

NORTH WALES SCHOOLS MODEL POLICIES

# Grievance Policy



## Document Control

### Overview

|                            |  |
|----------------------------|--|
| <b>POLICY</b>              | Grievance Policy   |
| <b>OWNER</b>               | North Wales Regional HR Group (Schools)  |
| <b>NOMINATED CONTACT</b>   |  |
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| <b>RELATED DOCUMENTS</b>   | School's Disciplinary Policy<br>Dignity at Work Policy<br>Schools Complaints Procedure |

### Consultation

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## 1.0 Grievance Policy and Procedure

### 1.1 Purpose

Grievances are concerns, problems or complaints that employees can raise with their employers. Anybody working in an organisation, at some time, may have problems or concerns about their work, working conditions or relationships with colleagues that they may wish to talk about with management.

The purpose of this procedure is to enable a grievance to be resolved fairly, consistently, quickly and as near to its point of origin as possible.

This policy sets out:

- Lawful, non-discriminatory, fair and effective arrangements for dealing with employee concerns and grievances.
- Employee responsibilities when raising problems and concerns.
- Headteacher responsibilities for the resolution of issues quickly and consistently in order to maintain good working relationships.

### 1.2 Scope

This procedure is appropriate for all staff employed by governing bodies, or their employment is regulated by them, including the Headteacher, permanent, temporary, full and part time employees. This procedure is not applicable for those who are employed directly by the Local Authority, agency staff or those who are self-employed.

Complaints made by a member of the public about an employee or governor should be dealt with under the schools complaints policy in the first instance, however the complaint may then result in further action being taken under the relevant school policy.

## 2.0 Policy Principles

- 2.1 Any employee may raise a grievance under this procedure and all employees will be treated respectfully, fairly and consistently. The school will take seriously any reported grievance and employees who have genuine grievances are encouraged to raise them without fear of recrimination.
- 2.2 Where appropriate, every effort will be made to address concerns without recourse to formal procedures.

- 2.3 All grievance matters and investigations will be treated in confidence by all parties involved through every step of the process.
- 2.4 Where necessary, the grievance will be investigated by an impartial and independent person who has no connection to the complaint.
- 2.5 All meetings at every stage of the procedure should be arranged as soon as possible and within the timescales noted within the policy.
- 2.6 All employees have the right to be accompanied by a work based colleague or Trade Union representative during formal meetings as part of this procedure. Consideration will be given to allowing representation, by agreement of all parties, by Trade Union Representatives at the informal stages of the procedure.
- 2.7 The complainant has the right to appeal if they remain unsatisfied at stage one.
- 2.8 Reasonable adjustments will be made to the procedure if the employee has a protected characteristic as defined under the Equality Act 2010.
- 2.9 There may be occasions where it is not immediately apparent that issues raised under the Grievance Policy, should be addressed under this procedure. In some circumstances it may be appropriate to refer and investigate the issues under a different policy, for example:

- Dignity at Work Policy
- Capability Policy
- Attendance Management Policy
- Disciplinary Policy

Should the Headteacher/Chair of Governors determine that the issues raised do not fall within the remit of the grievance procedure, the matter will be discussed with the individual submitting a grievance.

- 2.10 The Headteacher will consider all grievances raised by employees, except those grievances that the Headteacher has had some prior involvement in or that relate to the Headteacher, which will need to be considered by the Chair of the Governing Body.
- 2.11 A grievance should normally be raised within 3 months of:
- The occurrence of the incident about which the employee is aggrieved.
  - The date the employee first raised it informally with no satisfactory resolution. This is presuming that the employee initially raised the issue within 3 months of the incident occurring.

Historical grievances will be considered if they are related to a current grievance that is being dealt with and meet the criteria above.

- 2.12 If an employee is unable attend the grievance meeting, consideration should be given to rearranging and providing support to help the employee to attend. If the employee is too sick (even with reasonable adjustments in place) or keeps refusing to attend, the school may decide they need to carry on with the process without the employee's input, in as full and a fair way as possible.

