



## Mediation Policy and Procedure

### Introduction

West Oxfordshire District Council ('the Council') is committed to fostering a positive and respectful workplace culture where issues are resolved constructively and at the earliest opportunity. Mediation is a voluntary, confidential, and informal process that supports employees and managers in resolving conflict in a collaborative way.

The Mediation Policy and Procedure (the 'policy') outlines the Council's approach to mediation, responsibilities of employees and managers, and how mediation fits within broader workplace resolution strategies.

### Scope

This Policy applies to all employees of the Council, including permanent, temporary, part-time, full-time, and agency workers. It does not apply to contractors, consultants or any self-employed individuals working for the Council. It is intended to support the resolution of workplace conflicts such as:

- Interpersonal disagreements
- Communication breakdowns
- Team relationship issues
- Perceptions of unfair treatment

Note: Mediation is not appropriate for cases involving serious misconduct, safeguarding concerns, or where legal or disciplinary processes are ongoing.

### Definition of Mediation

Mediation is:

- **Voluntary** – both parties must agree to take part.
- **Confidential** – what is said in mediation is not shared outside the process unless agreed by both parties.
- **Facilitated** – by a trained, impartial mediator who does not take sides or impose outcomes.
- **Solution-focused** – helping individuals to reach mutually acceptable agreements.

### Principles

- Early intervention is encouraged to prevent escalation.
- Mediation will not replace formal grievance or disciplinary processes but may be offered alongside or prior to them.
- All participants will be treated with respect and dignity throughout the process.
- Mediators will remain neutral and unbiased.
- Agreements reached in mediation will be informal unless both parties agree to formalise them.

## When to Use Mediation

Mediation is an informal option that is available in addition to the Council's formal grievance and disciplinary procedures.

If a grievance or disciplinary process has been initiated and the parties opt to try mediation, the Council may suspend the grievance or disciplinary process.

If mediation does not resolve the dispute, the grievance or disciplinary process will be reinstated.

### **Appropriate Circumstances**

- Personality clashes or misunderstandings
- Decline in team morale due to conflict
- Perceptions of unequal treatment (not involving legal discrimination)
- Breakdown in communication between colleagues or between a manager and employee

### **Inappropriate Circumstances**

- Allegations of bullying, harassment, or discrimination requiring formal investigation
- Ongoing formal HR processes (e.g. grievances or disciplinaries)
- When one or both parties are unwilling to participate in good faith
- If a manager is using mediation to avoid taking responsibility to address the issues

## Roles and Responsibilities

### **Employees**

- Engage openly and respectfully in mediation if offered
- Commit to finding a resolution and working towards improved relationships
- Maintain confidentiality throughout and after the process

### **Managers**

- Identify early signs of conflict and consider mediation before resorting to formal processes
- Encourage and support employees to engage with mediation
- Avoid assigning blame or taking sides
- Liaise with HR to arrange mediation when appropriate

### **Human Resources**

- Provide guidance and support on the use of mediation
- Maintain a pool of trained internal mediators or liaise with external providers
- Maintain records of mediation offers (not content of discussions)
- Monitor and review mediation usage and effectiveness

## Appointing a mediator

Once the parties in dispute have agreed to mediation, the Council will appoint a mediator.

The Council will consider the circumstances and complexity of each case and will appoint an appropriate qualified mediator within the Council who is sufficiently independent of the parties, has not previously been involved in the dispute and is available. If no internal mediator is available, or if the Council consider it necessary, the Council will appoint an external qualified mediator.

The Council will pay the external mediators fees, if the case has complexities and an internal mediator is not deemed suitable.

On appointment, the mediator will make contact with the relevant parties, agree with them the dates and locations of the mediation meetings and arrange all other matters in relation to the mediation process.

## The Mediation Process

### 1. Referral

Either party, a manager, or HR may suggest mediation. If agreed, a referral is made to HR.

### 2. Assessment

HR or a mediation coordinator will assess whether the situation is suitable for mediation.

### 3. Mediator Assignment

A trained internal or external mediator is appointed. Where possible, mediators will not be from the same team or service area.

A mediation agreement must be signed by all parties. This agreement sets out the parties' acceptance of the mediation process and confirms the confidential and voluntary nature of the mediation.

### 4. Pre-Mediation Meetings

The mediator meets each party separately to understand the issues and explain the process.

### 5. Joint Mediation Session

The parties come together in a safe, neutral setting with the mediator to explore the conflict and work towards agreement.

### 6. Agreement

If resolution is reached, the mediator may help draft a written agreement. This can be informal or formal, depending on the parties' wishes. The parties may agree that a copy of the mediation settlement agreement is sent to certain individuals, such as the relevant line manager, HR and trade union representative.

### 7. Follow-Up (Optional)

The mediator may schedule a follow-up session to review progress if decided it is necessary and agreed by both the parties.

## Right to be accompanied

Parties are not normally accompanied in mediation meetings. In exceptional circumstances (for example, where emotional support is required), a colleague may accompany a party, provided that:

- all parties agree;
- the companion does not participate in the discussions; and
- the companion signs the agreement to mediate, thereby committing to keep confidential all information relating to the mediation.

## Confidentiality and Record Keeping

Mediation discussions are confidential and no notes or records are kept on employee personnel files. HR will keep a high-level log of mediation usage (date, department, outcome) for monitoring and evaluation only.

If you are involved in mediation, you should keep information about the mediation confidential and not disclose it to any other party or third party, nor use it for any other purpose other than the mediation.

## Mediation and Formal Procedures

Engaging in mediation does not affect an employee's right to pursue formal grievance procedures. However, where mediation is successful, the need for further formal action may be reduced or eliminated.

Mediation must not be used to suppress or redirect whistleblower disclosures. Any concerns raised during mediation that fall under whistleblowing protections will be referred to appropriate formal channels.

## When Mediation Does Not Work

While mediation is often effective, it is a voluntary and informal process and may not always lead to a resolution. The following steps outline what will happen if mediation does not result in an agreement or if either party chooses to withdraw.

If mediation does not result in a resolution, this will not be considered a failure or held against any participant. Mediation discussions are confidential and cannot be used as evidence in any subsequent decision-making process.

## Return to Formal Procedures

Where issues remain unresolved, the matter may need to progress through the Council's formal procedures, including:

- Grievance Policy and Procedure
- Dignity at Work / Bullying and Harassment Policy and Procedure
- Capability or Conduct (depending on the nature of the dispute)

Managers will advise employees on the appropriate next steps.

## Review of Workplace Arrangements

If appropriate, the manager may:

- Review team dynamics or workload issues
- Adjust working arrangements
- Put in place temporary or permanent management interventions

These actions will not breach the confidentiality of the mediation.

## Training and Awareness

The Council will:

- Provide awareness training for managers and employees on the benefits of mediation
- Offer training for internal mediators, where appropriate
- Promote mediation as part of a positive employee relations strategy

## Option for Further Support

Employees may be offered additional support, such as:

- HR guidance
- Occupational Health referral

- Coaching or facilitated discussions (not mediation)
- Employee Assistance Programme (EAP) support

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