

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

# Early Resolution Policy

Policy Number:	HR41
Scope of this Document:	All Staff
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
Date Ratified:	October 2019
Next Review Date (by):	June 2020
Version Number:	2019 – Version 1
Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	Workforce Governance Lead

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

2019 – Version 1

*Striving for perfect care  
and a just culture*

# TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

## Early Resolution Policy

### Further information about this document:

Document name	Early Resolution Policy HR41
Document summary	The Resolution Policy aims to secure constructive timely and lasting solutions to workplace disagreements. This document provides guidance which takes account of employment legislation, statutory obligations and relevant codes of practice.
Author(s) Contact(s) for further information about this document	Amanda Clough Workforce Governance Lead Telephone: 0151 473 2957 Email: <a href="mailto:amanda.clough@merseycare.nhs.uk">amanda.clough@merseycare.nhs.uk</a>
Published by Copies of this document are available from the Author(s) and via the trust's website	Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot Merseyside L34 1PJ  Trust's Website <a href="http://www.merseycare.nhs.uk">www.merseycare.nhs.uk</a>
To be read in conjunction with	ACAS Code of Practice 2015 Disciplinary Procedure (HR01) Freedom to Speak Up (HR06) Supporting Colleagues (HR37) Supporting Attendance (HR07) Supporting Improvements (HR11) Dignity and Respect – Prevention of Harassment and Bullying at Work (HR14) Employment Act 2008 Equality Act 2010 Employment Act 2002 (Dispute Resolution) Regulations 2004
This document can be made available in a range of alternative formats including various languages, large print and braille etc	
Copyright © Mersey Care NHS Trust, 2015. All Rights Reserved	

### Version Control:

		Version History:
Version 1	Approved by HR Policy group	September 2019
Version 2		
Version 3		

## SUPPORTING STATEMENTS

this document should be read in conjunction with the following statements:

### SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child /adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

### EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, sex, race, religion and belief (or lack thereof), sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status. The Equality Act also requires regard to socio-economic factors.

The trust is committed to promoting and advancing equality and removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FRED A principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

## Contents

Section	Page No
1. Purpose and Rationale	5
2. Outcome Focused Aims and Objectives	6
3. Scope	6
4. Definitions	6
5. Duties	7
6. Process	8
7. Consultation	11
8. Training and Support	11
9. Monitoring	12
10. Equality and Human rights Analysis	12
Appendix 1 – Workplace Disagreements, Conflicts and Complaints Form	15
Appendix 2 – Process Flowchart	16
Appendix 3 – Services Available	17

## 1. PURPOSE AND RATIONALE

1.1 The Early Resolution Policy replaces the Grievance Policy - HR02

1.2 The purpose of this policy is to explain the Trust's response to Colleagues who, during the course of their employment have a disagreement, conflict or complaint and ensure that they are dealt with quickly, fairly and constructively. It aims to encourage positive employee relations and to prevent bullying, harassment and any form of unacceptable behaviour between employees. This is also in line with the Trust Respect & Civility in our Just and Learning Culture which can be found by clicking this link

<http://sharepoint.merseycare.nhs.uk/sites/justlearningculture/SitePages/SelectedPage.aspx?pagelid=11>

1.3 We expect all staff to ***consistently demonstrate the trust values***. However as part of their professional and other standards our expectation is that staff

***take action and ownership to challenge inappropriate behaviour and address concerns***

***speak up about concerns and / or compassionately address concerns***

and that our organisation and its leaders ***create an environment where people feel safe to speak up and have the confidence that any concerns will be addressed.***



Mersey Care Values	
<b>C</b> ONTINUOUS I <b>M</b> PROVEMENT	Committed to making improvements to our services for the benefit of all
<b>A</b> CCOUNTABILITY	Taking ownership to anticipate, develop and deliver high quality care
<b>R</b> ESPECT	How we treat others in an inclusive and supportive way
<b>E</b> NTHUSIASM	Demonstrate our passion and pride for what we do and how we do it
<b>S</b> UPPORT	Actively supporting others with compassion and courage

1.4 The policy draws on six core principles

- Fairness
- Compassion
- Mutual respect
- Empathy
- Dignity
- Dialogue

1.5 The Resolution Policy aims to secure constructive and lasting solutions to workplace disagreements. This document provides guidance which takes account of employment legislation, statutory obligations and relevant codes of practice.

