

REPORT TITLE: RESOLVING WORKPLACE ISSUES POLICY

PERSONNEL COMMITTEE

16 JANUARY 2017

PORTFOLIO HOLDER: Cllr James Byrnes, Transport & Professional Services

REPORT OF ASSISTANT DIRECTOR (ORGANISATIONAL & SERVICE DEVELOPMENT)

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WARD(S): ALL - GENERAL

PURPOSE

The Council's Resolving Workplace Issues Policy, which was approved by Personnel Committee on 10 March 2014, states that the policy will be reviewed following changes to legislation or after two years, whichever is sooner.

The Policy has been reviewed two years after the initial implementation and has been refreshed taking into account comments from Officers and Unison Representatives.

The purpose of this report is to inform Members of proposed changes to the Policy.

RECOMMENDATIONS:

That the Resolving Workplace Issues Policy as set out at Appendix 1 be agreed and implemented.

IMPLICATIONS:

1 COUNCIL STRATEGY OUTCOME

Effective grievance resolution is a priority for all organisations; the Council aims to maximise productivity and the use of resources available to promote effective working relationships.

The consistent application of HR policies has a positive impact on employee engagement and therefore enables the Council to deliver all aspects of the Council's Strategy.

2 FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

3 LEGAL AND PROCUREMENT

There are no legal or procurement implications associated with this report.

4 WORKFORCE IMPLICATIONS

The Resolving Workplace Issues Policy meets the statutory requirement for an employer to have grievance procedure; the policy reflects ACAS guidance to provide a fair and transparent process for individuals to raise concerns relating to their employment at the earliest opportunity.

5 PROPERTY AND ASSET IMPLICATIONS

None

6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

Following review of the existing policy, Unison has been consulted on the proposed amendments set out in this paper.

There are no equality related issues associated with this report; the Assistant Director (Organisational & Service Development) continues to monitor the impact of the policy.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
There is an increased risk of Employment Tribunal if conflict is left unresolved.	The policy reflects the statutory requirements for a clear process to allow employees to resolve workplace conflict at the earliest opportunity.	Unresolved conflict within the workplace can result in increased absence and turnover which have a negative impact on productivity. The policy provides a mechanism to resolve conflict, reducing the risk of increased absence, turnover or an Employment Tribunal.

8 SUPPORTING INFORMATION:

- 8.1 The HR Manager reviews policies on a regular basis to ensure that the Council's approach reflects changes to legislation, ACAS Guidance and comments from Officers.
- 8.2 The current Resolving Workplace Issues Policy was approved in March 2014 and is based on principles of early resolution, encouraging employees to raise issues informally with the person most likely to be able to resolve the conflict.
- 8.3 The policy has been refreshed, taking into account changes to ACAS Guidance, alongside comments from officers and their representatives.
- 8.4 The proposed (refreshed) policy is attached as **Appendix 1** of this report for ease of reference.
- 8.5 The following minor amendments have been made to the policy:
 - Clarifying the scope of the policy to reflect the wording of the Capability and Disciplinary procedures (which were revised after the original Resolving Workplace Issues Policy was approved by Committee) for consistency across all HR Policies (page 3).
 - Inserting appropriate headings to clarify the “informal” and “formal” stages of the policy to demonstrate compliance with the ACAS Guidance. (page 7)
 - Revising the policy statement on the right to be accompanied at meetings to reflect the wording of the Capability and Disciplinary procedures; the proposed amendments reflect current employment law and ACAS guidance (page 17).
 - Removing obsolete hyperlinks as they were links to content on the old intranet.
 - Introducing guidance on the mediation process to reflect “frequently asked questions” which have been asked by Officers or their representatives during

the two years in which the policy has been in place. The wording used in the proposed amendments reflects the ACAS guidance. (page 19-21)

- Updating the table of contents to reflect changes to the policy.
- 8.6 The revised policy proposes a variation to the existing appeal mechanisms to maintain consistency with the Council's Capability and Disciplinary Policies.
- 8.7 It is proposed that appeals against the outcome of a Formal Resolution Meeting will be heard by the Chief Executive (who may nominate a senior manager with no prior involvement) unless there is a statutory reason, or similar regulation within the Council's Constitution, which requires appeal to Members (e.g. for Statutory Officers).
- 8.8 In cases where the Chief Executive is the determining officer at the Formal Resolution Meeting any appeal under this policy, will be to a panel of Members.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

