

Acas main offices

Scotland

151 West George Street, Glasgow G2 2JJ

North West

Commercial Union House,
2-10 Albert Square, Manchester M60 8AD

Pavilion 1, The Matchworks, Speke Road,
Speke, Liverpool L19 2PH

North East

Cross House, Westgate Road,
Newcastle upon Tyne NE1 4XX

Yorkshire & Humber

The Cube, 123 Albion Street
Leeds LS2 8EF

West Midlands

Warwick House, 6 Highfield Road,
Edgbaston, Birmingham B15 3ED

East Midlands

Lancaster House, 10 Sherwood Rise,
Nottingham NG7 6JE

East of England

Acas House, Kempson Way, Suffolk
Business Park, Bury St Edmunds,
Suffolk IP32 7AR

Wales

3 Purbeck House, Lambourne Crescent,
Llanishen, Cardiff CF14 5GJ

London

22nd & 23rd Floors, Euston Tower,
286 Euston Road, London NW1 3JJ

South West

The Waterfront, Welsh Back,
Bristol BS1 4SB

South East

Westminster House, 125 Fleet Road,
Fleet, Hampshire GU51 3QL

Suites 3-5, Business Centre,
1-7 Commercial Road, Paddock Wood,
Kent TN12 6EN

Head Office

Brandon House,
180 Borough High Street,
London SE1 1LW

How Acas can help

Mediation
explained

Helpline **08457 47 47 47**

08456 06 16 00

helpline for textphone users

08456 00 34 44

for questions on managing
equality in the workplace

08702 42 90 90

for ordering Acas publications



Acas mediation

Acas is an independent organisation funded by the government. Our job is to improve organisations and working life through better employment relations.

As part of that job we have a legal duty to offer help to resolve disputes in most cases where someone has a complaint about their employment rights which they have or could take to an employment tribunal. This help, which is called conciliation, is offered free of charge.

If conflict or an individual dispute has not got that far, Acas can still help.

Mediation works by using a neutral Acas mediator to help find a solution to workplace disputes that both sides are able to agree to. We don't impose a solution but will help you to settle your differences on your own terms. In some circumstances, if you are unable to find a solution, and provided both sides agree, the mediator can make formal recommendations to you about a way forward.

If you have a disability, please let us know if we need to make any particular arrangements for you to use our service.

If you would like this leaflet in an alternative format, please contact Acas Publications on 08702 42 90 90.

What is mediation?

Mediation is a process where a neutral person – the mediator – works with people who have a disagreement to help them to find their own solution and reach an agreement that will sort out their problem or improve the situation.

The mediator won't take sides or judge who is right or wrong.

The mediator can recommend a way forward if both sides want this and are unable to find their own solution. This is called mediation with recommendations.

Mediation

- **Is voluntary** – you only take part if you want to.
- **Is confidential** – nothing you tell us will be passed on to anyone else unless you want it to be and what has gone on in mediation cannot normally be used in any later company procedures or court action.
- **Is quick** – mediation can be arranged in a few days and the mediation itself usually takes less than a day.
- **Can be cheaper** and less stressful than going to court.
- **Is most effective** at the early stages of conflict.
- **Aims to maintain** the employment relationship.

Why should I choose mediation?

Because conflict costs:

- **If you are an employer**, it can take up your valuable time. It distracts those directly in conflict and others around them from their jobs. All that means lost productivity and profit.
- **If you are an employee** it takes up your valuable time too and the stress can affect your life at work and you and your family at home.
- Mediation can help you resolve your disagreement so you can get on with ‘normal’ life again.
- When you are involved in a conflict, talking to the person you are in disagreement with can seem impossible. Mediation can re-establish those channels of communication.
- Any agreement is on terms agreed by you, not dictated by someone else. It leaves you in control of what is finally agreed.
- Mediation is less stressful than formal company procedures or courts and tribunals – although it is not stress free!
- Mediation can avoid people leaving which often happens when conflict is not dealt with or when more formal procedures are used.