1.6 The Trust recognises that a positive working environment and good working relationships have a positive impact on colleague wellbeing and colleague engagement. A positive working environment can also lead to better performance, improved colleague retention and reduced stress related sickness absence. Focusing on resolution is good for our organisation, it is good for our colleagues and it is good for our patients and service users.

1.7 The Trust also recognises that conflict in the workplace may occur. In the event that this does happen, we endeavor to support colleagues and managers to work together to resolve any disagreements and conflicts constructively and speedily.

1.8 The policy provides an overview of the process the Trust will follow to resolve disagreements.

- 1.9 The principles within this policy also underpin how the Trust will deal with disciplinary matters and the commitment that where appropriate issues are resolved at the earliest opportunity without resorting to a formal process.

## 2. OUTCOME FOCUSED AIMS AND OBJECTIVES

- 2.1 The Resolution Policy is aimed at securing constructive and lasting solutions to workplace disagreements, conflicts and complaints. It is suitable for the following types of issue.

- Disagreements between colleagues.
- Disagreements within or between teams.
- Disagreements between managers and members of their team.
- Concerns or complaints about the allocation or distribution of resources.
- Concerns or complaints about the actions or inactions of the Trust.

- 2.2 The main systems for resolution available through the policy include

- Resolution meetings between managers and employees
- Informal discussion within department
- Facilitated conversation with suitably trained facilitator
- Mediation- see appendix 2
- Coaching
- Investigation to establish the facts if necessary
- Formal resolution meeting
- Appeals

## 3. SCOPE

- 3.1 This policy applies to all Trust colleagues including doctors, bank workers and volunteers. Other colleagues e.g. contractors, locums and agency staff employed to carry out duties within the Trust premises on behalf of the Trust will be covered by the protocols specified in contractual arrangements with third party organisations.
- 3.2 Any disagreement should be treated in a fair and consistent way and dealt with quickly and supportively. This approach can be used for individuals and groups when there is a collective complaint.
- 3.3 All complaints must be raised within 3 months of the incident/concern unless there are exceptional circumstances preventing this (e.g. an ongoing issue relating to bullying and harassment).

## 4. DEFINITIONS

- 4.1

The Trust	Mersey Care NHS Foundation Trust
Colleague	Anyone employed by the Trust, including colleagues on fixed term contracts
Trade Union/Staff Association	Nationally recognised NHS negotiating body
ACAS	Advisory Conciliation and Arbitration Service
KSF	Knowledge & Skills Framework