## 3.0 Roles and Responsibilities

### 3.1 The Chair of Governors is responsible for:

- Ensuring all grievances are taken seriously and dealt with fairly, consistently and sensitively.
- Owning the grievance procedure (if a grievance is raised in connection to the Headteacher), ensuring that it proceeds within the timescales laid out in this policy.
- Notifying the Headteacher, when an informal or formal grievance has been raised in connection to them or a decision they have made.
- Ensuring that the grievance procedure is followed correctly, seeking advice, when required from the School's Local Authority HR representative and ensuring relevant parties to the grievance have access to relevant information regarding the grievance in order to respond.
- Ensuring all records of investigations are sent to the Local Authority HR department to be placed on the appropriate files in line with Data Protection legislation.

### 3.2 The Headteacher/Designated Manager is responsible for:

- Ensuring a working environment where all employees are aware of the grievance procedures.
- Ensuring that all employees within the schools are supported and assisted in resolving issues they have in terms of their employment.
- Attempting to resolve all issues informally before they become formal grievances.
- Treating all grievances seriously, dealing with each one fairly, consistently and sensitively.
- Owning and taking responsibility for the grievance process for all employees and ensure that it proceeds within the timescales detailed in this procedure.
- Notifying the relevant employees, when an informal or formal grievance has been raised in connection to them or a decision they have made.
- Appointing a suitably trained/experienced investigating officer.

### 3.3 The Governing Body is responsible for

- Adoption of the Policy and Procedure.
- Any arrangements associated with the coordination and governance of Governor Committees taking decisions in relation to this policy and procedure.
- Hearing Appeals against grievance outcomes.

### 3.4 Employees are responsible for:

- Seeking to resolve issues informally before raising a formal grievance.

- Engaging with the Headteacher/designated manager to genuinely seek a resolution to a grievance.
- Cooperating in any investigation that is carried out.
- Attending all grievance meetings.
- Maintaining confidentiality.

## 4.0 Informal Procedure

If a grievance involves another employee, the school encourages employees to seek personal resolution by making a direct approach to the employee concerned. If this is not possible, or the grievance does not involve another employee, they may discuss the issue with the Headteacher/line manager to see if the matter can be resolved informally without invoking the formal procedure. The Headteacher/Line Manager may keep a record of the discussion/agreed actions and a copy will be given to the employee

The Headteacher/Line Manager should ask the employee how they think the matter could be resolved i.e. the outcome they are seeking and how this might be achieved.

Where a grievance is brought against another employee, it may be appropriate for the Headteacher to discuss their actions/inactions with them as part of their normal supervisory arrangements and without recourse to the formal procedures. Where the concerns are accepted, this may take the form of advice, counselling, training, instruction, coaching or other managerial strategies as appropriate. Such activity may also be delegated to a member of the leadership team. In respect of the Headteacher, this will be carried out by the Chair of Governors with support and advice from their HR representative.

The main purpose of this way of working is to resolve the grievance as soon as possible and as close as possible to the situation that has caused concern.

Headteachers/managers, Governors and employees should always seek to resolve grievance issues in the workplace, however where this is not possible they should consider using an independent third party to help resolve the problem. Mediation/conciliation can therefore be considered to try and resolve the situation informally. If this is the case, the school should contact their Local Authority HR representative for advice.

Mediation is a voluntary process where the mediator helps two or more people in dispute 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 who is right or wrong or to tell those involved what they should do. The mediator is in charge of the process of seeking to resolve the problem.

See section 12 and Appendix 4 for information on Mediation.

Where concerns are disputed or can't be resolved it may be necessary to conduct a formal investigation.

## 5.0 Formal Procedure

### 5.1 Step 1 – Raising a Formal Grievance

When grievances are not resolved to an employee's satisfaction at the informal stage or if the complaint is considered sufficiently serious, the employee can raise a formal grievance.

