

What is mediation?

Mediation is where an impartial third party, the mediator, helps two or more people in dispute or conflict to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. It offers a safe and confidential space for parties to find their own answers and those participating in mediation do so as equal partners.

When is mediation useful?

Mediation can be used to address a range of issues including relationship breakdown, personality clashes and communication problems. It can be used at any stage in a conflict or dispute as long as formal procedures are not in progress. Mediation can be particularly helpful in bringing people together to talk and rebuild their relationship, and so avoiding the need for formal procedures.

When is mediation not appropriate?

There are situations where it may not be appropriate to use mediation, for example:

- if it is being used as a first resort – because people should be encouraged to speak to each other and talk before they seek a solution via mediation
- if one side is completely unwilling to consider the other parties perspective as this will raise unrealistic expectations of a positive outcome
- if either party feels that they do not have the power to settle the issue.

Who will be the mediator?

The University has trained a group of UWTSD and Student Union staff to act as internal mediators in addition to their day jobs. Usually you will be allocated an internal mediator and this will be someone who does not have a relationship with either party to ensure impartiality. Depending on the nature of the conflict or dispute, occasionally it may be appropriate to use an external mediator.

What to expect?

There are distinct phases in the mediation process:

- **Separate meeting** - the mediator will meet parties separately. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process.
- **Joint meeting** - the mediator generally brings the parties together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement.
- **Exploring the issues** – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions.



- **Reaching an agreement** – as the process develops, the mediator will encourage and support joint problem-solving by the parties, and will help to ensure the solution and agreements are workable.
- **Closing the mediation** – once an agreement has been reached, the mediator will bring the meeting to a close. In some cases no agreement is reached and other procedures may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings without agreement from both parties.

Confidentiality

Anything said during the mediation is confidential to the parties. They may choose to reveal some or all of what has occurred during the mediation to others, but only if all parties agree. Typically, this agreement to share would cover situations where others need to be involved as part of the agreement, for example if either party needs to agree training with a manager. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.

In summary, mediation is:

- flexible and informal
- voluntary
- morally binding but has no legal status
- confidential
- owned by the parties involved in the mediation and not the mediator.

If you have any questions or concerns about the mediation process, please do not hesitate to contact the Scheme Coordinator (Sara Mills) sara.mills@uwtsd.ac.uk.