

# Mediation at work

When there's a disagreement ('dispute') between 2 or more people or groups, we can try to help both sides come to an agreement. This is called 'mediation'.

Mediation cannot be used if a claim has been made, or could be made, to an employment tribunal about a dispute.

Mediation is held by a neutral person (a 'mediator'). The mediator is impartial. This means they do not take sides. They're there to help both parties find a solution that all the parties agree to.

It's normally used to settle disputes about working relationships. Mediation is not judging who was right or wrong in the past, but looks at how to agree on working together in the future.

Mediation is a quick way to resolve a dispute and is:

- less formal
- flexible
- voluntary
- confidential
- usually not legally binding

In 2018 and 2019, 80% of Acas-led mediations were fully or partially resolved.

## 1. How mediation can help

Mediation helps to mend workplace relationships by:

- finding solutions that everyone agrees to
- improving communication between both sides of the dispute
- allowing both sides to have control of what's finally agreed

There are many benefits of mediation. For example, mediation can help to:

- reduce stress
- keep valuable employees
- avoid more formal processes, such as going to court
- stop more grievances being raised
- avoid paying high costs, for example, employment tribunal claims

Mediation outcomes are decided by both sides and can be flexible. Outcomes might include:

- an acknowledgement of each party's views

- a commitment to change behaviour
- a commitment to regularly review the agreement reached
- an agreement to review policies and procedures
- an agreement to share work more fairly and provide more responsibility

## **A voluntary and confidential process**

Mediation is voluntary. At the first meeting, a mediator will talk to you about what happens in mediation so you can decide if it's for you. If you decide you do not want to mediate, they'll tell your employer mediation is not possible.

Mediation is also confidential. The mediator will agree with both sides which information can be shared outside the mediation and how. If you do not reach an agreement, anything that's been said during the mediation must be kept confidential and cannot be used in future procedures.

## **When mediation can be used**

Mediation is used to resolve disputes about workplace relationships rather than other disputes, such as pay or issues related to dismissal or conduct.

You can use mediation to resolve:

- bullying and harassment
- communication problems
- personality clashes
- relationship breakdowns

## **When to start mediation**

It's a good idea to try and resolve the problem informally first, before thinking about using mediation.

[Find out how to raise a problem at work.](#)

If the problem cannot be resolved informally, you can use mediation. Mediation can be used at any stage in a dispute, but it's best to start it as soon as possible. The earlier the dispute is dealt with, the less chance there is of things getting worse.

You could also use mediation to rebuild relationships after a disciplinary or grievance process.

## **Cost**

The cost for mediation is usually paid for by the employer but the cost can also be shared or paid for by the employee.

Mediation usually involves a separate meeting with each party, followed by a joint meeting, sometimes at the workplace or in a neutral venue.

## **2. Preparing for mediation**

When the mediation is arranged, you'll get more information so you can prepare.

Sometimes both sides will be asked to write down:

- the problem you want the mediator to help with
- a short list of the main things that have happened

This is not always needed but it can help the mediator understand the problem and saves time on the day.

## Separate meeting

When you first use a mediator to resolve a workplace dispute, the mediator will meet both sides separately. This helps each side tell their story and tell the mediator what they want from mediation.

You do not need to bring someone with you to the meeting. If you do want to, you should discuss this, or any other issues that you're concerned about, with the mediator.

The mediator will explain what happens in mediation so that you can decide if it's for you. They'll also explain some of the benefits of mediation.

Mediation is voluntary so you do not have to take part. If, after the first meeting with the mediator, you decide you do not want to mediate, they'll tell your employer that mediation is not possible.

## Joint meeting

In the next stage, the mediator brings both sides together for a joint meeting.

Together, you can agree how everyone will behave in a joint meeting. You can ask for a break at any time.

The mediator asks the participants to tell their side of the story, without any interruption, and then sums up the main areas of agreement and disagreement and will talk about what will happen next.

Once the mediator knows the issues that need looking at, they'll encourage you to talk to the other side. The mediator will work with both sides to help you move your focus from the past to the future, and agree solutions to your dispute.

## If you reach an agreement

The mediator will help check that any solution and agreement are workable and will discuss recording the agreement you reach.

Once both sides have reached an agreement, the mediator will end the mediation. The mediator will encourage both sides to keep a written record of what's been agreed so that everyone is clear about the way forward. The mediator will explain each person's responsibilities for making the agreement work.

The agreement will only be shared with the parties involved in mediation and anyone they give consent to share it with.

## If an agreement is not reached

If an agreement is not reached, you might use other [dispute resolution services](#) to resolve the conflict.

## Information on mediation for employers and trade union representatives

### Guidance for employers

[Download our mediation guidance for employers written with the Chartered Institute of Personnel and Development](#) (PDF, 1MB, 41 pages).

### Guidance for trade union representatives

[Download our mediation guidance for trade union representatives written with the Trades Union Congress](#) (PDF, 1MB, 18 pages).

If you're an employer looking to introduce mediation in your workplace, you should think about what you want to achieve from using mediation. For example, this could be to:

- reduce grievances and conflict
- improve workplace culture

There are 2 ways you can introduce mediation in your workplace. You can:

- use an external mediator that comes to your workplace
- set up your own internal mediation scheme by training employees to act as mediators

The option you choose should be suitable for your workplace. For example, a larger organisation might invest in its own mediation scheme. A smaller organisation might use an external mediator when necessary. Or, some might choose a combination.