To raise a formal grievance, employees must complete a 'Notice of Grievance' form (appendix 1) and submit the form and any relevant evidence/documentation to the Headteacher (or directly to the Chair of Governors where the Headteacher is connected to the grievance or is the complainant).

The formal grievance should include the following:

- The nature of the grievance – what is alleged to have occurred.
- Actions taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate).
- The outcome the employee is seeking and how this might be achieved.
- Any witnesses to the matters complained about.

The Headteacher/Chair of Governors should acknowledge receipt of the grievance in writing.

### 5.2 Step 2 – Investigating a Grievance

If the Headteacher/Chair of Governors is of the opinion that the concern falls within the remit of the grievance procedure they should consider whether an investigation is appropriate or depending on the nature of the grievance whether the matter may be dealt with by holding a meeting with the employee to discuss concerns.

If an investigation is appropriate, then an investigation should be undertaken as soon as possible by the headteacher or allocated suitably trained/experienced investigator (e.g. a member of the management team/headteacher/governor). If the size of the school or the number of employees makes this impractical, advice should be sought from the Local Authority HR representative. There may be occasions when it is applicable to appoint an external independent investigator, for example in a particularly complex case.

The Investigating Officer will be responsible for investigating the grievance, including the events surrounding or leading up to the submission of the grievance. This will require the Investigating Officer meeting with all relevant employees, including any that may have witnessed or have key information about the issue.

Any employee who is the subject of a grievance must be given details of the complaint at least 5 school days before the investigation meeting to be able to properly respond.

A record of each meeting conducted by the Investigating Officer will be taken and sent to the individual for them to sign as an accurate account of the meeting.

The Investigating Officer should prepare a report detailing the results of their investigation. The investigation report will be used by the Headteacher/Chair of Governors/Governor committee to determine the full facts and will facilitate a decision on the grievance outcome.

### 5.3 Step 3 – Formal Grievance Meeting – Stage 1

A meeting should take place before the Headteacher (or Chair of Governors in the case of the Headteacher) within 15 school days following receipt of the grievance form. If the matter requires investigation, then the meeting should take place within 25 school days.

All employees involved in the process should attend the meeting and are entitled to be accompanied by a work based colleague or Trade Union representative. The meeting may be with both parties in attendance or separate meetings whichever may be most appropriate to the case. The investigator can also be asked to attend this meeting to present the report (where appropriate).

During the grievance meeting, the Headteacher/chair of governors will consider all the evidence, the investigation outcome/report and any relevant advice. Depending on the circumstances, this meeting may take the form of an outcome meeting only. The outcome will be one of the following conclusions:

- Grievance is upheld in whole or in part and recommend what steps should be taken to resolve it and what (if any) management recommendations should be made.
- Grievance is not upheld. There may be some lessons learnt and recommendations made as a result of the investigation.
- Grievance has been raised vexatiously, and therefore, the employee who has raised the grievance may be subject to disciplinary proceedings.

Where possible, a decision will be provided orally to the employee at the end of the grievance meeting, followed up in writing within 5 school days of the date of the meeting. The employee has the right to appeal against the outcome if they remain unsatisfied.

### 5.4 Step 4 – Formal Grievance Appeal – Stage 2

Where an employee feels that their grievance has not been satisfactorily resolved, they have the right to appeal to the Clerk of the governing body, within 10 school days of receipt of the grievance outcome letter.

The employee must ensure that the Grievance Appeal Form (Appendix 2) is completed in full and that it clearly demonstrates why they believe that the outcome of the grievance was not correct or that the recommended resolutions as a result of the outcome are not appropriate.

Normally within 5 school days, the Clerk receiving the completed grievance appeal form will write to the employee acknowledging receipt of the appeal and confirm that a formal grievance appeal meeting will be convened and advise the employee of their right to be accompanied by a Trade Union Representative or work based colleague.