[PER246](#) – Resolving Workplace Issues Policy (10 March 2014)

Other Background Documents:-

None

APPENDIX:

Appendix 1: Resolving Workplace Issues Policy

Revised: December 2016

Resolving Workplace Issues



Winchester
City Council

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Version Control

Document Title		Resolving Workplace Issues Policy	
This Version		1.1	
Issue Date		08/12/2016	
Status:		Draft – Post Implementation Review	
Version	Issue date	Author	Comments
0.1	20/12/2013	LB	Initial Draft
0.2	13/01/2014	JC	Minor amendments
0.3	26/02/2014	JC	Revised following consultation
1.0	10/03/2014	JC	APPROVED by Personnel Committee
1.1	08/12/2016	JC	Minor revisions to reflect feedback from staff, 2 years after initial implementation

Scope

This policy applies to all employees of Winchester City Council; it sets out a fair and transparent process for individuals to raise concerns and to seek to resolve those issues at the earliest opportunity.

The resolution policy is aimed at securing constructive and lasting solutions to workplace disputes, conflicts and complaints. It replaces our grievance procedure.

It does not however apply to issues where separate rights of appeal are given under different procedures (for example but not exclusively issues relating to redundancy, disciplinary, capability, attendance management, job evaluation or whistle blowing etc) or where the matter is related to a collective agreement.

This is because the employee should use formal meetings which already exist under another procedure to offer any explanation or mitigation.

In exceptional circumstances, however, an employee may potentially be able to raise a workplace issue which relates to the way in which the one of the Council's Policies or Procedures has been applied. In the first instance, they should discuss the matter with their Trade Union Representative or a member of HR.

Where an employee raises a grievance during the disciplinary process, the disciplinary process may be temporarily suspended for no more than 8 weeks in order to resolve the grievance.

Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

In all cases, employees who wish to raise a workplace issue, should take action as soon as possible after the issue has occurred and preferably within 20 working days of the incident or last incident. An issue which occurred in the past and is not current will not normally be dealt with as the emphasis of this procedure is on reaching early resolution.

This procedure does not apply to those undertaking the statutory roles of Head of Paid Service, Section 151 Officer, Monitoring Officer or to any other Chief Officer who is part of the Corporate Management Team. There are separate procedures for these officers set out in the Council's Constitution. In the case of the statutory officers the procedures in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (or any statutory re-enactment to substantially the same effect) will apply.

If you are not sure how about the best way to raise your concern, you should seek advice.

Summary

This document is intended for the benefit of employees of Winchester City Council who wish to seek a resolution to an issue arising from something within the Council's sphere of influence as their employer. It describes tools that are available for employees to use to help resolve issues. The roles of the various parties involved in seeking a resolution are described and the support available to employees who are using this procedure is outlined. All employees should read this document.

What is an issue?

Issues might arise from your relationship with another employee such as your manager or someone else in your team. They might arise as you deal with a third party through your work. Your issue might arise from decisions by senior members of staff, elected members or another team. It might relate to health and safety concerns, the environment in which you work, changes to job roles or working practises.

If you are not sure whether your issue can be addressed using this procedure, ask yourself, 'Is the issue related to my job?' and 'is it something that someone who works here can help resolve?' If the answer is yes to both of these questions then this procedure can help.

If in doubt seek advice from HR or your Trade Union Representative.

Links to other policies

Bullying & Harassment

If you feel like a victim because of an issue at work, it may be that the Bullying and Harassment Policy is more appropriate to help you resolve the issue you are facing. If you are still not sure, seek support and advice from HR, your line manager or one of the other support avenues set out below.

Whistleblowing

If the issue is less related to your job and relates to something happening in the wider organisation, you might want to refer to the Whistleblowing policy on our website.

Key Principles

Winchester City Council recognises that a positive working environment and good working relationships have a positive impact on employee well being and employee engagement. A positive working environment can also lead to better performance, improved retention and reduced sickness absence levels. Focussing on early resolution therefore benefits individuals, team, the City Council as a whole and ultimately the district we serve.