What does the mediator do?

The mediator will decide the best way to carry out the mediation. They will usually start by talking to each of the people involved in the dispute or disagreement separately and then, later on, talk with you all together.

If you find it helpful, the mediator may make suggestions or give you information about how other people have sorted out similar situations but they cannot tell you what you should do.

Both sides can talk to the mediator openly because the mediator will not pass on anything said without the agreement of the person who said it.

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

Case study

Out of the blue, a member of staff told his HR manager that he couldn't work with his supervisor any more. The employee felt that the supervisor didn't value him and “doesn't understand my job and what I do”. Both were valued employees and not easy to replace. The HR manager suggested mediation and, after talking separately to an Acas mediator who explained what mediation was about, they both agreed to give it a try.

At the mediation meeting, the mediator asked them both in turn to explain the situation as they saw it and to listen to each other without interrupting. The mediator then took them to separate rooms to hear more and to ask about any thoughts each had about a way forward.

The employee said he was keen to find a solution but “didn't think the supervisor would change”. The supervisor felt she had to go along with the mediation but “didn't think she had done anything to warrant the employee's complaints”.

During the mediation, the mediator found out more from each of them and got their permission to share some of what was said. The employee learned that the supervisor thought highly of his ability to get the job done but was uncomfortable with his volatile and emotional personality. The supervisor learned that she was seen as a cold fish, not least because of a tendency to communicate by email. They both learned that they were equally committed to doing a good job and that it was their different personalities that made them good at their respective jobs.

The mediator helped them identify and think about a number of possible outcomes – that one or both of them could leave, that they ask the HR manager to change things so they did not have to work together or that they agree some things they could each do to make working together easier.

At first, both saw the solution as being that the other should leave but the mediator helped them to think about how realistic that was. They each concluded that neither would leave of their own accord – they both needed their jobs and had been with the employer a long time. They thought a change in reporting arrangements might be the only answer but agreed they'd like to see if they could work better together first.

At this stage the mediator brought them together to work out some specific things they would each do to help them work together better. They agreed to meet together the following month to see how they had got on. They also agreed that changing behaviours is not easy and they would make allowances for each other and not throw in the towel the first time one of them slipped back into an old habit.

After the mediation, the employee said it was the first time the supervisor had really had to listen to his concerns – he had never been able to talk face-to-face in detail with her.

He felt she did now understand better and would give their agreement a go. The supervisor was able to see the value to the organisation of the employee and said she would now find it easier to accommodate their different personal styles.

We want the mediator to make formal recommendations. How does this work?

If you have agreed that you want a mediator to make formal recommendations you need to tell us when arranging the mediation. We will then appoint a mediator from our panel of independent mediators and the mediator will decide how best to carry out the mediation, usually in the way outlined above. If you are unable to reach your own agreement, the mediator will not make formal recommendations on the day of the mediation but will write to you with their formal written recommendations within six working days.

What kinds of disagreement are suitable for mediation?

Most kinds of dispute can be mediated provided that 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 in a dispute but is often most effective if used early on.

Mediation may not be suitable if you want to enforce a legal right or want someone to decide the 'rights and wrongs' of an issue for you.

Do I have to agree to mediation?

No. Mediation is entirely voluntary.

What if I don't want to be in the same room as the person I am having the disagreement or dispute with?

The mediator will take this into account and will not make you meet with the person if you do not agree. The mediator will agree some rules with both sides about how everyone will behave in any joint meeting. You can ask that a joint meeting be suspended at any time.

Can I bring a representative to the mediation?

Mediation is often most successful when those actually in conflict work directly with the mediator to resolve it, especially if you will need to work together in the future. Experience shows that you are the best person to explain how you feel. An open and frank discussion of the issues, which is controlled by the mediator to ensure fairness and appropriate behaviour, can be key to sorting out conflict.

