

Frequently asked questions

These are provided for guidance or quick reference only, so please always refer to the Guide to Mediation for full details

1. How do I know when/whether to offer mediation?

In general most workplace cases should be suitable for mediation.

If it appears to be possible to mediate, and particularly if individuals specifically suggest that they want it, the initial approach by the manager should be to ask the question – Will mediation potentially make this situation worse in any way?

If quantifiably it would, mediation should be out of the question.

2. Do I have to agree to mediation?

Participation in mediation is voluntary, it can be offered to you but you do not have to take it up and, having agreed to mediation, you can still change your mind later at any stage in the process.

3. Does mediation really work?

Yes. Evidence shows that a large percent of conflicts can be resolved via mediation. However, for mediation to work it requires a commitment from all participants. When participants enter into mediation with a willingness to listen and to respect each other, to challenge and to be challenged, and to seek a new way of working together, there is a good chance that mediation will work.

4. Can I change my mind before the mediation process starts?

You can change your mind at any time after agreeing to mediation.

5. How long will it take from the point that I talk to my manager to the point mediation happens?

After you have brought an issue to your manager's attention and accepted an offer of mediation, your manager has to complete and send a Referral to the Mediation Administrator. If your complaint concerns a harassment, discrimination and bullying complaint, your manager will also have to tell the person you have complained about and get their agreement to mediation.

Once the case has been accepted for mediation, the mediator(s) will contact you very quickly to arrange the mediation meetings.

The mediation process should not normally take more than a few days to complete but this will depend on the circumstances of your case and the availability of all people concerned to take part in the mediation.

6. How many Mediators will there be?

NHSBT have decided to use a mediation model based on Co-mediation, which means that there will be two mediators working with you. For example, one mediator might lead the mediation with the other observing, taking notes and picking up points that appear to have been overlooked. The use of two mediators will provide help and support the process during the mediation.

7. How long does mediation last?

Mediation generally lasts for one full day. However, in more complex cases or in cases involving more than two parties, it may last for up to two or three days. Your manager will ask you to commit to a full day for this process.

8. Who are the Mediators?

All of NHSBT mediators are fully trained and certified. Each mediator works within exacting practice standards and the *European Standards for Mediators*. All mediators are members of the Professional Mediators Association (PMA).

9. Do Mediators tell people what to do?

No. Mediators do not tell participants what to do. They do not judge who is right or wrong, nor do they impose a settlement or a solution.

10. Is mediation confidential?

Yes. Participants sign a confidentiality agreement prior to the mediation. Mediators will not disclose anything that has been said during workplace mediation without the permission of the participants. If agreed by both participants, mediators provide a copy or a summary of the final agreement to the person who requested workplace mediation, i.e. your line manager, to enable them to continue to manage the situation. Mediators destroy all notes from mediation at the end of the process. Other than a copy of the agreement, NHSBT do not keep any records of the day and mediators will not provide evidence at any process or employment tribunal.

11. Where does mediation take place?

Mediation takes place in a neutral venue comprising of three rooms. Each party has their own private room for the entire day and there is a separate room for the joint meetings.

12. Is mediation voluntary?

Yes. Mediators ask participants whether they have entered into the process freely and voluntarily. No one is forced, tricked or coerced to engage in mediation.

13. Can I have someone with me during mediation?

Whilst it is recognised that you may wish to have someone with you, the mediators will create an environment where each person does not need anyone else to support them.

14. What happens at the end of mediation?

Hopefully, participants will have reached a resolution to their dispute, together with a number of points of agreement. These will be typed up and given to you (usually on the same day). Mediators offer ongoing support and will contact all participants at one, three, six and twelve months after the mediation. In some cases, further mediation meetings may be offered if required.

15. I thought mediation was about us meeting each other. Why do we have to meet the mediator separately first?

Having separate meetings with the mediator gives all participants the opportunity to talk about the conflict from their point of view. The mediator listens to what each person says and explores how each person feels, what their concerns are, and what their underlying needs are. Having listened to all sides, the mediator will propose an agenda for the joint meeting.