To achieve this, the resolving workplace issues process is based on the following key principles:

- 1) We respect each other.
- 2) We recognise our own responsibilities and the responsibilities of others.
- 3) Resolving issues as soon as possible is a good thing. It helps us find new and better ways of working.
- 4) We seek to resolve issues that affect us as quickly and as informally as possible.
- 5) As individual employees, we take responsibility for taking actions to resolve any workplace issues that affect us; open dialogue is often a useful way to do this.

Developing this Procedure

Winchester City Council's Resolving Workplace Issues Policy is based on *The TCM Model Resolution Policy* designed by The TCM Group.

It was developed through an employee focus group, to which a representative sample of employees from different teams were invited, reflecting the proportional balance of gender, age, managerial responsibility across the Council, a survey to senior managers, semi-structured interviews with members of the HR team and thorough research into best practise.

Unison has been consulted during this process.

This procedure will be reviewed initially six months after implementation and thereafter every 2 years and also updated in response to relevant changes in employment law, the ACAS code of practice or organisational context as appropriate.

Role of the Human Resources team

Members of the HR team are available to discuss any workplace issue you are seeking to resolve and they can help you make decisions, by exploring issues with you so that you are aware of the options available to you. They will encourage you to identify the most appropriate way forward.

They may support managers to carry out investigative work to establish evidence about the issue or in some circumstances, they may undertake the investigation. HR can also provide advice to ensure that reasonable adjustments are taken into account to enable you to participate fully in the resolving workplace issues process. You will need to let HR know what reasonable adjustments should be considered (e.g. special equipment or additional support) with sufficient notice for the arrangements to be made.

HR can be contacted by e-mail, telephone, post or by visiting the team on the 4th floor of the West Wing building.

Role of the Line Manager

Line managers help their employees resolve workplace issues. If you have an issue that needs resolving, they are often the best person to help you as part of their role is to speak to colleagues in the wider organisation on your behalf. They may carry out investigative work to explore the issues being raised.

Other support

Unison – Trade Union

One of the roles of a trade union is to help its members to resolve issues at work. To become a member, visit www.unison.org. You will need to pay a subscription fee. Several employees volunteer as Unison representatives and if you become a member, you will be contacted with a name of one of these volunteers who you can contact to seek help. (Please note that to receive their assistance you will need to be a member when the issue occurs.)

There are other trade unions available and you should speak to HR in the first instance if you would like contact details for another trade union.

Free Counselling Sessions

All employees of the Council can have free counselling sessions with a private company. To access this service, call CJT Associates on 07925299796 and say that you are an employee of Winchester City Council. If you access this service, no-one who works for the Council will be informed.

Mentor sessions & Action Learning Set meetings

Some employees have a work place mentor or are part of an Action Learning Set. Remember that Mentor sessions and Action Learning Set meetings are ideal opportunities to discuss workplace issues and receive support in seeking resolutions. You will want to ensure that there are appropriate ground rules in place about confidentiality before you discuss a work place issue with others.

ACAS

ACAS exists to improve working life through better employment relations and they provide a helpline, which anyone can use to seek advice on resolving workplace issues - 08457 47 47 47

The Resolution Toolkit

What is the Resolution Toolkit?

The resolution toolkit sets out the various approaches we can use to seek to resolve workplace issues. Generally speaking, the tools should not be seen as a linear approach but rather various options which can help reach resolution. This encourages a flexible approach which can be adjusted to suit the situation.

The tools available to you are:

Informal resolution

- Tool #1 – Talk to each other
- Tool #2 – Informal Resolution Meeting
- Tool #3 – External Mediation

Formal resolution

- Tool #4 – Formal Resolution Meeting
- Tool #5 – Resolution Appeal Meeting

There is a flowchart on **Page 14** of this document which explains how the process fits together.

In some circumstances, it may be appropriate to miss some of the tools out or to revisit tools at a later stage. For example, an issue might be so serious that it is appropriate to start at Tool #4 (the formal resolution meeting) or, alternatively Tool #3 (Mediation) could be a recommended outcome from a formal resolution meeting.

Where do I start?

There are many ways to start trying to resolve an issue and the best way will depend on what the issue is, who is involved and what you feel happy with.