You can choose to bring a representative to the mediation, but you must talk to Acas about this before the day that the mediation takes place as all those involved in the mediation must know who will be attending.

Can I be made to keep to an agreement reached in mediation?

You will not be forced into making an agreement against your wishes so you must be committed to sticking to what is finally agreed. You and the person you are in dispute with will both be asked to agree to stick to what is finally agreed – otherwise there is no point in going ahead.

Agreements reached in mediation are not normally legally binding unless both sides specifically ask for this. You will be given the opportunity to take legal advice before a legally binding agreement is made.

What happens if we can't reach agreement?

If agreement cannot be reached, you can still use any workplace procedures or, in some cases, legal procedures but you cannot bring up what has been said in mediation.

Where will the mediation be held?

Mediation meetings are usually held on the employer's premises. There will need to be at least two private rooms for the mediation – one for each side in the dispute. If rooms have to be hired or refreshments arranged, Acas cannot pay for this.

What do I need to do before the mediation?

You will be given more information about this when the mediation is arranged. Sometimes you and the person you have the disagreement with will each be asked to write down:

- what the problem is that you want the mediator to help with and
- a short list of the main things that have happened. This is to help the mediator understand what the issue is and to save time on the day of the mediation.

What does it cost and who pays?

Where someone has a complaint about their employment rights which they have or could take to an employment tribunal, help is offered free of charge.

If the conflict or dispute has not got that far, a charge is made for mediation. For details of the charge, please contact the Acas helpline or your local Acas office. Phone numbers and addresses are at the back of this leaflet.

The charge is frequently met by the employer although the employees may pay the cost or it can be shared.

The mediator will be neutral in their handling of the mediation regardless of who makes the payment to Acas.

What if anyone involved has any particular requirements/needs?

If anyone has particular requirements like wheelchair access, or an interpreter or has mobility problems for example, they should tell Acas as soon as possible so that arrangements can be made.

Why should I choose Acas?

Acas has an excellent reputation for professional integrity and a high standing with bodies representing employees and employers. Our mediators have a large and unique body of practical experience delivering employment-related mediation. Our services are quality assured through a programme of externally conducted customer satisfaction research.

Finally

We do our best to provide a high standard of service at all times but if you are not satisfied with the service you have received, you should write to the Director of the Acas office dealing with your case. Addresses of the main Acas offices are given on the back of this leaflet.

Information in this booklet has been revised up to the date of the last reprint – see below.

Acas aims to improve organisations and working life through better employment relations. We provide up-to-date information, independent advice, high quality training and we work with employers and employees to solve problems and improve performance.

We are an independent, publicly-funded organisation and many of our services are free.

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Acas can help *with your employment relations needs*

Every year Acas helps employers and employees from thousands of workplaces. That means we keep right up to date with today's employment relations issues – such as discipline and grievance handling, preventing discrimination and communicating effectively in workplaces. Make the most of our practical experience for your organisation – find out what we can do for you.

We inform

We answer your questions, give you the facts you need and talk through your options. You can then make informed decisions. Contact us to keep on top of what employment rights legislation means in practice – before it gets on top of you. Call our helpline **08457 47 47 47** or visit our website www.acas.org.uk.

We advise and guide

We give you practical know-how on setting up and keeping good relations in your organisation. Look at our publications on the website or ask our helpline to put you in touch with your local Acas adviser. Our Equality Direct helpline **08456 00 34 44** advises on equality issues, such as discrimination.

We train

From a two-hour session on the key points of new legislation or employing people to courses specially designed for people in your organisation, we offer training to suit you. Look on the website for what is coming up in your area and to book a place or talk to your local Acas office about our tailored services.

We work with you

We offer hands-on practical help and support to tackle issues in your business with you. This might be through one of our well-known problem-solving services. Or a programme we have worked out together to put your business firmly on track for effective employment relations. You will meet your Acas adviser and discuss exactly what is needed before giving any go-ahead.