## 5. DUTIES

- 5.1 **Chief Executive** - The Chief Executive has delegated responsibility for ensuring compliance with legislation to the Executive Director of Workforce.
- 5.2 **Board of Directors**– The Board of Directors are responsible for ensuring that the policy is being adhered to both collectively and by the management and colleagues in their area of responsibility.
- 5.3 **Lead Executive Director** – The Executive Director of Workforce has a responsibility to ensure that robust systems are in place, to ensure compliance with the policy and employment legislation. They will also ensure that all Directors, Managers, Human Resources staff and employees are fully aware of their roles and responsibilities in relation to the early resolution procedure.
- 5.4 **Senior Managers** - It is the responsibility of Divisional Managers and Corporate Services Managers to ensure that they follow the procedure.
- Senior Managers will also feature as part of the Appeal Hearing panel [Refer Para – 6.5.3] as independent support to the Director making the decision.
- 5.5 **Line Managers** – Line managers will attempt to resolve workplace disagreements, conflicts and complaints raised by colleagues informally, fairly, consistently and within the agreed timescales.
- 5.6 **All Colleagues** – Colleagues are required to participate and co-operate with others in ways aimed at resolving workplace disagreements, conflicts and complaints and to state what would be seen as a suitable outcome.
- 5.7 **Trade Union Representative** – Trade Union representatives will represent the interests of members. Trade union representatives have an important role to play in both the handling and the resolution of workplace disagreements, conflicts and complaints. Colleagues should be advised of their right to be accompanied at all formal stages in the procedure by a trade union representative or workplace colleague.
- Trade Union Representatives will also feature as part of the Appeal Hearing panel [Refer Para – 6.5.3] as independent support to the Director making the decision. This will be managed so that Representatives are not hearing a matter relating to one of their own members.
- 5.8 **Human Resources** – The Human Resources Team will work with managers; trade unions and colleagues to ensure the policy is followed and complies with employment legislation. They will provide support and advice to managers, colleagues and trade union representatives. Human Resources are responsible for advising all parties on the handling and ways to ensure early resolution of colleague’s workplace disagreements, conflicts and complaints and may be directly involved at any stage. They will also help to maintain consistent and uniform standards throughout the Trust.
- 5.9 **Panel Chair** - The Panel Chair will take lead responsibility for hearing workplace disagreements, conflicts and complaints at Formal Hearings. The Panel Chair will make the decision as to whether or not a workplace disagreement, conflict or complaint are to be upheld and any associated action.
- 5.10 **Panel Members** – Panel members will support the Panel Chair at Formal Hearings.

## **6.0 PROCESS**

The process is outlined within a flowchart for ease of reference at Appendix 2 of this policy document and is described in detail in the follow sections.

### **6.1 Request for resolution**

6.1.1 You can make a request for resolution either verbally or in writing to your line manager [Please refer to Appendix 1 for the appropriate format for a written submission]. If you are uncomfortable discussing the matter with your manager you can also make contact with one or more of these independent people who can also help you, details of who they are and how to contact them are available on our HR Portal in the Resolution section:

- Freedom to Speak Up Guardian
- Trade Union representative
- Human Resources Team
- Health and Wellbeing Practitioner in Occupational Health

### **6.2 Resolution Fact finding**

6.2.1 The resolution fact finding discussion is an opportunity for your line manager and / or one of the parties named in 6.1 to meet with you to understand more about your issue and identify the most suitable route for resolution. Although this is not a formal meeting you can bring a Trade Union representative or work colleague along for support if you want to.

6.2.2 The fact finding can result in one (or more) courses of action:

- Agreement to enter into early resolution (see section 6.3)
- Formal resolution (see section 6.4).

### **6.3 Early resolution**

6.3.1 There are a number of options available within the Trust to support early resolution, which includes:

- Resolution Meeting between individuals
- Informal discussion within department
- Resolution Meeting with managers
- Informal meeting with Trade Union support
- Mediation
- Facilitated conversations by a suitably trained person
- Coaching

6.3.2 Further details on the above can be found in the guidance on the SharePoint, which you can be signposted to by your line manager and/or Human Resources.

6.3.3 These options enable you to be supported to resolve your issue without needing to go through a formal process. If the issue isn't satisfactorily resolved at this point you can request to go to formal resolution.

### **6.4 Formal Resolution**

6.4.1 Whilst the Trust would always encourage and promote early resolution we recognise that there are times when a more formal approach is necessary, which may be for one of the following reasons:



i) Immediate progression for formal resolution

If the agreed conclusion following the resolution fact-finding discussion is that none of the early resolution options are appropriate we can progress immediately to formal resolution. This may be because the matter is sufficiently serious to warrant a formal investigation to establish the facts and could involve recourse to the Trust disciplinary procedure.

ii) Early resolution not resolved satisfactorily

If no resolution is achieved, the colleague may choose to initiate a formal procedure. The choice to progress to the formal stage of the process must be notified to the next level of management who will then who will review the matter and make an assessment of the case and contact you regarding the proposed next steps.

6.4.2 As part of this process the senior manager must arrange a formal resolution meeting with you as soon as practicable (normally within 10 working days) and confirm the outcome to you in writing as soon as practicable, normally within 5 working days. If further fact finding is required before you can be notified of the decision, the timescale may be extended and you will be informed. All timescales are extendable by mutual agreement.