Sometimes, we can resolve issues by simply changing small things ourselves. For example, a person who is regularly distracted by other employees' conversations might chose to sit somewhere quieter for a short period of time to allow them to focus.

Sometimes we need (or prefer) the help of others to resolve issues. This resolution toolkit is designed to help you chose how to involve other people at work in resolving workplace issues.

How do I use the toolkit?

To use the toolkit read about the different tools and then chose what to do about your issue. Focus on Tools 1, 2 and 3 to reach resolution informally where possible. You might want to seek advice about this from your Trade Union representative (if you are a member) or from HR. If your first tool doesn't work, try another one and if that doesn't work, try to think of another way to achieve a resolution.

Keep focused on what it is you are trying to achieve and try not to 'muddy the issue' with lesser concerns unless you know you want to act on these also.

When you have secured a resolution, put aside any ups and downs that you have experienced while seeking a resolution and focus on going forward.

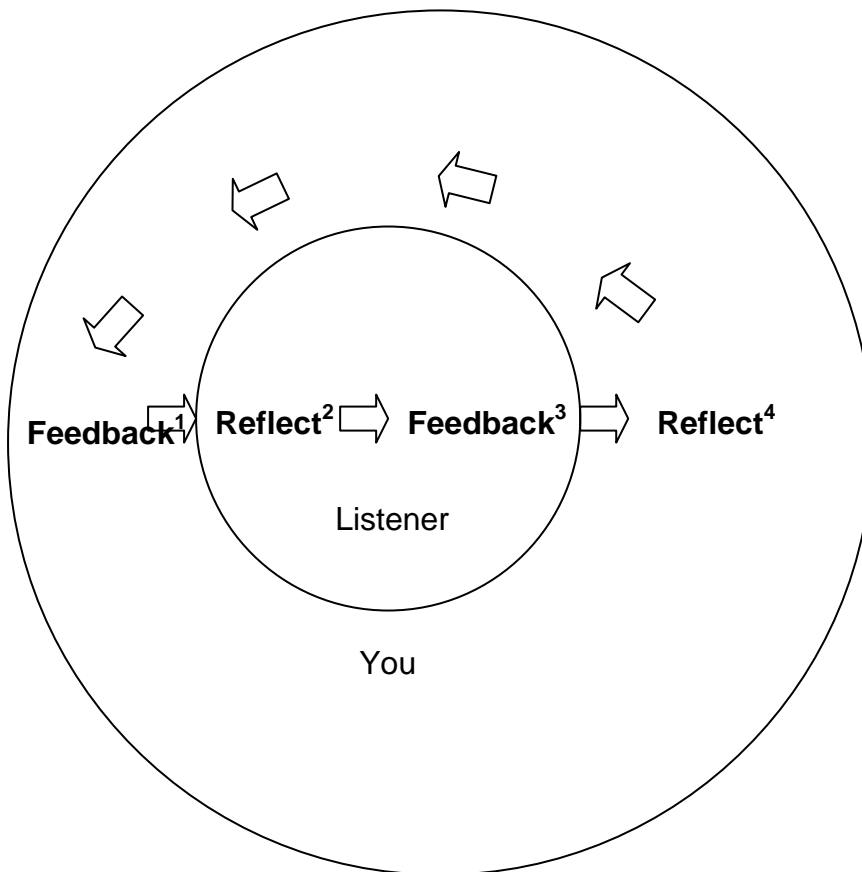
Tool # 1 – Talk to each other

In a nutshell: Talking it out on a one-to-one basis with the people involved.

It is important because: This is an early attempt to identify and resolve a disagreement, conflict or dispute.

Suitable if: You want to make a request of someone to resolve your situation, you want someone to understand how you feel, you would like your manager to make a request on your behalf.

Features:



¹ You offer feedback to someone about your issue. You suggest a way to resolve it.

² The Listener reflects on what you have said and your suggestion.

³ The Listener offers you feedback on your suggestion. They might wish to action your suggestion or they might make a new suggestion.

⁴ You reflect on whether their feedback means your issue is resolved and tell them.

If your issue is not resolved by their response, you start the cycle again and feedback to the listener why this is not the case and suggest another way forward.