On receipt of the written appeal against the decision, the Chair of Governors will arrange for the Grievance Appeal committee to meet within 15 school days to hear the grievance appeal and arrange for the employee to be notified in writing of the arrangements. The grievance appeal meeting will focus on issues set out in the appeal notification.

The Grievance Appeal committee will elect a Chairperson and be properly clerked. The names of the Governors on this committee should be provided in advance to the employee who is appealing the grievance outcome. Staff representatives on the Governing Body must not sit on this committee and governors should not have had any previous involvement in the case. The Headteacher or Chair who heard the grievance may be invited to present their case/answer any questions on their conclusions.

The Grievance Appeal committee may, after considering all the facts presented, including any new evidence, come to the conclusion to

- Uphold the original grievance decision of the Headteacher/Chair of Governors.
- Partially uphold the appeal
- Fully uphold the appeal

In these circumstances the panel would be required to reach a new grievance outcome/resolution in light of the new information/findings.

The Appeal Panel's decision will be final. The employee will be notified of the Grievance appeal outcome in writing within 5 school days of the date of the appeal meeting.

## 6.0 Headteacher Grievance

If a Headteacher raises a grievance, the Chair of Governors should seek to resolve the problem on an informal basis either personally or with agreement and in consultation with the Head of Education or their representative within the Local Authority. Where this fails to resolve the grievance, the matter should be referred to the Governor staffing committee. The matter can then be dealt with following the normal grievance procedure. The Headteacher will have the right to be accompanied by a work colleague or trade union representative.

If the Headteacher raises a grievance in connection to the Chair of Governors, the Governing Body should devolve the responsibility for organising an investigation to the Vice-chair under the Government of Maintained Schools (Wales) Regulations 2005. In such cases, the Vice-chair will take on the role undertaken by the Chair and follow the process as outlined above. If the Vice-chair is believed to be tainted due to prior involvement, the Governing Body will have to nominate another governor and the decision will be recorded.

## 7.0 Collective Grievance

A collective grievance is where a number of employees have the same concern or have been affected by the same issue within the same school. In these cases, every employee who is a signatory to the collective grievance is required to be named and have given their written consent for their representative to act and speak on their behalf. This information is required to be provided at the time

of submitting the collective grievance on the grievance form prior to any meetings being arranged. The grievance should also confirm the name of the nominated representative of the aggrieved group (and if appropriate a nominated member of the aggrieved group).

Collective grievances follow a similar procedure to that of individual grievances. This is:

Stage 1 – Informal resolution sought

Stage 2 – Formal grievance submitted, investigated and decided upon

Stage 3 – Appeal made, considered and a final decision made.

Formal collective grievances will be heard by the Chair of Governors of the aggrieved employees (unless the grievance involves the Chair).

Arrangements will be made with the nominated representative of the aggrieved group (and, if appropriate a member of the aggrieved group) in accordance with the process outlined in sections 4.0 and 5.0. The outcome of the process shall be notified to all aggrieved employees, in writing, without undue delay.

## 8.0 Employee complaint against the School's Governing Body

At times, individual employees or a group of employees may make a grievance/complaint against an individual governor or the Governing Body's committee. In such cases the grievance/complaint would be referred to the Governing Body's Complaints procedure.

## 9.0 Grievance from former employees of the school

There is no necessity for the school to investigate a grievance raised by a former employee if it is submitted after their last day of service.

If an individual leaves the employment of the school then decides they wish to make a formal grievance regarding their employment, this should be confirmed in writing to the Headteacher/Chair of Governors and considered via the schools complaints procedure.

## 10.0 Vexatious Grievance

A vexatious grievance is defined as follows:

- The investigation has shown the original grievance to be without foundation and that the grievance has been submitted vexatiously or as means of frustrating another process.
- The investigation can demonstrate that the complainant in making their grievance, knowingly lied to the investigating officer.