6.4.3 As previously outlined in this policy, you will have the right to be accompanied by a Trade Union representative or work colleague at this stage.

## **6.5 Appeal**

6.5.1 If you remain dissatisfied with the outcome following receipt of your formal resolution outcome you have the right of appeal. Your appeal should be made in writing within 10 working days of receiving the letter. Subject to the availability of panel members the Trust will aim to hear your appeal within 20 working days, which is extendable by mutual agreement.

6.5.2 An appeal hearing is not designed to re-hear the case but to examine the grounds of appeal. You must be specific about the grounds of the appeal and these will effectively form the agenda for the appeal hearing. Appeals can be raised on one of the following grounds:

- The procedure - a failure to follow procedure had an effect
- The decision - the evidence did not support the conclusion reached
- Any proposed action - was inappropriate given the circumstances of the case
- New evidence - which has genuinely come to light since the first hearing.

6.5.3 The appeal hearing panel will consist of a Director, independent senior manager and a Trade Union representative who has not been directly involved in the case. The senior manager and trade union representative will provide independent advice/support to the decision making Director and will not be from the colleagues service line or their trade union [should they be a member of one].

6.5.4 This is the final stage in the process and there will be no further right of appeal.

6.5.5 However, it should be noted that, In line with our Just and Learning Culture, unfortunately it will not always be the case that potential relationships will be healed and colleagues may wish to have or remain with differing views in regard to a situation, but they must have had the opportunity to share their feelings/views and the Trust must do all it can to support all parties to an incident, in order that we can move on.

## **6.6 Time Limits**

- 6.6.1 When a colleague has workplace disagreements, conflicts or complaints this must be raised at the earliest opportunity or within three months of the individual becoming aggrieved. This timeframe may be extended in exceptional circumstances.
- 6.6.2 The following timescales should be followed for each stage of the procedure. These timescales are from the date of receipt of the workplace disagreements, conflicts or complaints, at the relevant stage:
- Request for resolution and resolution factfinding – up to five working days
  - Early resolution - up to ten working days
  - Formal resolution – up to fifteen working days
  - Appeal – up to 20 working days
- 6.6.3 The Trust will endeavor not to exceed these timescales without good reason but it is also recognised that they can be extended by mutual agreement. The above timescales also apply to former colleagues.
- 6.6.4 Workplace disagreements, conflicts or complaints, or a subsequent appeal to the next stage(s) must be submitted within the time limits specified within this procedure, unless an agreement is reached between the manager and colleague/their representative.

## **6.7 Documentation**

- 6.7.1 At the formal stages of the procedure, all documentation, including witness statements to be presented as evidence must be submitted in order that the written evidence can be circulated to all parties involved.

## **6.8 Witnesses/Evidence**

- 6.8.1 Witnesses must normally be introduced at the beginning of the process. If new evidence or information becomes available at a later stage of the procedures, the manager may consider this.

## **6.9 Attendance at Meetings/Hearings**

- 6.9.1 If either party refuses twice or is unable to attend a meeting the Chair of the panel may make a decision in their absence based on the evidence provided.

## **6.10 Continuing Workplace Disagreements, Conflicts or Complaints**

- 6.10.1 Colleagues should be encouraged by all parties involved throughout this process, in the Fact-finding discussions or Early Resolution and Formal Resolution stages, to seek solutions. However, in line with paragraph 6.5.5 there may not be satisfactory outcomes in regard to certain matters. Should this happen the individual should be encouraged and supported to stay within the Just and Learning parameters and not continue to raise the same issue(s).

## **6.11 Exclusions from Early Resolution Policy**

- 6.11.1 The following are excluded from this procedure and the appropriate policy/procedure should be referred to:-
- Disciplinary matters

- Job Evaluation/Banding Reviews or KSF framework
- Any terms and conditions of employment that are either set nationally or by local collective bargaining procedures
- Policy on Concerns at Work about Patient Care or Matters of Business  
Probity/Conduct
- Dignity at Work

## **6.12 Status Quo**

6.12.1 The status quo (i.e. the working and management arrangements which applied before the workplace disagreements, conflicts or complaint) should operate provided that this would not be prejudicial to Patient/Service User care, until the agreed procedure within the Trust has been exhausted.

