



## Isle of Man Government Internal Mediation Service: Procedural Guidelines

### 1. Introduction

1.1 The Isle of Man Public Service seeks to provide a safe and harmonious working environment, which encourages good working relationships amongst all employees, leading to job satisfaction and efficiency in the services it provides.

1.2 The Service also seeks to achieve equality in service provision and to employ a workforce that reflects and values the diversity of the community we serve. It is therefore committed to preventing and eliminating unfair and discriminatory treatment in the workplace, including all forms of harassment and victimisation.

1.3 The Service aims to resolve any form of conflict in the workplace, wherever possible and in the first instance, by means of informal processes. It is part of the manager's role to try to foresee and to take any necessary action to avoid potential issues of conflict, and to aim to resolve any disputes as soon as they arise. This may be achieved through informal means such as supervision, advice/guidance, coaching, counselling, mentoring, etc.

1.4 There may be occasions where outcomes remain unsatisfactory to one or all parties and the only form of redress would usually be to pursue formal procedures; for example, following the process under the Fairness at Work, Handling Grievance or Disciplinary and Capability Policies. The Service has however, recognised the need for an alternative intermediary process and has therefore developed the internal mediation service to provide informal support to employees through mediation, where this is deemed to be appropriate.

### 2. What is mediation?

2.1 Mediation is a voluntary and confidential process whereby impartial trained mediators assist individuals who are in conflict. Mediation gives the individuals involved in the dispute the means to explore the underlying causes and encourages them to identify a mutually acceptable resolution for themselves. The mediator has no power to impose any resolutions on the parties and so any agreements made rests with the parties and not the mediators.

The mediation process is based on the principle of problem solving, with a strong emphasis on the future and building appropriate relationships.

2.2 Essential principles of mediation are:

- A willingness to participate by both parties
- Total confidentiality throughout the process.
- Impartiality of the mediators

2.3 Mediation aims to:

- Provide a method of dealing with behaviours through constructive and efficient negotiations which focus predominantly on the parties' needs and interests, and which broaden the search for options and alternative solutions.



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- Encourage individuals to take charge of their own decisions and to accept responsibility for the consequences of those decisions.
- Turn resistance into cooperation
- Resolve conflict and reduce tension, anxiety and fear etc.
- Resolve disputes speedily and at a stage earlier than through formal procedures.

2.4 The outcome of successful mediation is for **both** parties to have agreed a resolution and to feel that the outcome is fair, reasonable and appropriate under the circumstances.

### **3. The role of the Mediator.**

3.1 Mediators play an impartial and confidential role. Their role is to facilitate the mediation process, rather than to support individual parties during the process. They are not there to make any decisions; if parties fail to reach an agreement for resolution during mediation it does not fall to the mediators to make an agreement.

3.2 A mediator should ideally serve a service area outside of their own, or at least outside of their immediate work group in order to maintain impartiality and credibility

3.3 The Department identified, via selective interview, a pool of staff that were willing to voluntarily take on the role to be trained as mediators.

3.4 Anyone from within the organisation who has the necessary skills and abilities and who is prepared to take on the role after training could potentially be nominated to this role. Mediators do not necessarily have to have a managerial or HR background.

### **4. Who can request mediation?**

4.1 Anyone can request mediation: any employee, a manager or supervisor on behalf of an employee, or a trade union representative on behalf of their member(s).

*(NB: there should be no direct involvement during the mediation process by either management or trade union representatives as the process is designed to take the matter out of the normal arena for resolving any disputes at this stage.)*

4.2 Employee referrals for mediation are usually made through the individuals line manager; however employees may also seek support to engage in this process via Staff Welfare, the Office of Human Resources, Occupational Health or their Union Representative.

A referral for mediation needs to be made to the Internal Mediation Coordinator who will then generate a formal referral. Appropriate mediators will be allocated and both parties will be contacted to ascertain their willingness to participate.



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### 5. The Mediation Process

5.1 The Mediation Coordinator will provide both parties with a copy of this document and the Mediators Code of Practice.

5.2 The Mediation Coordinator will contact both parties to agree possible dates before assigning mediators to undertake the mediation. The willingness of both parties to proceed is also checked.

5.3 A suitable venue, and date, will be arranged, where there will be no interruptions and confidentiality will be preserved. Ideally this will be at a neutral location convenient to all parties.

5.4

- Stage 1 – Pre-meeting

One of the mediators allocated will make contact with both parties individually to explain the role of the mediator, the process of mediation and the ideal outcome expected. They will also discuss confidentiality and the need for a confidentiality agreement before making a final check that both parties are agreeing to take part voluntarily. The time date and venue for the mediation will also be confirmed.

- Stage 2 – Individual meetings with the mediators.

Each party will meet separately with the mediators twice, at agreed times, on the day of the mediation. These meetings will allow each party to explore and clarify the issues they wish to discuss, from their perspective, during the joint mediation meeting. There will be time for each party to reflect on the issues that they want to discuss between these two meetings.

- Stage 3 – Joint meeting.

Both parties come together and each party is allocated 'uninterrupted speaking time' to state the issue(s) from their perspective. After this follows a period of mediator facilitated discussion, during which time it is hoped an agreement for moving forward can be reached by both parties.

- Stage 4. Closure and follow up.

*If agreement is reached:*

An agreement will be drawn up and signed by all parties. Who has access to the agreement is discussed and agreed.

Feedback to the referrer is discussed, as a minimum referrers are notified whether a resolution was reached or not.

Follow up contact will be made by the mediators at 3, 6 and 12 months.

*If agreement is not reached:*

Feedback to the referrer is discussed, as a minimum referrers are notified whether a resolution was reached or not.



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### **6. Formal Procedures.**

6.1 If there appears to be no prospect of both parties reaching an agreement the mediator will draw the mediation to a close.

6.2 Where it has not been possible, or appropriate, to resolve a dispute through mediation formal processes can still be considered. The manager, or referrer, should review the outcome with both parties

6.3 Documentation produced as a result of the mediation process, i.e. resolution agreements, may not be used in any subsequent formal procedures. Mediators will also not become involved, in any manner, in any subsequent formal procedures.

### **7. Support for Employees.**

7.1 Strained working relationships can arouse all sorts of emotions, including anxiety, stress, anger, resentment and frustration. These emotions may need to be dealt with if working relationships are to be restored.

7.2 Confidential counselling is available to all employees through the Staff Welfare Service; contact number (01624) 687027.

### **8. Monitoring.**

8.1 The outcomes of mediation will be recorded for monitoring purposes only; the information will be passed to the Office of Human Resources on a monthly basis. The information will remain confidential and will not disclose the names of the parties involved.

8.2 Copies of the Agreement will be retained by both parties and, where agreed as appropriate, by the line manager. A copy will also be held by the mediation service for 12 months, to aid follow up, after which it will be shredded.

No information relating to the outcome of the mediation process will be recorded on an individual's personal file.