 Mediation offers individuals an alternative impartial and confidential framework for resolving conflicts at an early stage, which may avoid recourse to more formal procedures such as grievance or discipline. It may also be used as a 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.
- 4.4 The organisation has trained two individuals to become ACAS accredited mediators, one of whom has worked with human resources to draft the statement of best practice attached at Appendix 1.
- 4.5 ACAS strongly recommend the drafting of a statement of best practice to maximise clarity and transparency of an organisation's mediation offering.

BIBLIOGRAPHY

Source Document	Location	Contact Officer
Cambridgeshire and Peterborough Fire Authority Mediation Scheme Statement of Best Practice	Service HQ Hinchingsbrooke Cottage Brampton Road Huntingdon	Sam Smith Human Resources Business Partner 01480 444536 samantha.smith@cambsfire.gov.uk