## **6.13 Workplace Disagreements, Conflicts or Complaint raised when a Member of staff is due to leave the Trust**

6.13.1 Any concern raised by a colleague who is leaving the Trust but is received before their final date of employment should be dealt with in accordance with this policy.

## **6.14 Post Employment Workplace Disagreements, Conflicts or Complaint**

6.14.1 Should a former Trust colleague raise a workplace disagreement, conflict or complaint within 3 months of their employment ending, the matter will be investigated and a written response will be provided. All necessary measures to stay within the prescribed timescales of the policy framework will be taken.

## **6.15 Overlapping Grievance and Disciplinary Cases**

6.15.1 Where a workplace disagreement, conflict or complaint is raised during a disciplinary process, the appropriate action will be determined on a case by case basis.

6.15.2 If the issues relate to the content of the disciplinary process or the disciplinary process itself the matter will generally be dealt with as part of the disciplinary process.

6.15.3 The two processes may run concurrently following, where possible, agreed timescales, unless the content of the workplace disagreements, conflicts or complaint is so significant in relation to the disciplinary case that a deferral of the disciplinary proceedings becomes inevitable. The decision as to whether this is appropriate will be made by the Associate Director of Workforce- HR or Deputy Director of Workforce.

## **7 CONSULTATION**

7.1 The Policy has been developed by the HR Policy Group which consists of representatives from:

- Recognised Staff Organisations
- Senior Managers
- Human Resources staff

## **8. TRAINING AND SUPPORT**

8.1 Training will be provided on an ad-hoc basis as and when required.

## 9. MONITORING

- 9.1 The Human Resources Department will maintain data to enable the monitoring of the number of workplace disagreements, conflicts or complaint submitted. This information will be reviewed and reported on to the Executive Director of Workforce on a regular basis.

## 10. EQUALITY AND HUMAN RIGHTS ANALYSIS

**Title: HR 41 Early Resolution Policy**

**Area covered:** Trust Wide

### **What are the intended outcomes of this work?**

This policy describes the process required to support colleagues to secure constructive timely and lasting solutions to workplace disagreements. This document provides guidance which takes account of employment legislation, statutory obligations and relevant codes of practice

**Who will be affected?** This policy applies to all Trust colleagues including doctors, bank workers and volunteers

### **Evidence**

#### **What evidence have you considered?**

The content of the policy

**Disability (including learning disability)** No Issues identified within discussion

**Sex** – No Issues identified within discussion

**Race** - No Issues identified within discussion

**Age** - No Issues identified within discussion

**Gender reassignment (including transgender)** - No Issues identified within discussion

**Sexual orientation** - No Issues identified within discussion

**Religion or belief** - No Issues identified within discussion

**Pregnancy and maternity**- No Issues identified within discussion

**Carers** - No Issues identified within discussion

**Other identified groups** - No Issues identified within discussion

**Cross Cutting** - No Issues identified within discussion

<b>Human Rights</b>	<b>Is there an impact? How this right could be protected?</b>
<b>Right to life (Article 2)</b>	Not applicable
<b>Right of freedom from inhuman and degrading treatment (Article 3)</b>	Not applicable
<b>Right to liberty (Article 5)</b>	Not applicable
<b>Right to a fair trial (Article 6)</b>	Employees will have the right to appeal against redundancy - based dismissal in accordance with the appeals process
<b>Right to private and family life (Article 8)</b>	No Issues identified within discussion
<b>Right of freedom of religion or belief (Article 9)</b>	No Issues identified within discussion
<b>Right to freedom of expression</b> <b>Note: this does not include insulting language such as racism (Article 10)</b>	No Issues identified within discussion
<b>Right freedom from discrimination (Article 14)</b>	No Issues identified within discussion

