

## MEDIATION PROCEDURE

### 1. INTRODUCTION

- 1.1 This document outlines the mediation principles and procedure which will be used by the employers' internal mediation team. In cases where mediation is provided by the Labour Relations Agency, or, exceptionally, an external mediation provider, the principles of mediation will remain the same, but the procedure may be different. The mediator/s will provide the parties to the dispute with relevant information on the process to be used.
- 1.2 Mediation is an agreed process, entered into voluntarily, in which independent, experienced intermediaries assist participants who are in dispute. Mediation is a separate process from the Grievance and Bullying and Harassment Procedures, which aims to move away from adversarial procedures and resolve issues as early as possible.
- 1.3 Mediation may be used before invoking the formal procedures or at any stage of the formal procedures where the parties agree that engaging in the mediation process may resolve some or all of the issues.
- 1.4 The aim of the process shall be to seek an early resolution of the issues by:
- Identifying common aims and objectives;
  - Re-establishing lines of communication; and
  - Developing proposals for settlement.

### 2. GENERAL PRINCIPLES

- 2.1 Mediators will maintain complete confidentiality and the parties will be asked to sign a confidentiality agreement and guidelines. None of the parties to the process may be required to give evidence during a formal investigation about anything said at mediation.
- 2.2 Mediation is non-prejudicial and the parties do not waive their rights to access other procedures or processes by agreeing to participate.
- 2.3 Mediation is an informal process which is often more effective if the parties involved in the dispute engage unaccompanied in discussions with and through the mediators. However, teachers may choose to be accompanied by a recognised Trade Union representative, or a teaching colleague. Legal representation is not permitted.
- 2.4 Not all issues or circumstances are suitable for mediation. The mediators will assess the case at the initial meetings and advise the parties if it is appropriate to proceed. The parties may also decide at this stage that mediation is not suitable for them.
- 2.5 The parties cannot enter into any agreement that may modify or impinge upon their own or another's employment rights, or that might alter the terms of employment contracts.
- 2.6 Either party may pause or end proceedings at any stage and revert to the formal procedure.

### 3. ROLES AND RESPONSIBILITIES OF PARTIES INVOLVED IN MEDIATION

#### 3.1 Teachers

Teachers who are voluntarily participants in the mediation process agree:

- To engage positively and meaningfully in the process
- To respect the dignity and feelings of the other party
- To use the process in good faith with a view to resolution
- To act professionally at all times
- To be honest and truthful in the meetings with the mediator
- To use the mediation process for its proper purpose.

#### 3.2 Board of Governors

- The Board of Governors agree and recommend that the parties enter into this process in an attempt to resolve the issues identified.
- The Board of Governors agree to allocate a sufficient period of time for the completion of the mediation process and meet the direct costs arising from the process.
- The Chair of the Board of Governors will receive a statement of outcome between the parties as facilitated by the mediator. This is solely for the purpose of identifying any resource implications for the school and planning their implementation. The Chair will also be advised of the review date for the parties.

#### 3.3 Mediators

- The mediators will be responsible for the management of the arrangements for the entire mediation process.
- At the initial stage, the mediator/s will forward a copy of this document to both parties, and will meet separately with them, to assess the suitability of the issues to mediation and the readiness of the parties to participate. They will explain fully their role and the mechanics of the mediation process.
- The mediators do not reach agreement for the parties nor do they make a determinative adjudication.

#### 3.4 Employing Authority

- The Employing Authority will provide the independent mediators drawn from resources internal to the Employing Authorities, or the Labour Relations Agency, or, exceptionally, an external provider.

### 4. MEDIATION PROCEDURE

4.1 A teacher involved in a dispute or grievance with another member of staff, including school support staff, should initiate the mediation process by writing to:

- [a] The Principal or in the absence of the Principal the nominated deputy; or
- [b] The Chair of the Board of Governors where the Principal is making a complaint or is the subject of a complaint,

This request shall be forwarded by the Principal/Chair to the other party for agreement.

4.2 Upon receipt of agreement from the parties the Principal shall contact the Employing Authority which will provide agreed independent mediator/s, who will have had no previous involvement with the issue/s. The mediators will be drawn from resources internal to the Employing Authorities, or from the Labour Relations Agency, or, exceptionally, an external provider.

- 4.3** The mediators will write to both parties advising of the date/time/venue of the initial meetings and provide information on the mediation process. This will normally be within 10 working days of the formal notification to the Employing Authority.
- 4.4** Meetings with the mediators will be held in a neutral venue. Teachers involved in the process will be allowed reasonable time, at work, to prepare and participate in the process.
- 4.5** The mediators will meet with each party separately to outline the process and ascertain the details of the issue/s to be resolved.
- 4.6** Not all issues or circumstances are suitable for mediation and an assessment should be made by the mediators at the initial meetings on the suitability of each case for mediation. Where they consider mediation would not be appropriate they shall advise the parties who may then decide to proceed by invoking the formal procedures. The parties may also decide at this stage that mediation is not suitable for them.
- 4.7** The mediators will facilitate the parties to identify, discuss and prioritise the key issues and to enter into a negotiation process with each other about options for resolution and how they can move forward.
- 4.8** At the conclusion of the process the mediators will:
- draft the terms of the statement and ask that the parties sign an agreement to the effect that they agree to abide by any agreed recommendation contained within it.
  - where appropriate, agree a review date for the parties, taking into account the nature of the discussions and the details of any agreement reached.
  - write to the Chair of Governors, indicating whether the process has been successful in resolving the matters raised in the grievance. The parties may also decide to disclose a copy of their agreement. A copy of this correspondence will be sent to the parties involved.
- 4.9** Any personal notes taken by the parties or the mediators during mediation are to be destroyed at the end of the process.
- 4.10** Where mediation has been unable to resolve the matter/s, the teacher may choose to proceed through the formal procedures.