



Harmony Mediation Services – reducing grievances and stress, and improving workplace performance

Mediation works best where the parties'

- have a vested interest in maintaining and/or repairing the relationship;
- are willing to engage in the process, even if there is some cynicism or reluctance;
- are in a position to remedy the situation between themselves (albeit some additional organisational support may be required at the solutions stage, e.g. training/coaching);
- power levels are fairly equal (where this is not the case, for example between a manager and a junior employee, it may be necessary to provide two mediators to balance the differences).

Mediation is not appropriate:

- where physical violence or threats of violence have occurred (this requires immediate investigation);
- where either party's mental well-being is considered at risk (in such cases we suggest seeking a medical confirmation that the party is fit to undertake mediation);
- where either party fears violence as a consequence of engaging in mediation.

Confidentiality. To be effective mediation needs to be a confidential process, this helps to ensure the parties feel able to say what needs to be said without fear of this becoming known to others.

Referring clients are therefore only provided with feedback that the parties are willing to share; which may be nothing or simply 'we found it useful'. The mediator will generally provide limited feedback for example, 'both parties worked hard at finding solutions to the issue' or 'there was some movement from both parties'.

For this reason we recommend referring clients always communicate in the initial discussions that they will have a post mediation meeting with each party. (See step 4 in the proposed process below)

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During mediation the mediator works at three different levels, content, interaction and process.

Content – what are the issues, who said what to whom, differing ‘life’ perspectives, differing views of the events leading to the conflict, and differing needs,

Consequent Interactions – feelings, changes in communication styles and behaviour, break down in communication, often leading to a lack of trust and respect.

Process – how the parties involved have chosen to raise the issue, e.g. an informal/formal complaint, who has been brought into the conflict, colleagues, witnesses, managers. Expectations around ‘fairness’ and ‘justice’ are often core here, as is perceived power.

The Mediation process consists of 5 steps,

1. Pre mediation 121 meetings with the parties. Each party has the same amount of time with the mediator to enable the party to discuss their view of events, their feeling and needs, and what they need from the other party to help them to move forward. The mediator also takes the opportunity to learn what the party is willing to concede/offer to gain resolution. In this way the parties are already beginning to think about how to resolve the issue, in preparation for the joint meeting.

A crucial element of these sessions is to reinforce that mediation is a confidential process, that what is learned during the joint sessions cannot be used at any future disciplinary meetings or employment tribunals, and is not to be shared with anyone else.

Confidentiality is crucial if those involved are to feel able to speak freely and to be honest, which is core to permanent resolution of conflict.

For this reason the referring client only receives the basic information – the mediation went ahead/both parties engaged well/ there was some resolution. Any additional feedback requires both parties agreement, however in some cases the parties decide to share much more with the referring client, and this is feedback via the mediator.

The parties are not allowed to take notes out of the joint mediation session and all case notes are destroyed at the end of the process.

2. The Joint Mediation session follows as soon as practicable after the 121 meetings, ideally the following day is set aside for the joint session, and comprises three areas:

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- **Mutual Understanding.** Each party has a given amount of time to give their version of the situation, how they feel about it and the impact on them. The other party is then asked to reflect back what they heard. Often at this point the other party will wish to disagree with what is said, however the mediator will bring them back to the reflection process until the first party feels the other has heard and understood what they have said. The process is repeated with the other party giving their version of the situation. This ensures all of those in the room, including the mediator, are clear about the situation from all perspectives.
- **Identifying Issues.** Once there is a mutual understanding the key issues are identified, sometimes these are the same 'You don't talk to me with respect' and once some commonality has been established a solution is easier to find. The issues are then noted, and the wording agreed.
- **Agreeing Solutions.** The parties are coached by the mediator to develop their own solutions. The mediator does not advise or offer solutions unless there is absolutely no other way. In finding their own solutions the parties are more likely to arrive at a solution that works in the context of their roles, are more likely to be committed to them, and therefore are more likely to keep to them. With the agreement of the parties the mediator may take down the solutions agreed, type them up and email them to both parties. The parties may want a formal agreement that is signed, if so the mediator will facilitate this.

3. Evaluation The parties are asked by the mediator to complete an evaluation form and return it to The Harmony Partnership to ensure the mediator has met the standards we expect and to evaluate the parties' satisfaction with the process and outcomes. These are forwarded to the referring client.

4. Next Steps. We recommend that in positioning mediation the referring client agrees with the parties that there will be a confidential 121 meeting following the mediation to check out each party's evaluation of the mediator skills and interventions, their satisfaction with the mediation and whether there is anything further the organisation can do to support the resolutions agreed, for example training or coaching, ***The referring client should ensure they do not ask questions which would encourage either party to disclose information from the joint session.***

5. Monitoring. It is usual 'good practice' to monitor the situation for a period to ensure an effective relationship continues.

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