Engagement and Involvement <i>detail any engagement and involvement that was completed in putting this together.</i>
HR Colleagues
Senior Managers
Staff side Colleagues

<b>Summary of Analysis</b>
<b>Eliminate discrimination, harassment and victimisation</b> This policy is supportive of elimination of discrimination, harassment and victimisation and sets out clear requirements in relation to HR practice. Links into other HR policies.
<b>Advance equality of opportunity</b>
<b>Promote good relations between groups</b>

**What is the overall impact?**

A positive and open working environment and no adverse actions

**Addressing the impact on equalities**

*There needs to be greater consideration re health inequalities and the impact of each individual development /change in relation to the protected characteristics and vulnerable groups*

**Action planning for improvement**

Detail in the action plan below the challenges and opportunities you have identified.

*Include here any or all of the following, based on your assessment*

- *Plans already under way or in development to address the **challenges** and **priorities** identified.*
- *Arrangements for continued engagement of stakeholders.*
- *Arrangements for continued monitoring and evaluating the policy for its impact on different groups as the policy is implemented (or pilot activity progresses)*
- *Arrangements for embedding findings of the assessment within the wider system, OGDs, other agencies, local service providers and regulatory bodies*
- *Arrangements for publishing the assessment and ensuring relevant colleagues are informed of the results*
- *Arrangements for making information accessible to staff, patients, service users and the public*
- *Arrangements to make sure the assessment contributes to reviews of DH strategic equality objectives.*

**For the record****Name of persons who carried out this assessment:**

Amanda Clough, Workforce Governance Lead

Sam Cliffe, HR Advisor

**Date assessment completed:**

30.10.19

**Name of responsible Director:** Executive Director of workforce

**Date assessment was signed:**

Appendix 1

**Workplace Disagreements, Conflicts or Complaint form**

**Request for Resolution**

Employee Name: .....

Contact Details.....

Division: ..... Workplace.....

Name of Trade Union Representative, if applicable.....

Nature of Workplace Disagreement, Conflict or Complaint:

To be completed by the person initiating the workplace disagreement, conflict or complaint. If your workplace disagreement, conflict or complaint is against another colleague you **must** state their name.

I seek the following resolution of my workplace disagreement, conflict or complaint:

