

Heald Place Primary School



Every Child a
Confident Learner

Workplace Mediation Guidance Notes April 2021

This guidance note has been produced by One Education's HR and People service. The HR and People team provides management and HR support and advice to schools and academies purchasing their services under an agreed Service Agreement. For further information please contact the HR and People team via the HROne Helpline: 0844 967 1112 (local rate from landline) or HROne Helpline Email: hrpeople@oneeducation.co.uk Website: www.oneeducation.co.uk

Document Control	
Title	Workplace Mediation Guidance Note
Date	April 2021
Supersedes	Mediation Policy
Amendments	
Related policies/guidance	
Review	3 years
Author	HR and People, One Education Ltd
Date consultation completed	
Date adopted by Governing Body	

Under the public sector equality duty, all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented. The HR and People team regularly reviews all policies and procedures which are recommended to schools/academies to ensure compliance with education and employment legislation including the Equality Act 2010. Consultation with schools/academies is an important part of this review process. Headteachers, Principals and Governing Bodies are asked to contact the HR and People team via the HROne Helpline if they believe there are any negative equality impacts in their school/academy in relation to the application of this policy/procedure.

Workplace Mediation Q&A

If you have decided to take part in mediation you have taken an important step towards resolving your dispute and improving your working relationship with the other person or people involved.

You may be feeling unsure about what to expect, worried about the sessions themselves or sceptical about making any progress, if so the following information may be of use to you.

Why do people go to mediation?

The goal of mediation is to reach an agreement about how to work together in the future that all participants find reasonable and in their best interests.

When is mediation appropriate?

Mediation is most effective when:

- Both parties are willing to work together to resolve their difference
- Room exists for an improvement in working relationships
- Allegations and counter allegations have been made
- There is a dispute over a workplace situation
- No serious breach of school or academy policy has occurred.
- When the aim is to preserve the employment relationship

Mediation can be used at any stage in a dispute, but is often most effective if used early on.

What happens at a mediation session?

The mediator meets with you individually first, this is to give you the opportunity to explain the situation and discuss any particular concerns you have. This is also where an agreement is made to keep the conversations private and any necessary ground rules are discussed and agreed. Mediation can take place in person or virtually, and the Mediator will guide you as to what may be most appropriate in the circumstances.

The mediator then brings you together for a joint meeting. The mediator makes sure that you each get a chance to talk about your situation or point of view without any interruption. This helps you decide what the important issues are that need to be discussed.

These issues are discussed and if you reach an agreement the mediator will write it down for you and make sure it says what you both want it to say. You decide who else, if anybody, should see a copy of your agreement. If you are uncomfortable with sharing the joint agreement with people who are not in the room, then a decision is made about what limited information can be shared with the person or people who referred you to mediation.

What if we don't reach an agreement?

You don't have to reach an agreement. If you feel that mediation won't resolve your issues, you can use other workplace approaches, policies or procedures. Whether you reach an agreement or not, the mediation process will remain confidential. Neither the mediator nor anything discussed in the meetings can be called upon or used to provide evidence at any subsequent proceedings.

Does the mediator decide who is right and who is wrong?

No. You are encouraged to talk through your differences of opinion, differing views and your different expectations. The mediator will ensure a robust, fair and impartial process to enable you to reach a good outcome that works for both of you. Mediation helps you to move forward together.

Is the meeting confidential?

Yes. The mediator will keep everything that you say during the mediation private. The mediator may take notes, but will destroy them afterwards. The mediator will not share notes of the meeting or report back on the content of your conversations. Contents of the meeting cannot be used in any future processes or procedures that you may be involved in. Please note that there are some limits to confidentiality for serious matters such as e.g. safeguarding, prevention of terrorism or incidents of gross misconduct.

Do I have to attend?

No. Mediation is a voluntary process, if you are unsure about whether or not you will attend, please speak with the person who has referred you for mediation. If you would prefer, you can also speak with a mediator at One Education who will be able to answer any questions you have and hopefully allay any fears.

Who else will be there?

The mediator will lead the meeting. Usually there are just two people involved, though sometimes there are several, you will know who you are meeting with. The process does not allow for legal representatives, union representatives or any other representatives to be present during the joint meeting.

How should I prepare for mediation?

You do not need to bring anything with you to the mediation, you will not be asked to present evidence or explain the events that have led to mediation in detail. You will not be taking notes or recording anything during the meetings.

The best preparation you can do is to think about what you want to say to the other person, what you want them to understand about the situation and what a good result from the mediation would be for you.

Also, it can be a difficult and tiring process, so try to arrive with plenty of energy and with as few distractions as possible for the day ahead.

Where will the mediation take place?

Either virtually, or in a private room, usually at your workplace. If you have any concerns about the choice of venue you should raise this either with the person who has referred you to mediation, or One Education prior to the mediation meeting.

How much time will it take?

You will be advised by the mediator about the process and how much time to book out of your diary.

I'm nervous about the joint meeting.

The thought of a joint meeting with the person you are not getting along with can be worrying, however, mediation is less difficult and time-consuming than going through a formal process, and it works. It works because it helps people find practical solutions that feel fair to everyone. The mediator's role in this joint meeting is to help you have a different kind of conversation with each other in a safe space, and to help you focus on what you

need. The mediator holds both of you to the ground rules and makes sure you have equal time to speak and to listen to each other.

Mediation focuses you both on finding a collaborative way forward.

We do hope that your mediation session will prove to be a positive an experience for you.

If you have any remaining questions, please contact the person who referred you for mediation in the first instance, or email hrpeople@oneeducation,.co.uk.