Tool # 1 – Talk to each other (continued)

Notes:

- Talk to the other people as soon as possible but try to get the right time and place to have a private conversation.
- You might want to summarise some of your feedback and reflections in an e-mail. You also might want to summarise your final resolution.
- It might be a good idea to invite someone else, on a confidential basis, to read your e-mails before you send them to check that your communication is clear.
- You may want to agree a resolution for a trial period and agree to meet again to discuss the suitability of the resolution.
- If you have asked your manager to investigate a possibility for you, agree a timescale for them to investigate your idea.

Tool # 2 - Informal Resolution Meeting

In a nutshell: The second opinion

It is important because: It provides an opportunity to discuss situations in a supportive, constructive and empathetic setting.

Suitable if: Either you (or the other person) would like the involvement of another person to help you find a resolution or a more senior manager to have a say in the approach to resolution and to be present during the meeting.

Features:

You invite the person you are working with to seek a resolution and your mutually chosen third party to attend a meeting. Before the meeting, agree with the person with whom you are seeking a resolution what it is you would like them to contribute and communicate this to them when you invite them to come.

Your third party might be a Head of Service, a manager, or a member of the Human Resources team.

You might want them to contribute one of the following:

- an opinion.
- a questioning approach to draw out more ideas for resolution.
- expert knowledge of the wider organisation and previous resolutions to similar situations.
- a decision – (only appropriate if the third party is a more senior manager than other parties in the meeting).

Notes:

- Agree with the person you wish to raise an issue with who else will be present at the meeting.
- You might want to set out an agenda, which also sets out the goal of the meeting.
- You may wish to leave the meeting to reflect on new information received from your third party and agree a resolution at a later point.
- You may wish to summarise the main points of the meeting in writing and agree that they are accurate with all who are present.
- Involvement is voluntary. Your chosen third party may chose not to be involved.

Tool # 3 – External Mediation

In a nutshell: Untangling the past, moving forward with the help of someone outside the issue.

It is important because: The mediator helps the two people to have an open and honest dialogue to identify a “win/win” outcome.

Suitable if: (a) there has been a substantial breakdown in communication and trust between two people (b), you want someone independent to help steer you to a resolution.

Features:

You (or the person you are seeking to find a resolution with) should contact HR and explain that you would like to use mediation to resolve an issue.

The mediator is impartial and may be either an employee of the City Council or someone from outside the organisation. They will have received training in helping resolve issues in this way. Mediation is about working together rather than blaming. The mediator is not there to judge or to tell those involved what they should do.

A mediator will contact you both and arrange to meet with you separately to understand each of your perspectives on the issues raised. After, they will meet with both of you together and steer a conversation between you where each of you can express important points and help you to find a resolution. A written resolution agreement is proposed by the mediator at the end and this will be shared with a member of the HR team. Everything else that happens is confidential. After the mediation the mediator or in some situations, a member of HR, will contact you both to find out how the resolution is working.

Notes:

- It is a voluntary process for both people involved.
- If you would like advice and support approaching another employee to suggest engaging in mediation together, contact a member of the HR team or your Unison representative.

Tool # 4 – Formal Resolution Meeting

In a nutshell: The formal “grievance meeting”.

It is important because: It is an opportunity to meet with a senior manager and HR to identify a suitable resolution.

Suitable if: All other tools of resolution have not helped to resolve the issue, you want someone else to decide what you should do.

Features:

Normally, you will have exhausted the first 3 tools in this process before you request a Formal Resolution Meeting, but this depends on the nature of the issues you are seeking to resolve. If in doubt, speak to a member of HR or your Unison Representative.

If it is not possible to resolve the issues informally you should raise the matter formally and without unreasonable delay by writing to your Head of Service setting out the nature of the issues you are seeking to resolve and what has already been attempted to resolve the issues.

If your issues relate to your Head of Service, you should raise the issues formally with their line manager.

Depending on the issues raised, it may be appropriate to undertake an investigation prior to the formal resolution meeting. This may be undertaken by a manager, HR or an external person.

The meeting will be chaired by a senior manager, nominated by the Chief Executive, who has not previously been involved in resolving your issue. The senior manager may be supported at the meeting by a member of HR. You may be supported by a colleague or your Unison representative.