If the finding from the grievance investigation/appeal process is that the grievance is vexatious, it may result in the school's disciplinary procedure being instigated against the employee and/or a decision to no longer respond to repeated grievances raised by the employee that are viewed as vexatious.

The Headteacher/Chair of Governors should explain in writing why in their opinion the grievance is vexatious, referring to the evidence used to reach this decision, and confirm that the matter is to be referred back to the school to consider under the Disciplinary Policy and Procedure. Any disciplinary proceedings will be delayed until the grievance appeal procedure is exhausted. If the appeal is unsuccessful, no further grievance hearing will be undertaken in relation to the same complaint.

Information gathered as part of the grievance investigation may form part of the disciplinary investigation/procedure.

Making a false, vexatious or malicious grievance under this procedure can entail a serious disciplinary matter that may result in dismissal for gross misconduct.

## 11.0 Grievances and Other Procedures

If the grievance refers to a process or specific procedure, which has means for employee consultation and appeal, then it will not be addressed under the grievance procedure. Examples of this include:

11.1 Complaints about the use of the procedure or other processes, (e.g. discipline, capability, redundancy etc), whilst that procedure is underway. Complaints made by employees who are subject to disciplinary proceedings are usually most appropriately dealt with as part of the disciplinary hearing or appeal hearing.

Exceptions to this include where a disciplinary hearing could be deferred until a grievance has been investigated, for example in cases where the employee has reasonable doubts regarding the honesty and impartiality of the individual(s) that determine the disciplinary steps or if action was potentially discriminatory in regards to a protected characteristic as defined under the Equality Act.

11.2 Appeal against formal disciplinary sanctions as these are covered by the disciplinary policy and procedure.

11.3 Appeal against the termination of employment on the grounds of attendance, capability, disciplinary or redundancy.

11.4 Complaint about or appeal against any decision concerning payment or scale. A specific right of appeal within the relevant policies will be implemented under these circumstances.

11.5 Complaint about/or appeal against any decision concerning pension benefit. Separate procedure(s) exist in relation to pension issues.

11.6 Complaints about a matter where a relevant mechanism already exists for Union Representatives.

11.7 Complaints about matters concerning the statutory consultation process.

11.8 Complaints about matters that should be dealt with under the Public Interest Disclosure Act /School Whistle blowing Policy / Dignity at Work Policy and Procedure.

11.9 Complaints regarding issues that have been previously been dealt with, more or less, as a result of a previous grievance or procedure.

Where an employee has concerns regarding the behaviour of another employee, the School's Dignity at Work Policy and Procedure explains the behaviour expected of employees and identifies sources of support. A separate procedure supports the Dignity at Work Policy and as such complaints of this nature will be dealt with via this Policy and Procedure.

## 12. Mediation

Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.

Mediation can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action. Mediation may resolve the issue or help support the person accused as well as the complainant.

Mediation is most likely to be successful if both parties understand what mediation involves and enter into the process voluntarily with a mind set to seek to repair the working relationship.

The mediation process will give the complainant the chance to explain to the alleged harasser the effect their behaviour is having on them and the alleged harasser the opportunity to respond. From the complainant's point of view, this will involve an end to the behaviour that is causing them distress.

Both parties must agree to mediation. If any of the parties do not agree to mediation, it cannot be used to resolve the issues.

The process of mediation should be arranged by the Headteacher. In cases where the Headteacher is the subject of the complaint, the mediation should be arranged by the Chair of Governors and/or a HR representative.

Whichever approach is used, the employee should record the action taken and the outcome as evidence of the attempt to resolve the situation.

If the parties are unable to resolve the matter through mediation and the complainant remains unhappy, then the matter can be returned to the formal procedure. Further information on the mediation process can be obtained from the HR department. The HR representative will be able to offer advice and support on implementing the informal procedure.

Please see Appendix 4 for more information on mediation.