***I attach the following evidence in support of my workplace disagreement, conflict or complaint if required***

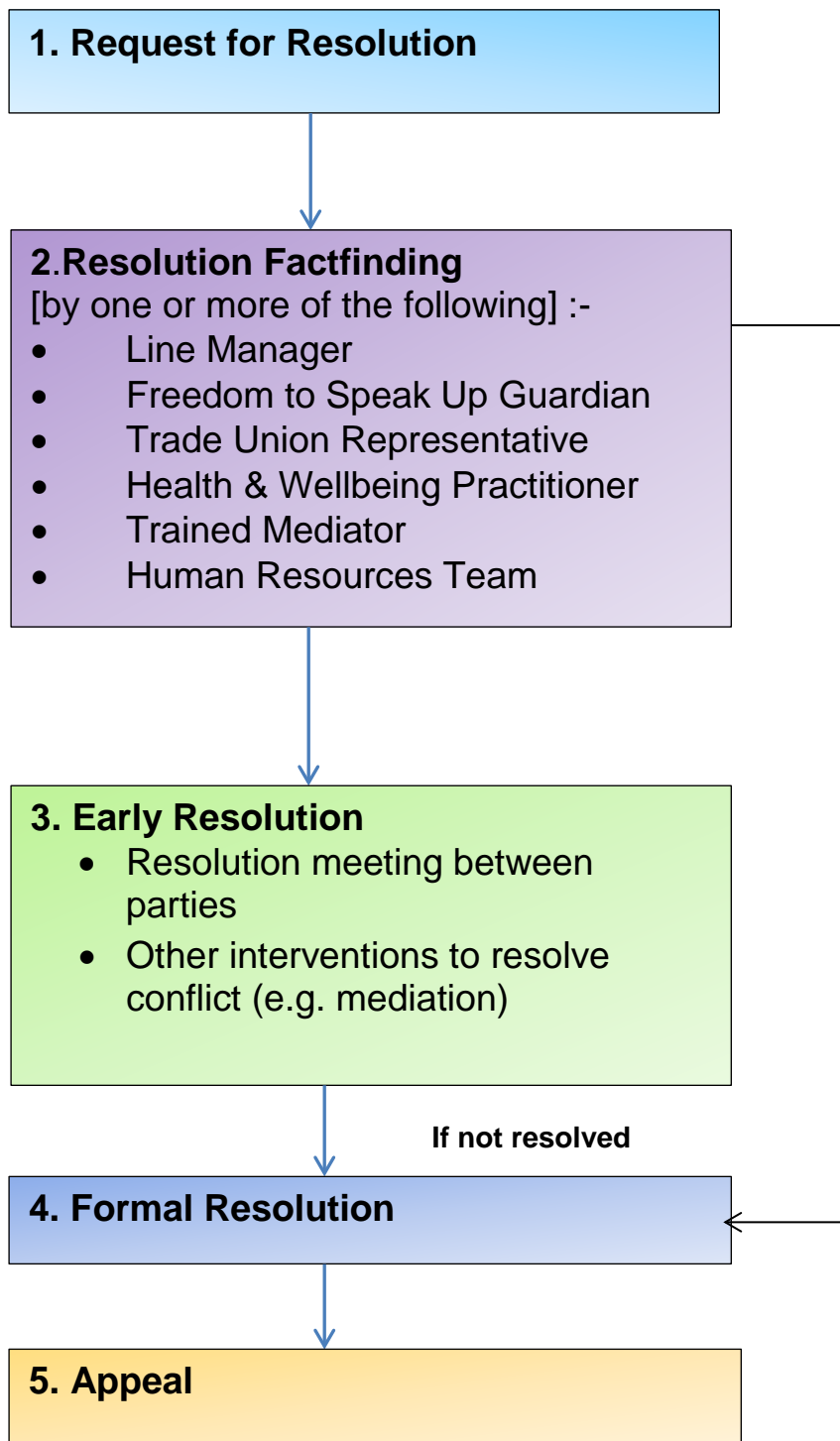
***(List the documents below and attach the appropriate paperwork).***

Signature of Colleague:.....

Date:.....Appendix 2

Appendix 2

PROCESS FLOWCHART





## Appendix 3

### Services available

#### 1. Occupational Health/Staff Support Services

The aim of occupational health is improving and sustaining the health and wellbeing of staff. It is an advisory service and can be accessed by individuals making contact directly or by management referral. The department can be contacted on 0151 471 2451.

The staff support service provides staff counselling which is a confidential service that gives staff the chance to talk through things that are on their mind with a counsellor, who will be non-judgemental and impartial.

Staff can talk about any problems at work. The Staff Support Service is based at Switch House, Northern Perimeter Road, Bootle, Merseyside, on 0151 330 8103 / 8099.

#### 2. Mediation Services

Mediation is a confidential and voluntary process, which brings together people who are experiencing problems with a work related relationship. The problem will usually relate to behaviour, attitude or communication. Mediation takes place in the presence of an impartial third party. During mediation individuals will be encouraged to relay their experience and air their feelings. It empowers those involved, as the disputants not the mediators, to decide on the terms of any resolution. The mediator does not offer advice on how to solve the problem. People participating in mediation do so without prejudice.

##### **Why have mediation?**

The mediators are new to the dispute, disagreement, upset and not involved in the work area. They will make sure that the meetings are conducted in a fair and productive way. The co-mediators can help staff reach a resolution which is acceptable to all those involved.

##### **Will agreements be reached?**

The aim of the mediation process is for those present to come to a resolution. Individuals coming to mediation must have the will to implement the resolutions they propose and reach agreement about future behaviour.

##### **What happens after mediation?**

If in the colleague's view the mediation has been unsuccessful, they may invoke formal procedures, in this case the mediators would not be involved.