During the meeting, the senior manager will listen to you explain your issue and your suggested resolution and they will invite any other relevant parties to give their views on how the issues should be resolved. They may ask you and the other parties questions and you may ask each other questions. Normally, your representative will be able to speak on your behalf but they will not normally be allowed to answer questions. After the meeting, the Chair will write to you (and if relevant, the other parties) within 5 working days to propose a resolution. You and any other relevant parties will then be expected to put their resolution into action.

Notes

- HR will supply a note taker to these meetings and you will get a copy of summary notes.
- HR will only arrange this meeting if they are satisfied that you have used all appropriate other tools of resolution first.
- As the meeting is about resolving your issue(s), you should make every reasonable effort to attend the meeting. If you are unable to attend the meeting, it will normally be rearranged once. If you choose not to attend the meeting, the Council reserves the right to assume that you have withdrawn your complaint and have accepted the outcome from previous stages.
- If the chair would like to carry out some investigation work before the meeting, or adjourns the meeting to carry out further investigatory work, you will be contacted with an estimate of when the investigation work will be complete and when the meeting is likely to be able to proceed.
- You will have 7 working days from the date of the letter containing the proposed resolution to submit a request for an appeal.

Tool # 5 – The Resolution Appeal Meeting

In a nutshell: An independent review.

It is important because: The meeting is your right to appeal the outcome of the Formal Resolution Meeting.

Suitable if: Having attended a Formal Resolution Meeting, you still feel that the issue has not been resolved.

If you are not happy with the outcome of the Formal Resolution Meeting, you can request an appeal by writing to the person who chaired the Formal Resolution Meeting. You should set out clearly what issues remain unresolved and the outcome you are seeking in terms of final resolution. You may be supported by a colleague or your Unison representative.

The Resolution Appeal Meeting will be chaired by the Chief Executive (who may nominate a senior manager with no significant prior involvement in the case) unless there is a statutory reason, or similar regulation within the Council's Constitution, which requires appeal to Members (e.g. for Statutory Officers). In cases where the Chief Executive is the determining officer at the Formal Resolution Meeting any appeal under this policy, will be to a panel of Members.

The senior manager will be supported by a representative of the HR Team.

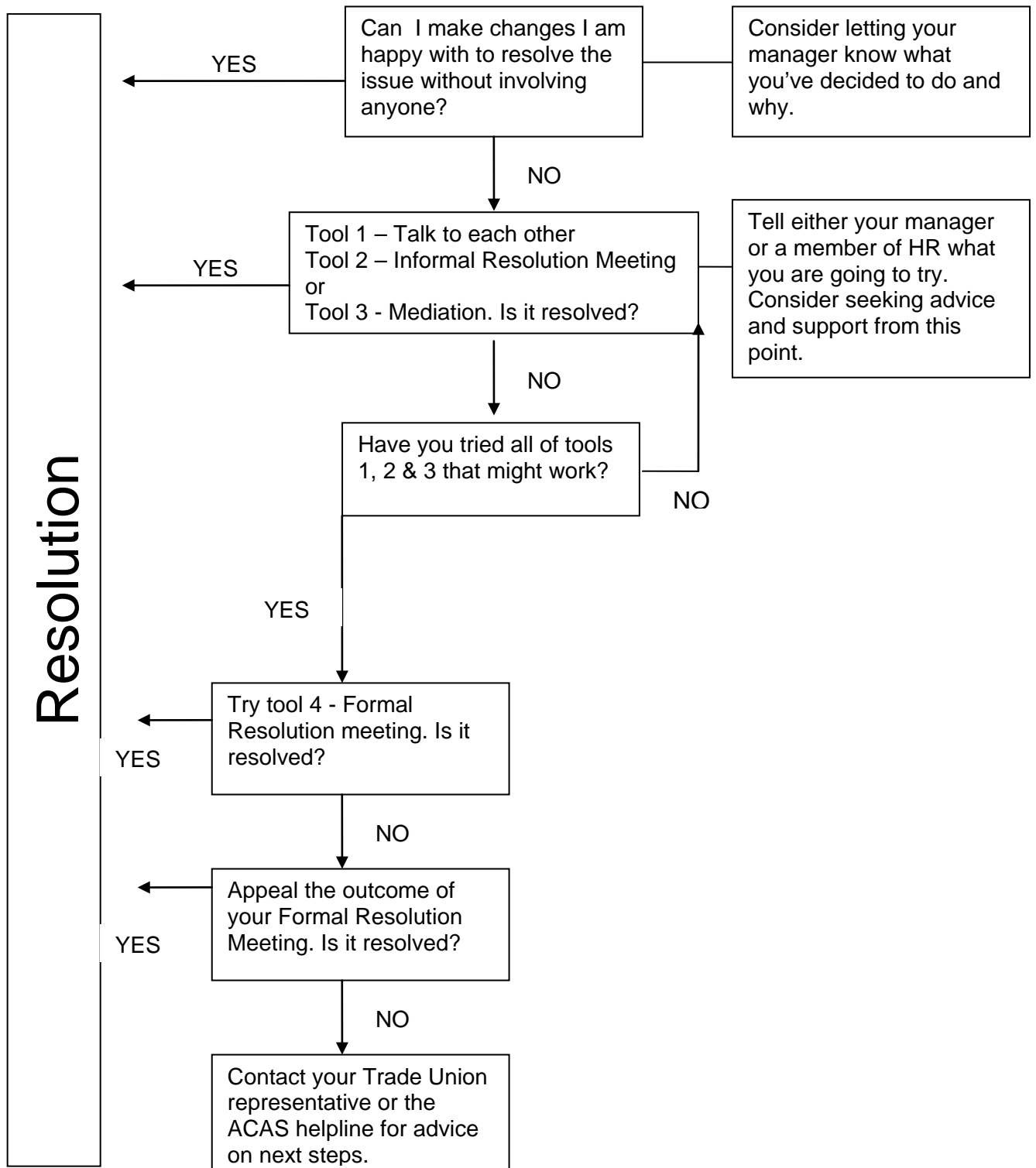
The senior manager will listen to you explain why the proposed resolution is not suitable and what you would like to happen instead. They will listen to the views of other parties at the meeting, including the manager who chaired the Formal Resolution Meeting.