## 13.0 Records

Written records will be kept throughout both the informal and formal stages of the procedure in line with employment legislation and data protection legislation.

## 14.0 Monitoring and Review

This policy will be reviewed to ensure compliance with changes in employment legislation and recommended best practice.

## Appendix

- Appendix 1      Grievance Notification Form
- Appendix 2      Grievance Appel Notification Form
- Appendix 3      Grievance Procedure Flow Chart
- Appendix 4      Mediation

# Statement of Formal Grievance



## Statement of Formal Grievance

This form is intended for use by any employee of the school who would like to raise a formal grievance about their manager or a third party, the behaviour of a colleague or any other workplace issue.

Employees should bear in mind before using this form that it is only in very exceptional circumstances that formal grievances will be accepted without actions being taken to resolve the matter informally in the first instance.

Where the employee requests that the grievance be dealt with informally, the Headteacher will discuss the matter with the employee with a view to resolving the matter without recourse to the formal Grievance Policy.

Where the employee requests that the grievance be dealt with formally, this form should be completed and the Formal Grievance procedure will be invoked.

In all circumstances, this form should be completed and delivered to an appropriate member of staff (Headteacher/Designated Manager or Chair of Governors) in an envelope marked "Confidential" or sent as an email attachment with "Confidential" in the subject line.

|  |  |
|--|--|
| Employee's Name:                       |  |
| Employee's Job Title:                  |  |
| Employee's School:                     |  |
| Date                                   |  |
| What/Who does the Grievance Relate to? |  |

### Summary of Grievance:

Please set out the details of your grievance (providing as much detail as possible, particularly dates, times, locations and the identities of those involved). You may attach additional sheets if required.

## Statement of Formal Grievance

### Individuals Involved in the Alleged Incident/Grievance

Please provide the names and contact details of any people involved in your grievance, including witnesses.

### Informal Action Previously Taken

Please provide details of action taken to resolve the matter informally and the reason for dissatisfaction with the informal solution (if appropriate)

### Outcome Requested

Please set out what you are seeking as an outcome to your grievance and why and how you believe this will resolve the issue.

Declaration - I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue statements may be considered as gross misconduct by the school and where it is considered that a grievance may be malicious, the matter will be investigated under the Disciplinary Policy.

|                                 |  |
|---------------------------------|--|
| Form Completed By:              |  |
| Signature:                      |  |
| For Completion by the School    |  |
| Date Form Received              |  |
| Date Acknowledged               |  |
| Name of Recipient and Job Role: |  |
| Signature                       |  |

# Grievance Outcome Appeal Notification



# Grievance Outcome Appeal Notification

This form must be used by individual employees or groups of employees and / or their employee representatives to appeal against the decision made as a result of the outcome of a Grievance Meeting.

In all circumstances, this form should be completed and delivered to an appropriate member of staff (Headteacher/Designated Manager or Chair of Governors) in an envelope marked "Confidential" or sent as an email attachment with "Confidential" in the subject line.

Employee's Name:

Employee's Job Title:

Employee's School:

Date Appeal Submitted:

## Reasons for dissatisfaction with the grievance outcome:

Please state the reason(s) why you are dissatisfied with the outcome of the Grievance Meeting.

## Outcome Requested

Please set out what you are seeking as an outcome to your grievance appeal and why and how you believe this will resolve the issue.

Form Completed By:

Signature:

For Completion by the School

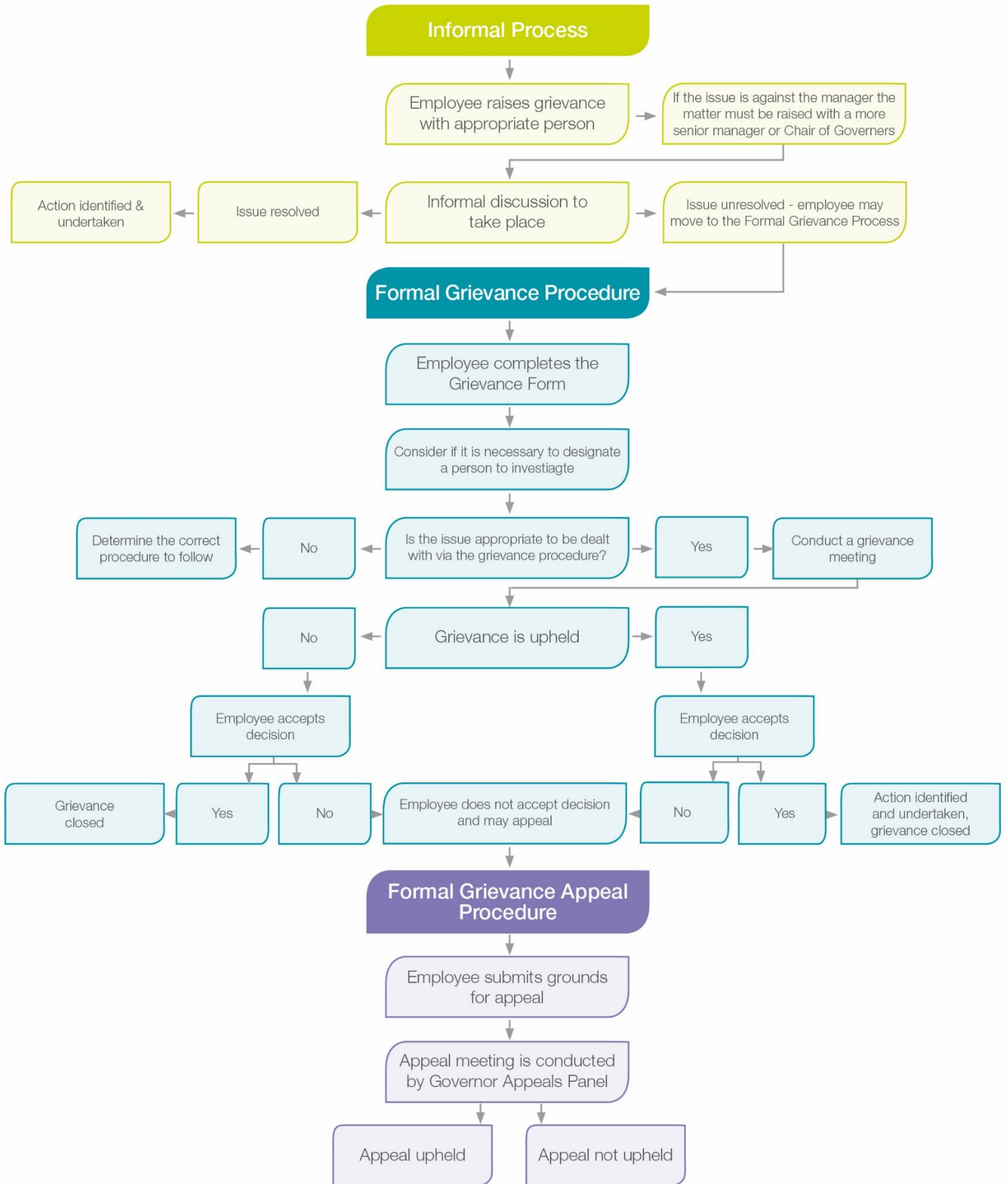
Date Form Received:

Date Acknowledged:

Name of Recipient and Job Role:

Signature:

# Grievance Procedure Flow Chart



## Appendix 4 – Mediation

The school is committed to encouraging harmonious working relationships between colleagues. Mediation is a versatile process which can be used not only as an alternative to the formal procedures, but also as a rapid first intervention to prevent escalation of the dispute or even to repair the working relationship after formal procedures have concluded.

