

What is Mediation at the University of York?

Mediation is a process by which a trained mediator helps people in dispute work out an agreement. It is the parties involved in the mediation, not the mediator, who decide on the terms of the agreement. The mediation is facilitated by two trained mediators. The process is voluntary and confidential throughout. The outcome of mediation is often an agreement which focuses on improving relationships and conflict resolution.

The York model has the following key characteristics:

- It is available to all staff.
- It can happen at any time and formal policy and process will be put on hold for the duration of the mediation.
- It is quick and can be organised as soon as reasonably possible, normally within 2 weeks of parties agreeing to mediation.
- It is mediated, wherever possible, by our qualified in-house mediators from across the University.
- It is informal, confidential and without prejudice.
- It includes a recognised independent co-ordinator role. This means that it is independent of normal lines of management and accountability.

What are the aims of mediation?

- To resolve disputes at an early stage and reach more satisfactory outcomes.
- To provide a genuine alternative to employees in dispute outside formal procedures, where the resolution is achieved quickly through a facilitated confidential conversation.
- To provide employees with a route of dealing with conflict at an early stage to avoid stress, absence and other issues whilst retaining valuable staff.

The Mediation Service

The mediation service, as far as possible, is provided by an in-house voluntary mediation team which has completed an accredited mediation programme. This team represents a wide range of department grades and experiences.

To access the mediation service interested parties can approach the co-ordinator role directly. Potential mediation cases can also come through Trade Union representatives, Equal Opportunities and other departments. The details are available on the web site. This service is independent of management accountability. The co-ordinator will give information on the process and reassurance about its confidentiality and voluntary nature.

Mediation can only be used where both parties in dispute agree to mediation and want the conversation to be and remain confidential.

The Mediation Process

Once the co-ordinator has spoken to both interested parties and mediation has been identified as suitable for the case, with each party agreeing to mediation, the case will be referred to the in-house team of mediators. The University offer a co-mediated model which involves two mediators mediating each case. Mediation will normally be arranged quickly and the actual mediation will be completed in one day. Individual parties will normally be met by the mediators in the morning to discuss their case. In the afternoon there is a joint party meeting which is a confidential and facilitated discussion aiming to move towards an agreement by the close of the day. The agreement would normally be a written agreement but only the mediators and the parties involved would see the agreement unless both parties agree to another option. Should the mediation require any further contact, this would be agreed during the joint meeting.

Illustrative examples of when mediation is most effective:

- The parties' know one another.
- Maintaining a working relationship with the other party is important.

- One party feels uncomfortable “confronting” the other side unless someone else is present.
- Tensions or emotions are impeding communication.
- The parties work together or for other reasons cannot avoid the conflict situation.
- When time is important.
- The parties doubt their own ability to work out the problem.
- The issues are complicated by an emotional element (e.g., anger, distress, anxiety).
- The parties’ actions involve others either directly or indirectly.
- One or both parties wish to avoid formal proceeding.

Illustrative examples of when mediation is not appropriate:

- Where there is criminal or illegal activity involved.
- The parties involved have no control over the issue in dispute.
- Parties are unwilling to participate.
- Where an external judgement or decision is required.
- Parties do not wish the process to remain confidential.

In the event that one or more of these situations become apparent during the mediation, the mediation process would no longer continue.

Monitoring and Evaluation

All parties involved in the mediation will be asked for feedback by the mediation co-ordinator a month after the mediation on the effectiveness of the service.

The number of mediation cases referred to mediation will be monitored. No other details will be monitored.