



A FAMILY, A FOUNDATION, A FUTURE

## **Whitminster Endowed C of E Primary School**

**Mediation Policy** (This policy and guidance is part of the Schools Employment Handbook and can be found in the 'Employee Relations' section)

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**Agreed by Governors: Spring 2025**

**Review Date: Spring 27**

### **1.0 Introduction**

- 1.1 The school recognises that mediation is a useful tool for seeking to resolve workplace disputes.
- 1.2 This policy and guidance is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the school at any time.
- 1.3 It applies to all school employees (unless otherwise advised).

### **2.0 Mediation explained**

- 2.1 Mediation is based on the principle of collaborative problem solving, with a focus on the future and re-building relationships, rather than proportioning blame. Individuals are encouraged to take charge of their own decisions and to accept responsibility for the consequences of their decision or actions. It will involve a neutral third party (known as a mediator) who will bring the individuals together with the aim of reaching a mutually acceptable agreement.
- 2.2 Mediation is voluntary and any party involved in the dispute can choose not to take part without recrimination.

### **3.0 Mediation and its link to other procedures**

- 3.1 There are links with grievance and performance (conduct, capability, attendance) procedures. Mediation can be used at any time before, during, after, or alongside other procedures. Mediation will not necessarily stop other procedures from continuing but can help the individuals concerned. Mediation is a voluntary, stand-alone process and can support other procedures, including grievance.
- 3.2 The manager can contact a HR Advisor at ContactUs on 01452 425888 or email [ContactUs@gloucestershire.gov.uk](mailto:ContactUs@gloucestershire.gov.uk) for further information about whether mediation is appropriate and how this can be arranged.

### **4.0 Confidentiality and mediation**

- 4.1 Anything said during mediation is confidential to the individuals. Confidentiality must be respected by all those involved in the process and therefore, anything discussed outside of mediation can only take place if all parties involved have agreed that the detail is divulged. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.
- 4.2 The evaluation form is for the personal use of the mediator and remains confidential to them. Its purpose is to develop and improve the mediation service and the mediator's skills.

- 4.3 If the employee chooses not to feedback directly to the mediator, there is an opportunity to feedback confidentially to the Head of HR.
- 4.4 The council has ACAS trained mediators and their roles are to facilitate the mediation process.

## **5.0 The role of the mediator**

5.1 The mediator will:

- 5.1.1 be impartial and not take sides,
- 5.1.2 determine if mediation is appropriate,
- 5.1.3 not advise or counsel,
- 5.1.4 not judge or seek to establish who is right or wrong,
- 5.1.5 allow equal time to both individuals,
- 5.1.6 ensure a safe environment,
- 5.1.7 facilitate the writing up of a mediation agreement.

5.2 The mediator will meet the individuals separately, before facilitating a joint meeting.

## **6.0 Mediation agreement**

6.1 A mediation agreement is:

- 6.1.1 confidential,
- 6.1.2 a written document,
- 6.1.3 morally but not legally binding,
- 6.1.4 signed by the individuals who made the agreement,
- 6.1.5 retained by the individuals.

6.2 The agreement is confidential and can only be shared with anyone else if both parties agree to this. The manager does not have a right to know the content of the mediation discussions or agreement.

6.3 If an agreement is not reached it does not mean that the process failed. In many cases, both individuals reach some form of agreement.

6.4 There is an expectation that both will keep to the agreement, but if an agreement is reached but one party fails to adhere to it, this may result in the escalation of the dispute which may need managing outside of the mediation process.

## **7.0 Situations where mediation is not appropriate**

7.1 When the mediation process is not entered into voluntarily by both parties.

7.2 When the process was imposed by management as an alternative to addressing issues via the grievance or a performance management process.

7.3 If needing to resolve a legal or other serious matter relating but not exclusive to, health and safety or a breach of the code of conduct.

7.4 To prove a point of right or wrong.

## **8.0 Right of representation**

8.1 Mediation is not a formal process and therefore, there is no entitlement to be represented by a trade union or a workplace colleague during the meetings.

8.2 Mediation is most successful when the individuals allow the mediator to manage the process.

8.3 It is the mediator's role to ensure there is a safe environment of trust and confidence.

8.4 There may be exceptional circumstances where the mediator believes a support role would help.

## **9.0 If mediation breaks down**

9.1 If at any point an individual wants to withdraw from mediation, for whatever reason, then they can do so by informing the mediator. There may also be cases where the mediator feels that mediation should be stopped.

9.2 If either party leave the school's employment or resigns they will not be eligible for mediation as it is available to employees of the school only.

## **10.0 Accessing mediation**

10.1 Employees should contact their line manager about mediation if they think it could help.