They may ask you and the other parties questions and you may ask each other questions. After the meeting, the Chair will write to you (and if relevant, the other parties) to say whether or not they agree with the resolution that was originally proposed. If they do, you and any other relevant parties will then be expected to put their resolution into action. If they don't, they will make another suggestion and you and any other relevant parties will be expected to put this suggestion into action instead.

Notes

- HR will supply a note taker to these meetings and you will get a copy of summary notes.
- This is the last tool in the resolution toolkit and there is no further internal right to appeal.

Appendix 1: Flow Chart of Resolution Options



Appendix 2: Other things you need to know

Inviting someone to come with you

Employees are entitled to be accompanied at meetings and hearings held under the **formal stages** of this procedure, including Appeal Meetings, by a colleague or Trade Union Representative where they are a member of that Union. There is no right to legal representation at **any** meeting, including hearings, held under this procedure.

In exceptional circumstances, following consultation with a senior member of the HR Team, the employee may be accompanied by someone other than a colleague or Trade Union Representative, where this may be considered a reasonable adjustment.

Each request outside the normal parameters of a colleague or Union Representative will be reviewed on its individual merit, taking into account the full circumstances of the case. Examples of additional support at a meeting may include an advocate from Solent Mind, a Community Health Practitioner or similar specialist adviser.

The employee is responsible for contacting their chosen companion to ask them to attend meetings. The chosen companion does not have to agree to accompany the employee at meetings.

If the companion is a colleague rather than a Union Representative, the chosen companion should liaise with their line manager and HR to ensure that the meeting is held at a time which does not hinder the effective service delivery within their operational role.

The Council reserves the right to refuse to allow the employee to be accompanied by an individual whose presence at the meeting may prejudice the proceedings. The companion should be allowed to address the hearing to present and summarise the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing.

The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

Appendix 3: Guide to Workplace Mediation

Introduction

The Council's Resolving Workplace Issues policy places great emphasis on using mediation as a tool to resolve conflict between employees. Most kinds of dispute can be mediated if those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any stage but is often most effective if used early on. It may not be suitable if you want to enforce a legal right or to decide the 'rights and wrongs' of an issue. If issues cannot be resolved through mediation, it may be appropriate to explore the issues further through the Formal Resolution Meeting.

