

MEDIATION POLICY

Adopted (7th November 2019) – Personnel Sub Committee – Minute 468 Employee Handbook

1.0 Scope

This policy applies to Folkestone Town Council officers including those on temporary and fixed term contracts regardless of length of contract.

2.0 Purpose

To provide clarity for all on our approach to mediation.

3.0 Introduction

Mediation is a process that we can use to help resolve workplace issues. It's based upon the principle of collaborative problem-solving, with a focus on the future and rebuilding relationships, rather than apportioning blame.

In mediation a neutral person (the mediator) works with colleagues who have a disagreement to help them to find their own solution and reach an agreement. Mediation is voluntary, confidential and impartial and works towards an agreed solution which is "owned" by the parties to the disagreement. It's most effective at the early stages of conflict, where informal discussions have not provided an effective resolution and aims to maintain the employment relationship

We believe that mediation is an important tool which can help the informal resolution of any issues. Before invoking the formal stages of our Grievance Policy, colleagues will be encouraged to use mediation as a process for resolving disputes, where appropriate, and where informal approaches have failed to resolve issues to a satisfactory conclusion.

4.0 High Level Policy Statement

We all have a responsibility to embrace and support one another by challenging behaviours and attitudes which prevent us from feeling fairly treated in the course of our employment.

When Mediation may be used:

- Resolve conflict involving colleagues who are peers, or between a Line Manager and a team member, or other work relationships.
- Rebuild relationships after a formal dispute has been resolved; and
- Address a range of issues, including relationship breakdown, personality clashes and communication problems.

When is mediation not suitable:

- When any party in the dispute refuses to engage with the mediation process.
- When used as a first resort, as colleagues should speak to each other and talk to their manager before seeking a solution through mediation.
- Where a decision about right or wrong is genuinely required to resolve a dispute.

- Where a colleague raising discrimination or harassment concerns requires the allegations to be investigated.

5.0 Roles And Responsibilities

The Town Clerk is responsible for promoting good working relationships and creating a work environment which enhances colleague performance and well-being. Where disputes occur between colleagues, the Town Clerk should liaise with the personnel sub-committee to discuss the situation and the process to be followed.

The Town Clerk is responsible for facilitating and overseeing the management of mediation processes to help establish good working relationships and to help resolve disputes.

6.0 Procedure

All officers should be aware of this policy. They should identify issues or behaviours that may cause colleagues to feel unfairly treated or aggrieved and work with Town Clerk to provide mediation where deemed appropriate.

If an officer feels disadvantaged or unfairly treated, then, in the first instance, they should discuss this with the Town Clerk, if this is appropriate. If it is helpful, a colleague may wish to involve a fellow colleague in these discussions. The Town Clerk will look into the complaint promptly but sensitively and agree a course of action that strives to resolve it in the most acceptable way. This will be done without invoking a formal procedure, but respecting colleagues' feelings and the need for confidentiality between the impacted colleagues.

Where an officer raises a matter with their Line Manager and the Manager feels that mediation would be a helpful intervention, they should discuss the matter with the impacted colleague/s and the Town Clerk to ascertain the willingness of all parties to participate in mediation.

Once mediation has been agreed as a suitable path for resolution the Town Clerk will work with colleagues to understand the scope of the issue; identify other impacted parties and communicate the affected parties accordingly.

The Town Clerk will make arrangements for the mediation process to take place, including appointing or acting as an appropriate mediator.

Action will be taken under the Council's Disciplinary Procedure against any colleagues found to have breached behavioural standards and expectations or committed an act of improper or unlawful discrimination, harassment, bullying.

Serious breaches of this policy will be treated as potential gross misconduct and could render an officer liable to summary dismissal.

All officers involved in mediation will be required to keep information about the mediation confidential and will not disclose it to any other party or third party, nor use it for any other purpose than the mediation. Failure to observe confidentiality may result in disciplinary procedures being instigated.

Mediation meetings will be facilitated by a mediator who will meet with the parties separately and together in joint meetings. During the joint meetings, the parties will share their views with each other and listen to the other party's perspective. The mediator will enable constructive communication between the parties and help identify the key issues to be addressed. The mediator will facilitate the parties to consider options to resolve the issues and find solutions that they are comfortable to agree to. Colleagues do not have the right to be accompanied in mediation meetings. However, in certain circumstances consideration may be given to colleagues attending in a supportive capacity rather than as a formal representative.

7.0 Related Documents

This policy should be read in conjunction with the following policies and documents:

- Equal Opportunities Policy
- Disciplinary Policy
- Grievance Policy

8.0 Review

This policy will be reviewed annually, or sooner where new developments in employment legislation or changes in the business necessitate such a review.