

# **MEDIATION SERVICE**

GUIDE FOR STAFF

## What is mediation?

Mediation is an informal way of dealing with disputes. It is voluntary and will only take place if you and the other person want to participate.

The purpose of mediation is to help you to discuss an issue in a safe environment. A mediator will support you and the other person to have these discussions. It is hoped that through mediation, you will be able to agree on a way forward.

It is a confidential process and we will not share anything that you tell us during mediation unless you ask us to do so.

**The UWS Mediation Service ("we")** offer mediation to members of staff and students at the University.

## The role of the Mediator

Our mediators are trained members of UWS staff who support people to discuss issues or problems. A mediator:

- Is a facilitator
- Is impartial
- Does not make judgements or decisions
- Respects confidentiality

## What are the benefits of mediation?

Some of the benefits of mediation include:

- It is highly effective, with approximately 80% of cases being resolved successfully
- It is voluntary
- You have more control over the outcome
- It is confidential
- It's quick
- You still have the option to go down a formal route if you wish to (e.g. a grievance)

## When is mediation appropriate?

Mediation is available for disputes between (1) members of staff (2) students and between (3) staff and students. Not all issues will be suitable for mediation. It might be appropriate if:

- You have been unable to resolve the issue with the other person directly
- You have a continuing working relationship with the other person
- The dispute relates to matters within your control
- You can reach an agreement without needing to involve anyone else

It is unlikely to be appropriate where:

- You don't have a continuing relationship with the other person
- One person feels unsafe or is intimidated by the other
- There has been a serious breach of the university's policies, procedures or regulatory framework
- The dispute relates to matters outside of your control
- You want someone to make a decision or judgement on the issue
- You can't reach an agreement without involving a third party



# UWS?

## Requesting Mediation

You can request mediation by completing the **Mediation Request Form** and emailing it to [mediation@uws.ac.uk](mailto:mediation@uws.ac.uk). This form is available on the Mediation page of the UWS website and at the end of this Guide. If you need a paper version of this form, please give us a call on 0141 848 3699.

### Mediation can be requested:

1. **Instead of a formal process** (e.g. a grievance)
2. **Before escalating a formal process** to the next stage
3. **After a formal process** has concluded (e.g. all stages of the grievance process have been exhausted) to rebuild relationships

## Referrals to Mediation

We would encourage colleagues to promote the mediation service and to identify situations where mediation could be beneficial. Individuals should be encouraged to get in touch with the Mediation Service directly wherever possible but referrals are also welcome through P&OD, SAUWS, Student Administration or the recognised trade unions of the University.

Before making a referral, please inform the individual(s) and make sure that they are happy for you to do so.

## Considering Requests for Mediation

We will review all requests and decide whether mediation is appropriate. If the issue is suitable for mediation, we will contact the other person to find out if they want to participate.

Where an issue is unsuitable for mediation or the other person doesn't want to take part, we will signpost you to other services that may be able to help.

## The Mediator

When selecting a mediator for your case, we will ensure that the individual is well placed to approach the process in an impartial and balanced way. As part of this, we will make sure that the individual has had no involvement in the issue being mediated.

The mediator will get in touch with you by email to introduce themselves and explain a bit more about how the process will work.

## Individual Mediation Session

The mediator will arrange an individual mediation session with you to find out what has brought you to mediation and what you hope to get out of it. This session may take place by phone or in person; if you have a preference, please let the mediator know. Please note that in some instances we operate a paired mediation model. This means that some sessions may also be attended and supported by a second mediator.

Anything discussed during this session will be confidential.

## Joint Mediation Session

After the mediator has met with you both individually, they will arrange a joint mediation session which you will both attend. This session will normally take place in person and may be attended and supported by a second mediator.

The purpose of this session is to enable you and the other person to discuss the issues in a safe environment. The mediator will support you both to have these discussions and to try to agree on a solution.

The joint mediation session will follow this structure:

1. **Introduction and Meeting Guidelines** – The mediator will explain the structure of the session and set out the meeting guidelines that you are both required to abide by.
2. **Agreement to mediate** – You will both be asked to sign an Agreement to Mediate – this is not intended to be legally binding. This agreement is a commitment between you and the other person to abide by the meeting guidelines.

- 3. Opening statements** – You will each have uninterrupted time to set out your concerns.
- 4. Identify the issues** – The mediator will support you to identify the key issues and to understand the other person's point of view.
- 5. Negotiating the issues** – You will be encouraged to identify areas of common ground and to explore potential solutions to the issues raised.
- 6. Reaching an agreement** – Mediation is solutions focused. It is hoped that through discussion you will be able to agree on action(s) to resolve the issue.
- 7. Mediation Outcome Agreement** – If you have agreed on actions, the mediator will document these in a Mediation Outcome Agreement which you will both be asked to sign. A copy of this will be emailed to you after the session. This is not intended to be legally binding but instead is a commitment between you and the other person to stick to the actions that you have agreed on.
- 8. Progress Review** – Before bringing the meeting to a close, the mediator will ask you to think about how you will review your progress and what steps you will take if problems arise in the future.

## Will the outcome of the mediation be shared with anyone else?

Mediation is a confidential process and we will not discuss it with anyone else unless you ask us to do so. If you have been referred to mediation by P&OD, SAUWS, Student Administration or a recognised trade union, the mediator will normally seek your permission to inform them if an agreement has been reached.

It is important to note that mediation takes place on a “without prejudice” basis. This means that nothing discussed during mediation can be used in a formal process at a later stage (e.g. a grievance or legal claim).

## Record keeping

After the process has concluded, the UWS Mediation Service will keep a record of the fact that mediation took place and whether an agreement was reached.

All other records of the mediation will be destroyed. This includes handwritten notes, emails and copies of any agreements.

**Want to find out more?** For a confidential discussion on mediation at UWS, please email [Mediation@uws.ac.uk](mailto:Mediation@uws.ac.uk).



# UWS Mediation Service

## Mediation Request Form



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**Name:**

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**Job Title** (for members of staff):

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**Banner ID and programme of study** (for students):

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**UWS email address:**

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**UWS contact number** (if applicable):

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**Campus:**

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**Summary** – provide a brief summary of the issue that you wish to mediate.

**Details of the individual(s) ("party") you wish to mediate with** – confirm the name and job title or programme of study of the other party.

**Agreement to mediate** – mediation will only take place if both parties agree to participate. Please tell us if you have discussed mediation with the other party.

**Informal or formal resolution** – please explain any steps that you have taken to try to resolve the issue informally or through formal channels (e.g. an HR process or student complaint).

**Desired outcome** – tell us what you hope to achieve from mediation.

**Declaration**

I understand that the UWS Mediation Service will notify the other party of my request for mediation and seek their consent to participate in the process. ☐

I consent to my personal data being processed for the purposes of my request for and participation in mediation. ☐

**Signature:**..... **Date:** .....

Please return your completed form to [mediation@uws.ac.uk](mailto:mediation@uws.ac.uk). One of the team will review your request and get back in touch to let you know if we believe that the issue is suitable for mediation.

For further information on mediation at UWS, please visit the UWS Mediation Service’s page on the UWS website.



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