The Mediator

The mediator will decide the best way to carry out the mediation. They start by talking to those involved separately, to find out about the situation, how you feel about it and the effects it is having. Then they will help you start thinking about what you want, what the other person might want, and how things might be improved.

They guide you through the process to help you identify the real issues and come up with ideas to improve things. They do this mainly by asking questions but if you find it helpful they can use their experience to make suggestions. You will decide if you want to take up these ideas.

The mediator won't take sides or judge who is right or wrong. The aim is to repair working relationships so they will help you focus on the future, not the past. Both sides can talk to the mediator openly because they will not pass on anything you say without your agreement. No audio recording, transcript or similar record of the mediation will be made. Any notes taken by anyone involved in mediation act solely as a prompt for the discussion and will be destroyed at the end of the mediation process. The only record of the meeting will be the Mediation Agreement which will be produced at the end of the mediation process. All parties will be given a copy of the Mediation Agreement.

The mediator will not be able to give evidence at any proceedings relating to or arising from the mediation process. This includes any internal meetings, appeals, Employment Tribunals or Court action.

The Mediation Process

When the time is right the mediator will bring you together. You will have a chance to say exactly how you feel without being interrupted and to listen to the other person without interrupting. The mediator will ask questions, help you look at the situation realistically and come up with ways to improve things.

Those involved will be given a written copy of anything that is agreed.

Confidentiality

Confidentiality is central to the success of mediation. We therefore ask all participants (including the mediator) to sign a mediation agreement.

Any information produced during mediation, whether it is written or shared verbally, remains strictly confidential. It can only be used for the purposes of mediation and cannot be repeated or referred to in any other setting, including internal proceedings or at an Employment Tribunal.

Confidence will be maintained by all parties except in the following circumstances:

- Where the parties themselves give permission for the confidence to be broken and agree to what is disclosed to others.
- Where there is a legal reason for the disclosure.
- Where the information received is so serious that there is a significant risk to the safety of any person or in cases of illegal activity. If this is the case, the mediator will end the mediation process and seek advice from HR.

The Mediation Agreement

Any agreed outcomes or future actions from the mediation will be written down; you may be asked to sign the agreement as a record. A copy of the agreement will be shared with HR so that they can assist with the implementation of the agreed actions, if appropriate. A copy will be stored on your HR file should you need to refer to it in the future.

Ending the Mediation

Mediation is a voluntary process and anyone involved may stop the mediation process at any time. If the mediator intends to terminate the mediation process, they will discuss this with a senior member of the HR team before doing so. If one of the parties to mediation intend to terminate the mediation process, they will discuss this with the mediator before doing so.

Winchester City Council: Mediation Agreement

I voluntarily agree to engage in mediation, in a good faith attempt to resolve issues with the participants in this mediation. If issues are not resolved, I understand that I may raise the issue formally under the Council's Resolving Workplace Issues Policy.

I understand that:

- Mediation is a confidential process; anything said during mediation must remain confidential and cannot be disclosed as evidence at internal proceedings or at an Employment Tribunal.
- Any documents submitted to the mediator or things said during the mediation process are for the purposes of resolution only.
- The mediator is impartial; they will not testify on behalf of any of the parties to mediation or submit any form of report on the substance of the mediation.
- No admission of guilt or wrongdoing by any party is implied, and none should be inferred, by participating in this process.
- Mediation can be stopped at any time by anyone involved in the process; in the event that mediation ends, everyone remains bound by the confidentiality provisions of this agreement.
- Any agreed outcomes or future actions from the mediation will be written down and, depending on what is acceptable to those involved, I may be asked to sign the agreement as a record.
- A copy of the agreement will be shared with HR so that they can assist with the implementation of the agreed actions. A copy will be stored on my HR file should I need to refer to it in the future.

We will consult with you and seek to obtain your consent prior to the disclosure of any personal information if this is deemed necessary.

Confidence will be maintained throughout the mediation process except in the following circumstances:

- Where the parties themselves give permission for the confidence to be broken and agree to what is disclosed to others.
- Where there is a legal reason for the disclosure.
- Where the information received is so serious that there is a significant risk to the safety of any person or in cases of illegal activity. If this is the case, the mediator will end the mediation process and seek the appropriate advice from HR.

I acknowledge that I have read the Guidance to Mediation and agree to the terms set out above.

Name:Date: