

Mediation Factsheet

About Mediation

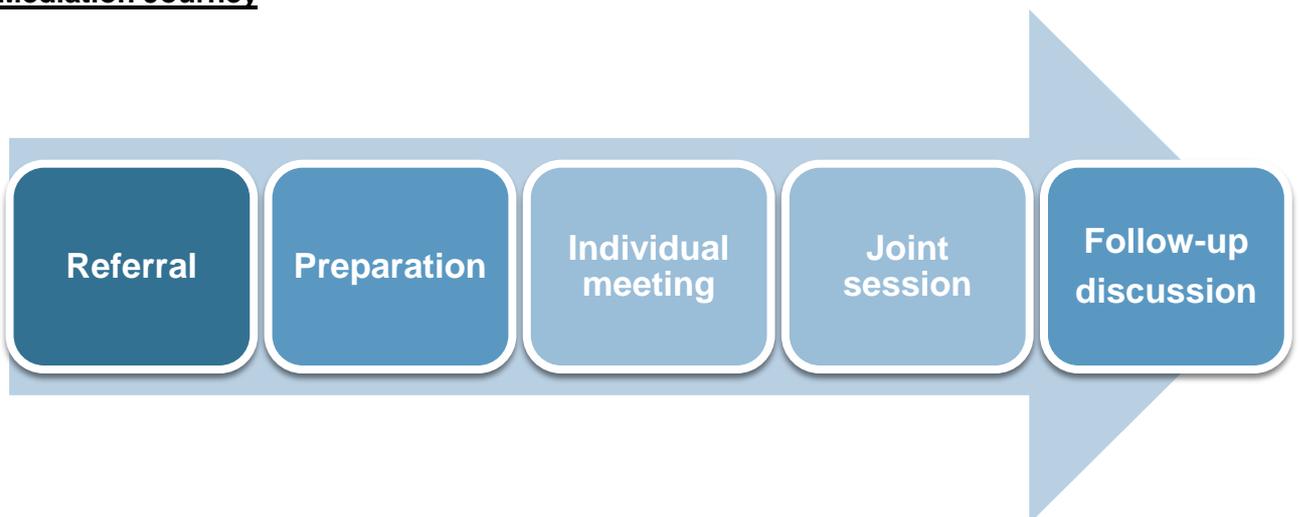
Mediation is a voluntary, informal process that provides a confidential space to explore the key issues affecting your working relationships. The mediator is an expert in helping two or more people (the 'parties') to communicate more effectively with each other. The mediator will support all parties involved in the mediation process.

Queen Mary follows a co-mediation model, where you will be allocated two independent mediators who you will meet with you on an individual basis to prepare you for the joint mediation session. During the individual meeting, our mediators will help you gain clarity about your situation and explore what you want to achieve from the process.

During the joint session, mediators will facilitate a conversation between yourself and the other party to explore the key issues and help reach a resolution that is mutually acceptable. Any agreement reached is determined and owned solely by the parties to the mediation.

Mediation works because it helps people find practical solutions that feel fair to everyone.

Mediation Journey



Mediation Process

- **Referral:** The HR Adviser or HR Partner will speak with the referrer to assess whether mediation is appropriate for the situation, and to discuss expectations. Once the referral form is completed, mediators will be allocated to the case.
- **Preparation:** The mediator will schedule time with each party involved to introduce themselves and explain the process and principles of mediation.
- **Mediation:** The mediator will typically work with you for 1 full working day, or over two half days. In the case of team mediation, this may take longer. All meetings will be confidential.
- **Individual meetings:** The mediator will meet with you individually to give you an opportunity to tell the mediator what has brought you to mediation, to speak about how you

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see your current work relationship, and to think about ways in which it could be improved. The mediator will check in with you before going ahead with the joint meeting.

- **Joint meeting:** This takes place over several hours. You can ask for a break at any point. The mediator will follow this process:
 - **Introduction:** The mediator will introduce the session and set out a few guidelines for the meeting to allow for open and honest communication.
 - **Opening comments:** You will give brief opening comments to each other, including your goals for mediation. Although the comments should not be inflammatory, it is up to you to decide what you want to say during this time.
 - **Discussion of issues:** After the mediator has summarised the opening comments, you can talk to each other about any of the issues that you would like to discuss. The mediator will support you both, and intervene as appropriate to help you focus on what you need.
 - **Problem-solving:** Once you have talked through your issues and you are ready to look at your goals for mediation, the mediator will support you through a problem-solving stage so that you can discuss your future working relationship.
 - **Agreement:** Most mediations result in an agreement on a way forward or an agreed action plan. There will be no pressure on you to reach an agreement. However, if you do reach an agreement, the mediators will offer to summarise the agreed action points for all parties involved.
 - **Post-mediation:** The mediator will discuss any agreed follow-up arrangements with you. With your consent, the mediator will share pre-agreed feedback regarding your experience of mediation with the line manager.

Virtual Mediation

All parties that take part in online mediation must agree to the following ground rules:

- To enable the video and audio conferencing functions for the chosen communication platform.
- To disable use of chat functions; unless you encounter connection issues and need to communicate with the mediators.
- To agree to a time/date that will allow for minimal interruptions, whether at home or on campus; if interruptions occur regularly, it may be necessary to reschedule the mediation at a more convenient date.
- To provide a contact number or email address, in the event that you are disconnected during the mediation and wish to continue the process.
- To maintain data protection by agreeing not to record or replay any audio or visuals from the joint mediation session.
- To disable notifications during the mediation: silence phones and notifications, and switch off any other programs or apps to minimise interruptions and distraction.
- To agree that only the mediation party members and the mediators will be present during the online mediation joint session.
- To delete any information shared during the mediation, such as files and meeting notes, directly after the mediation has ended.

Technology Requirements

For mediation to take place virtually, all parties must have an adequate device, e.g. smart phone/tablet/laptop with camera and audio capabilities and a good internet connection. If using a phone or tablet, do not hold the device freehand as this can impact comfort and ease of communication. Ideally, have the device's camera positioned at around eye level and follow the DSE Safety guidelines available on the Queen Mary Health and Safety Directorate webpage: hsd.qmul.ac.uk.

It is recommended that parties check their internet connection status prior to joining the meeting to prevent disruptions during the mediation. Please suggest, or be understanding of, a reschedule on the day of the mediation if parties or mediators encounter disruptions.

To prevent screen fatigue there will be regular breaks throughout the mediation. Please request a break at any point if you feel you need time out; the mediator will agree a suitable time to reconvene.

Please note that MS Teams allows for privacy by hiding the background when using the camera. You can select this option just before joining the meeting by selecting *background settings > blur*.

Mediation FAQ**Is mediation confidential?**

Yes. Confidentiality is a key aspect of mediation. You will sign up to an agreement not to disclose any information discussed at mediation without the prior express permission of everyone involved. All mediation sessions are bound by this confidentiality. The mediator will not disclose any information discussed during the mediation.

You and your colleague(s) may decide to develop a written agreement during mediation and share this document with a third party; for example, your manager. Any other handwritten notes made during mediation will be destroyed. The fact that you attended mediation is not recorded on your personnel file.

If asked to do so by Queen Mary, do you have to attend mediation?

No. Mediation is a voluntary process. If you are unsure about attending mediation, please contact your HR Adviser or HR Partner who can discuss mediation with you, or will put you in contact with a mediator who will be able to answer your questions and address any concerns you may have.

Where will the mediation take place?

Mediation will take place in a neutral and private venue, normally within your workplace. If working from home, we recommend that you choose a quiet space where disruptions will be minimal, as with any confidential meeting.

How long will mediation last?

Mediation between two people typically lasts a full day. This gives you time to explore the issues that have brought you to mediation, as well as how you want to move forward with your working relationship.

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How do I prepare for mediation?

The mediator will contact you to discuss the process and principles of mediation to help you think about your situation and what you want to achieve from the process. It is helpful to think about the following before attending mediation:

- *How do I want to come across to the other person?*
- *How can they best hear what I have to say?*
- *What do I want them to understand about my situation?*
- *What will help me see their point of view?*
- *What do I need in order to feel that mediation was a worthwhile process?*

Who will be present at mediation?

In most cases, only the people in conflict with each other and a mediator are present at mediation. We believe that the people actually involved in the conflict are the best people to resolve it. If you want to bring a representative, relative or friend, this is only possible during your individual meeting and you must inform the mediator in advance.

What will happen at the joint meeting?

We understand that the idea of a joint meeting can be stressful. The mediator's role in this meeting is to help you have a different kind of conversation with each other, to talk through the key issues in a safe space, and to help you focus on what you both need. Mediation works because it helps people find practical solutions that feel fair to everyone. Mediation is less stressful and time-consuming than going through a formal process. In addition, mediation focuses on finding a collaborative way forward.

Who determines the outcome of mediation?

You and the other party involved determine the outcome. The mediator is responsible for shaping the mediation process.

What happens if we don't reach an agreement?

There is no obligation on you to reach an agreement. If you feel that mediation will not resolve your issues, you still have the opportunity to use other workplace procedures, if required. In legal terms, mediation is 'without prejudice'. Whether you reach an agreement or not, the mediation process will remain confidential. The mediator cannot be called upon to provide evidence at any subsequent proceedings.

Who are our mediators?

The mediators are a team of trained and accredited employees from a variety of roles across our external HEI Mediation Network who have volunteered to become mediators and are acting in an impartial capacity.