### Aims of mediation

- To provide individuals with an objective and impartial framework for resolving conflicts at an early stage;
- To offer an alternative to formal procedures as a means of resolving conflict.
- Mediation can take place at any stage of the process.

### What is mediation?

Mediation is an informal process that complements the schools formal and informal procedures for dealing with workplace issues.

- It is used to help improve or restore working relationships between individuals.
- It is voluntary and completely confidential.
- A mediator (a neutral third person, who is appropriately trained and experienced), will work with the parties to help find their own solutions and reach an agreement designed to resolve disagreement or improve the situation. All mediators will be appropriately trained.
- It is based on the principles of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame.
- It gives the participants an opportunity to step back and look at how the situation can be put right, looking at their own actions as well as those of the other party.

Mediation is conducted on the basis that both parties want to achieve a mutually agreeable outcome and solution. A successful mediation should lead to both parties feeling that the outcome is fair, reasonable and appropriate under the circumstances.

The mediation procedure

|   |
|---|
| Stage 1 – First contact with the participants (individual meetings) |
| Stage 2 – Setting the scene (joint meeting)                         |
| Stage 3 – Exploring the issues                                      |
| Stage 4 – Building the agreement                                    |
| Stage 5 - Closure   |
| Post mediation - Evaluation   |

The mediation process is as follows.

## Stage 1 - First contact with participants (Individual meetings)

The mediator will meet both parties individually for the purpose of:

- Explaining the role of the mediator and the process of mediation, including confidentiality.
- Highlighting that confidentiality will only be breached if issues of a criminal nature surface, at which point
- the meeting will stop and HR will be informed. The appropriate authority e.g. the Police may need to intervene.
- Defining the core issues and identifying the ideal outcome expected by both parties. The mediator may need to meet either or both parties again to clarify any further issues arising from stage one.
- The mediator will outline the subsequent stages of the process, identifying an appropriate time and location for the joint meeting.

## Stage 2 - Joint meeting - Setting the scene

The mediator will:

- Agree the agenda
- Set the boundaries and ground rules in agreement with both parties
- Explain and agree the process
- Clarify and summarise the agreed areas of conflict

## Stage 3 - Exploring the issues

The mediator will:

- Explore the issues with the parties
- Encourage communication
- Manage any conflict during the early stages of the discussion
- Encourage a mutual understanding about the problem
- Check understanding and clarify assumptions
- Identify any concerns about the issues
- Encourage a change of focus from the past to the future
- Summarise areas of consensus and disagreement

## Stage 4 - Building the agreement

Mediation will work towards:

- Generating and evaluating options
- Encouraging problem solving
- An acceptance or acknowledgement of conciliatory gestures

- Encouraging both parties to move from a non-negotiable stance, focussing on future resolution rather than the past problem
- Constructing agreements and creating fall back arrangements
- Identifying the next steps if no agreement is reached

### Stage 5 – Closure

- The session will be concluded when the mediator decides it is appropriate or if either party wishes to withdraw.
- The mediator will agree an action plan with both parties.
- Close the session, reasserting the need for confidentiality.
- Arranging follow up (if necessary). Where some issues remain outstanding, the mediator may suggest a further session is arranged. The parties may also decide to hold follow-up meetings (even if full agreement has been reached), either with or without the mediator. At this stage, the meeting will be concluded by the mediator who will re-confirm the confidentiality of the process. If no agreement over the issues is reached, the mediator will attempt to gain agreement from the parties as to what the issues are and how they will proceed in the future.
- The mediator will provide the manager who requested the mediation, if appropriate, with a verbal overview along with a copy of the agreed action plan that may need to be monitored.
- Confidentiality will be respected.

### Post mediation – evaluation

- A return will be provided by mediators to the HR representative for monitoring and evaluation purposes. No personal information will be recorded as part of this process.
- There is no appeal process associated with mediation however participation in mediation does not exclude individuals from other courses of action. Individuals also have the option to register their concerns about the process, or a particular mediator with the HR representative.