THE UNIVERSITY of EDINBURGH

Mediation at the University of Edinburgh

1. What is mediation?

Mediation is a process that aims to help you if you are having a disagreement or are in conflict with another person at work (or sometimes more than one other person). Mediation helps you to resolve your differences or reach an agreement with the other person. An **impartial** third party, 'the mediator' supports you and the other person through the process which is **confidential** and entirely **voluntary**.

2. What is the role of the mediator?

The mediator is a 'neutral' person, which means that they haven't had any previous involvement with your case or your concern. They will normally be employed by the University but sometimes we may need to call upon the services of someone from outside the organisation. The mediator helps to create a **safe and confidential** space in which you and the other person can discuss your concerns and explore your differences. They help you both to explore and agree ways of **resolving your differences** and, if required, of rebuilding your relationship so that you can work together effectively.

Any agreements reached come from you and the other person involved. The mediator facilitates the process, they do not take sides or decide who is right or wrong. You and the other person have **control** about how issues are resolved, the mediator won't tell you what you should or shouldn't do.

3. Considering and agreeing to Mediation

It is in everyone's interests to try and resolve concerns and difficulties **informally**. This can stop matters escalating and help to maintain positive working relationships. Mediation is a way of dealing with a conflict or concern through open, constructive conversation and may mean you avoid a more formal process which can be more stressful for all concerned, and further damage working relationships.

By agreeing to mediation, you and the other person are showing a willingness to resolve issues in a positive, practical way. However, in the event that mediation fails to resolve matters, you will still have the right to formally raise your concern through the University's Grievance Policy.

Mediation will still remain an option during the grievance or other formal processes.

4. When might mediation be useful?

Mediation can help if you are dealing with a conflict or concern at work that you have been unable to resolve by yourself. For example:

- a communication breakdown with a colleague
- a disagreement or breakdown in relationship with a colleague or manager
- a personality clash
- if allegations of inappropriate behaviour have been made
- as part of a resolution in a grievance case.

5. When is mediation not appropriate?

There will be some instances where mediation isn't appropriate, for example:

- if the matter involves serious misconduct that needs to be addressed through a formal process, such as the Disciplinary Policy.
- if it would be difficult for a person to take part due to, for example, their health (physical or mental) or disability
- if you, the other person involved, or the mediator do not think that mediation will help to resolve the conflict
- the matter is such that it needs to be resolved by representatives of the University.

6. How does the mediation process work?

If you agree to mediation, the mediator will make contact with you and the other person separately to start the process. They will make sure you understand the stages that will be followed and ask you to confirm your agreement to participate.

Note: Mediation usually takes place in person, but it can sometimes be online if all involved agree this is appropriate.

6.1 First meeting

The mediator will meet you and the other person separately. They will start to explore your difficulties or concerns and what you want to achieve from mediation.

Having spoken to you both, the mediator will decide if they think mediation will help to resolve your problems. Occasionally they may conclude that mediation isn't the best way to progress, in which case they will let you both know that they will not be taking the process further.

6.2 Joint meeting

This meeting is where:

- you are both given the opportunity to describe the issue to each other, to explain how you are feeling and how you have been affected. You will listen to each other without interruption.
- the mediator will work with you both to find a mutually acceptable solution to resolve the matter.
- the mediator will summarise what you have both agreed. This may include providing a written summary.

6.3 Follow up

The mediator will normally contact you and the other person after an agreed period of time to see how the agreement is working.

7. Confidentiality

Anything you say during mediation is confidential and information will only be shared if all parties agree. This means that the mediator will let the relevant HR Partner (HR Advisory Service or HR Case Management Service) or manager know that mediation has taken place but they will not pass on any details about what you discussed or agreed unless all parties agree to information being disclosed. The mediator does not keep notes and information about what is discussed during mediation sessions cannot be used in a legal setting.

Appendix I – Conflict Resolution Process

