

COMPANY NAME:

Hillcrest

POLICY NUMBER:

HR 34

POLICY TITLE:

Mediation Policy

This document can be produced in different formats, for example, in larger print or audio-format, and in other languages, as appropriate. We promote equality through seeking to eliminate unlawful and unfair treatment on the ground of any protected characteristic, as appropriate.

Policy: Underpinning and Supporting Documents

This policy should be read in conjunction with the following documents:

Other Policies:

- HR 01 Bullying and Harassment Policy
- HR 04 Grievance Policy

Compliance:

- N/A

Legislation:

- N/A

Best Practice:

- ACAS Code of Practice

1. Policy Statement

Hillcrest recognises that positive working relationship can have a positive impact on employee well-being, leading to improved performance, retention and reduced sickness absence. Hillcrest also recognises that conflict in the workplace happens, and it is our intention to support staff and managers to work together to resolve any dispute and improve working relationships. The aim of this policy is to provide a framework for resolving conflicts in a way that is impartial and objective.

This policy has been written with regard to Hillcrest's position and does not replace any other internal process.

2. Policy: Principles

- If an informal approach does not resolve disagreements and disputes between colleagues, and relationships breakdown or are at risk of breaking down, mediation can be used to resolve the issues and improve working relationships.
- Mediation is available to all staff as a way to resolve conflict at the earliest possible opportunity through our qualified in-house mediator.
- Hillcrest will actively encourage employees to engage in mediation before undergoing a formal process such as the Grievance Procedure.
- Mediation is an informal approach to dispute resolution but follows a structured approach.
- Mediation is voluntary and can only work if all parties are willing and agreeable to participate. All parties have the right to withdraw from the process at any time.
- The mediator is impartial, does not take sides or judge and does not impose solutions.
- Participants offer and agree solutions through hearing each other's point of view and gaining an understanding of this.
- Participants are not represented. The focus of mediation is resolution by all parties which is harder to do with representatives speaking for any parties.
- Mediation is confidential and facilitated without prejudice. The mediator will agree with everyone involved what information can be shared outside the mediation. The exception to this rule is where there is evidence of a serious breach of policy or serious risk to health and safety.

Defining Mediation

Mediation can be defined as a voluntary dispute resolution process where a trained mediator helps two individuals or organisations who are in conflict, to agree a solution that is acceptable to all. It is the parties involved in the mediation, not the mediator who decides on the terms of the agreement.

When is Mediation most effective?

The following provides illustrative examples of when Mediation is most effective.

- Both parties are willing to work together to resolve their differences
- Maintaining a working relationship with the other party is important
- There is dispute over a workplace situation
- The issues are complicated by an emotional element. For example, anger, distress, anxiety

- Tensions or emotions are impeding communication
- One or both parties wish to avoid formal proceedings

When is Mediation least effective?

Mediation is not always an appropriate method of resolving conflict. The following provides examples as to when Mediation should not take place.

- A serious breach of workplace policy or procedure has occurred*
- Criminal or illegal activity is involved
- Parties are unwilling to participate
- The parties involved have no control over the issue

*This would be dealt with under the Disciplinary Policy. Should it be the case that the mediation process has already commenced, the process will be terminated and the Head of HR and Organisational Development informed.

3. Policy: Responsibilities

HR Team

- The HR Business Partners will offer support and guidance in a sensitive manner to employees seeking to participate in mediation.
- The HR Business Partners will arrange mediation sessions and liaise with the employees involved.
- As mediators the HR Business Partners will keep the discussion on track and structured, encourage communication, help participants to gain an understanding of their own behaviour and to find a mutually agreeable solution. They will not judge or impose solutions.
- The HR Team will ensure that this policy is reviewed at regular intervals or as required by changes to best practice and legislation.

Managers

Managers are responsible for providing advice and guidance to employees and being supportive of any request for mediation and notify the HR Business Partner of the employee's request.

Employees

- Employees will work together to improve their communication and working relationship by offering and agreeing solutions.
- Employees should not seek to attribute blame, establish fault or go over old ground.
- Employees must maintain confidentiality throughout the process.

Policy Document Governance and Management

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COMPANY NAME:

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PROCEDURE NUMBER:

HR 34

PROCEDURE TITLE:

Mediation Procedure

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1. Introduction

Most types of disputes that cannot be resolved informally, can be mediated if those involved want to find a way forward. Access to mediation as an alternative dispute resolution method is available through the HR Business Partners or the Head of HR and Organisational Development. Alternatively, a manager may suggest mediation where two parties have been involved in a formal procedure and need to reconcile working relationships.

Where mediation is required for Executive or Senior Team members, it may be necessary to appoint an external mediator to assist with the process.

2. Stages of Mediation

Mediation Process

Mediation is a 3-stage process including:

1. Separate meetings with parties and the mediator.
2. A joint meeting between all parties.
3. A review meeting between all parties (within an agreed time frame following the joint meeting).

Separate meeting

- First contact with the parties – the mediator will meet the parties involved separately and explain the principles and structure of the process. The aim of this first meeting is to allow each individual involved to tell their story and find out what they want out of the process. The mediator should get the individuals to realistically think what a good outcome for them would be and what they would be willing to offer the other party. Individuals should be asked to prepare for the joint meeting on how they see the working relationship and how they would like it to be.

Joint meeting

- Hearing the issues – the mediator generally brings the participants together and invites them to put their side of the story during a period of uninterrupted time. At this stage the mediator will begin to summarise the main areas of agreement and disagreement and draw up an agenda with the parties for the rest of the mediation.
- Exploring the issues – having identified the issues to explore, the mediation is now about encouraging communication between the parties, promoting understanding and empathy and changing perceptions. The aim of this part of the meeting is to begin to shift the focus from the past to the future and begin to look for constructive solutions dealing with one issue at a time.
- Building and writing an agreement – as the process develops, the mediator will encourage and support joint problem solving by the parties, ensure the solution and agreements are workable and record any agreement reached.
- Closing the mediation – once an agreement has been reached, the mediator will bring the meeting to a close, provide a copy of the agreed statement to those involved and explain their responsibilities for its implementation. In some cases, no agreement is reached and other procedures may later be used to resolve the conflict. However, nothing that has been said during the mediation can be used in future proceedings

unless there is an overriding need for this to be disclosed e.g., where a potentially unlawful act has been committed or there is a serious risk to health and safety.

Review meeting

- The mediator will arrange a review meeting to discuss the progress on the agreement(s) made. The aim of this meeting is to find out from each participant how things are progressing and if anything, else is required. A further follow up should be arranged if appropriate.

3. Confidentiality

Anything said during the mediation is confidential to the parties, and anything said that the parties would not otherwise have known cannot be used in any other context. They may choose to reveal some or all of what has occurred during the mediation to colleagues, or their managers, but only if all parties agree. Typically, this agreement to share would cover situations where others need to be involved as part of the agreement, for example if a manager needs to agree training. The only non-voluntary exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety.

Reasonable adjustments will be made to these processes for anyone covered by one of the protected characteristics of the Equality Act 2010

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