POST-MEDIATION PROCESS:

Both parties will be supported over the next 3 months and contacted by the Lead Mediator to ensure that agreements made during the mediation have been successful.

SOME FREQUENTLY ASKED QUESTIONS:

Do I have to take part in the Mediation?

No. Mediation is voluntary. You are free to leave or stop the process at any time. This allows you and all other members of the party to have the final say in how far you become involved in the Mediation process, rather than feeling you are having an outcome or understanding imposed upon you.

If I agree to take part in Mediation, do I give up my right to use formal grievance procedures?

No. Mediation is 'without prejudice', and if you choose to try Mediation, you still reserve your right to use formal grievance procedures.

How confidential is Mediation?

The process of Mediation is entirely confidential, both within the Mediation itself, and with respect to further proceedings. The Mediators will not divulge any confidences that are shared unless given documented and signed permission to do so. Any notes from initial interviews will be destroyed on completion of the process.

How long will Mediation take?

The total time taken for the Mediation to be concluded varies from case to case. Generally the briefing and individual meetings are conducted within the same day, followed by the joint session at a time convenient to all parties.

HOW CAN YOU ACCESS THE MEDIATION SERVICE?

Contact your Equality and Diversity Adviser who will, in turn, approach the Complaints Investigation and Mediation Team for the provision of a mediator:

NAVY LEGAL-CIMT WO1 – 93832 8724
NAVY LEGAL-CIMT MAA - 93832 8725

Further detail about the Mediation Service can be found in BR3, Part 5, Chapter 30.

NAVAL SERVICE GUIDE TO MEDIATION

'Nipping it in the bud'

INTRODUCTION:

We in the NS rely on teams working to their full potential in order to deliver operational capability (OC). When disputes arise and teams breakdown there is considerable impact on operational effectiveness. This is where mediation can assist in restoring OC.

The purpose of this leaflet is to give you information so that you can make an informed choice about whether Mediation is right for you.

WHAT IS MEDIATION?

Mediation is a well established process for resolving disagreements or disputes between two or more personnel, quickly and effectively, without the need to resort to more lengthy and formal methods, such as harassment complaints, redress procedures or Employment Tribunals. It can be used to resolve appropriate informal and formal complaints and disputes.

With the help of an impartial third party (known as the Mediator), you and the other personnel in dispute (known as the parties) will be assisted in achieving a mutually acceptable resolution.

The parties, rather than the Mediators, decide on the terms of the mutually acceptable resolution and it is therefore essential that all the parties have a genuine desire to resolve the dispute.

The process is completely voluntary and therefore no-one will be forced to take part in Mediation and any of those involved can choose to withdraw from the process at any time.

If you agree to mediate but are unable to reach a mutually acceptable resolution you can still seek a resolution through a more formal process.

The Mediators will remain impartial, avoid making judgements or impose resolutions. They are simply responsible for facilitating effective communications and building consensus between the parties. Their aim is to help the parties find a mutually agreeable solution to the problem.

Mediations are completely confidential and information discussed within them will not be disclosed to the Chain of Command or Line Management without the parties express permission, which is formalised in a signed agreement; however, by law, the Naval Service has to pass on certain information regarding evidence of criminal or Service-related offences to the police; you will be informed if this is the case.

WHICH DISPUTES CAN BE RESOLVED THROUGH WORKPLACE MEDIATION?

The types of cases handled successfully are around issues about work or management styles and working arrangements. Examples of these include:

- Change Management
- Interpersonal Conflict
- Perceived Discrimination, Harassment and Bullying
- Differences of Working Style or Approach
- Communication Breakdown
- Inappropriate Use of Power, Status or Position

POLICY AND PROCEDURES?

Mediation can be an alternative to formal procedures or may form part of an agreed process, thus avoiding formal procedures. Any information shared by parties to Mediation is not used in formal procedures. Notes made by Mediators are not kept or used beyond the Mediation process.

If Mediation does not resolve the issues, personnel can still choose to proceed with a formal complaint.

YOU HAVE BEEN OFFERED MEDIATION. WHAT NEXT?

- We will assign accredited Mediators to work with you. They are normally either serving members of the Royal Navy or Royal Marines. However, they will be acting in their capacity as accredited Mediators and their rank and status is unimportant. Consequently, any Mediation will normally be conducted in civilian clothes.
- The Mediators will visit you at a convenient time and meet separately with the parties, normally on the same day. The visit can be at your normal place of work or at an agreed private neutral venue. It is the Mediator's responsibility to provide a safe and comfortable environment.
- Individual meetings are confidential sessions between you and the Mediators where any questions about the process can be discussed.

THE PURPOSE OF THE INITIAL MEETING:

- The Mediators will meet privately with the parties involved in the disagreement or dispute to find out the individuals' views of the issues.
- The Mediators will help you to consider what needs to happen and what you need from the other individual involved.
- You will be helped to consider how best to proceed with the Mediation process.

AFTER THE INITIAL INDIVIDUAL MEETING:

- If appropriate, the Mediators will aim to set up a joint, face-to-face Mediation session, and will invite both parties to attend.
- Sometimes there needs to be some preparatory work prior to the joint session. In this case, the Mediators will 'shuttle' between the parties involved, aiming to exchange requests, offers and options. This might happen on the phone, in person, or by email.

THE MEDIATION SESSION:

Once the parties are ready, the Mediators will arrange a joint Mediation session.

The joint Mediation session:

- Can take place at a neutral venue if preferred.
- Is confidential – All your Chain of Command or Line Manager will know is that you have agreed to Mediation. They will be given no further information, unless you expressly request it and all parties agree.
- The process will be supported by your Chain of Command to allow sufficient time to complete the process.

The aim of this joint session is for the parties to jointly consider how to resolve the dispute. The Mediators will use their skills and experience to support you both in this process.

It is rarely necessary to arrange further mediation sessions, but if required they will be fully supported.