## 3. Using an external mediator

If you use an external mediator, it's a good idea for a person or team to be responsible for overseeing mediation arrangements. The anticipated cost for mediation will also need to be included in the organisation's budget.

### In smaller organisations

Using an external mediator might be a good option for a smaller organisation. This is because it can be expensive to set up an internal scheme. It can also be difficult to make sure that employees in a smaller organisation are:

- impartial (the parties involved should not know the mediator)
- available for mediation (employees will need time off for mediations)

Using an external mediator means that you can mediate when necessary without taking up your employees' time.

### In larger organisations

You might still use an external mediator in some situations, even if you've invested in your own internal mediation scheme. For example, it might be appropriate to use an external mediator when:

- the internal mediator has a conflict of interest
- an internal mediator is not available quickly enough
- those involved in potential mediation are senior managers
- the issue involves a very sensitive situation

If you use an external mediator that comes to your workplace, you need to be sure that the mediator will:

- not take sides
- work with both sides of the dispute to find a solution that's workable for everyone

There are many mediation providers you can choose from, including Acas. Once you have decided which provider you're going to use, you should discuss:

- the contract
- costs
- timings
- the parties' contact details so the mediator can contact them directly

### **Acas mediators**

To request an Acas mediator, you can call us on 0300 123 1150, Monday to Friday, 9am to 5pm.

We're experiencing high demand due to coronavirus. We'll try to answer your call as quickly as we can.

Or [fill in our enquiry form](#).

## **Setting up an internal mediation scheme**

If you're thinking about introducing your own internal mediation scheme, you could pilot a scheme first to see if it works. For example, you could set up a pilot scheme in one area or region of your organisation. If it's successful, you could expand the scheme.

It's a good idea for a person or team to be responsible for overseeing mediation arrangements. For example, telling potential parties about the mediation process and keeping statistics so you can evaluate your mediation scheme.

### **Selecting employees to act as internal mediators**

When selecting employees to act as mediators, you can ask:

- employees to volunteer
- managers to nominate employees

If employees do volunteer, it's a good idea to set minimum standards which they should meet. For example, having an understanding of conflict management. This will help make sure that only those who meet certain criteria apply, and you do not have too many applications to review.

You should select a diverse range of employees to act as mediators. This will help you:

- match mediators to parties more easily
- make sure that mediators are impartial

## Training employees to act as internal mediators

If you decide to train your employees to act as mediators, you should:

- make sure mediation responsibilities are included in their job descriptions
- give employees time off for mediations

Employees who act as mediators need to be trained in mediation techniques. They also need to understand their role and how it fits in with their organisation's policies and procedures.

Acas offers accredited mediation training called the Certificate in Internal Workplace Mediation (CIWM). CIWM training gives trainees the skills and knowledge they need to effectively mediate in their own workplace.

[Find out more about Acas-accredited mediation training.](#)

## Including mediation in your policies

Mediation should be introduced as part of your organisation's approach to people management. There are many ways mediation can be included in policies and procedures. For example it could be:

- written into employment contracts
- written into your bullying and harassment policy
- included as part of your grievance or dispute resolution procedure

## Getting support from your trade union and managers

When you introduce mediation to your workplace, it's important that you get support from:

- senior managers
- line managers
- trade unions
- employee representatives

You should work with them to introduce mediation, so that they understand why mediation is being introduced, the benefits it can bring and how it will be embedded in the organisation.

Getting this support will help you to promote mediation in your workplace and will encourage employees to mediate when they're in conflict.

## Launching and promoting mediation

You should think about how you're going to launch and promote mediation in your workplace.

If you've set up your own internal scheme, it's more likely that there'll be a formal launch to promote the scheme.

If you're using external mediators, it's important that mediation is promoted across the organisation so that people are aware of it.

It's up to you whether you decide to launch mediation in a high-profile way, or engage people over time.

Mediation should be promoted as an option to resolve a workplace dispute that's:

- flexible
- confidential
- less formal
- voluntary

You could promote mediation through:

- intranet articles
- leaflets
- posters
- information from HR
- workshops for trade union representatives and managers

We can help you set up a mediation scheme in your workplace and answer any questions.

Call us on 0300 123 1150, Monday to Friday, 9am to 5pm.

We're experiencing high demand due to coronavirus. We'll try to answer your call as quickly as we can.

Or [fill in our enquiry form](#).

## 4. Accredited Acas mediation training

The Acas Certificate in Internal Workplace Mediation (CIWM) is a 5-day training course accredited by [NCFE](#). It gives trainees the skills and knowledge they need to effectively mediate in their own workplace.

Once trainees have completed the course, they'll have learnt:

- why workplace conflict happens
- when to use mediation
- the skills needed to mediate effectively
- the stages of the mediation process
- how to evaluate someone else's or their own performance

Trainees will be assessed through written and practical work.

[Find CIWM training courses](#).

## Other Acas mediation training

We also provide non-accredited mediation training to help you:

- develop mediation skills and techniques
- better understand workplace conflict

[Find Acas mediation training courses.](#)

## Training at your workplace

We can tailor training courses or design a training programme for your organisation.

For large groups it might be more cost-effective for a trainer to come to your workplace.

### **Request training at your workplace**

Call us on 0300 123 1150, Monday to Friday, 9am to 5pm.

We're experiencing high demand due to coronavirus. We'll try to answer your call as quickly as we can.

Or [fill in our enquiry form.](#)