

ANNEX 30A

THE NAVAL SERVICE MEDIATION POLICY FOR THE RESOLUTION OF WORKPLACE BASED DISPUTES AND APPROPRIATE BULLYING AND HARASSMENT COMPLAINTS

1. Introduction

a. Mediation has been introduced across the Naval Service so that personnel can call upon an accredited, independent and impartial 3rd party (known as the Mediator) to try to resolve workplace based disputes and appropriate bullying and harassment complaints. It is a well established process for resolving complaints between 2 or more personnel, quickly and constructively and can often avoid the need to resort to more lengthy and formal methods of resolution such as submission of a Formal bullying and harassment/ Service Complaint or an application to an Employment Tribunal. With the help of the Mediator, personnel in dispute (known as the Parties) are assisted in achieving a mutually acceptable resolution; they, rather than the Mediator, decide on the terms of the settlement and hence it is essential that they have a genuine desire for resolution. The process is completely voluntary and therefore personnel cannot be forced to take part in mediation and can choose to withdraw from the process at any time. Personnel who agree to mediation but are unable to reach a settlement can still seek a resolution through other informal means or the Formal Complaint management process¹.

b. Mediation is confidential and the information discussed within a mediation session will not be disclosed to anyone; the fact mediation took place, nevertheless, should be recorded in the unit's E&D Log if it relates to a bullying and harassment complaint. However, by law, the Service has a duty to pass on certain information relating to evidence for criminal or Service-related offences to the courts, or the Service or Civilian Police.

2. Mediators

a. The Mediator is responsible for developing effective and open communications to help the Parties find a mutually acceptable solution to the workplace based dispute or complaint. It is important that the Mediator is viewed as impartial by the Parties and will avoid taking sides, making judgements or imposing solutions. The Naval Service has a cadre of accredited Mediators ranging in rank from SR/SNCO to SO1 level and the majority are also skilled as EDAs.

b. **Mediator Tasking.** Where mediation is considered suitable, unit Lead EDAs are to discuss the dispute/complaint with the Complaints Investigation and Mediation Team (CIMT) in the first instance to determine the scope and whether the dispute/complaint is suitable for resolution through mediation; this is covered under 'initial action' at Para 3 [sub para b](#) below and is applicable to workplace based disputes, intractable Informal Complaints and Formal bullying and harassment/Service Complaints. In the event of a unit requesting an accredited Mediator, their provision will be co-ordinated by the CIMT after agreement with the Mediator's Line Management. The CIMT maintains a list of accredited Mediators and will be responsible for their tasking Service-wide. Mediator availability will, of course, remain subject to respective Command/Line Management approval.

1. JSP 831 (Redress of Individual Grievance: Service Complaints) and JSP 763 (The MOD Bullying and Harassment Complaints Procedures) refer.

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c. **D&I Policy Advice and the CIMT.** Navy Command HQ (NCHQ) D&I Policy Staff can be contacted on:

E-mail: NAVY PERS-PPOL DandI SO2A
Mil Net: 93832 5683
Tel: 02392 625683

CIMT staff can be contacted on:

E-mail: NAVY LEGAL-CIMT MAA
E-mail: NAVY LEGAL-CIMT MAA2
Mil Net: 93832 8725/8724
Tel: 023 9262 8725/8724

3. Process

a. **Decision to Mediate.** As part of the process for dealing with Parties to the workplace based dispute or complaint, and only with their mutual agreement, EDAs should always be consulted to advise the Command to consider whether any dispute or complaint could be best resolved by mediation; guidance for EDAs is given at [Annex 30B](#). The Parties are to be issued with [Annex 30C](#) (An Individual's Guide to Mediation) and the EDA is to explain how the process works.

b. **Initial Actions.** These are as follows:

(1) *Workplace based disputes.* Unit Commanders/Line Managers should initially consult with their unit Lead EDA the suitability of mediation. The Lead EDA is then to contact the CIMT to discuss the area of dispute and determine whether mediation would be appropriate to resolve the dispute.

(2) *Intractable Informal Bullying and Harassment complaints.* In most cases units should use their own resources i.e. the Divisional/Regimental system/Line Management intervention to resolve *Informal* bullying and harassment complaints at the lowest possible level. Where they could lead to a Formal bullying and harassment Complaint being raised, and where the unit considers the content to be sufficiently serious, Lead EDAs are to seek advice and scope the *Informal* complaint with the CIMT with the view to requesting the use of accredited Mediators.

(3) *Formal bullying and harassment Complaints or Service Complaints that contain allegations of bullying/harassment.* As already mandated by the D&I Policy Staff, the Lead EDA is to contact the CIMT to allow scoping of the *Formal* bullying and harassment/Service Complaint and discuss the applicability of mediation as the possible route for complaint resolution or resolution to part of the Complaint. Mediation can be considered at any stage at which the *Formal* bullying and harassment/Service Complaint has reached.

c. Mediation can be conducted by a single Mediator or by a co-mediation team; this is when a team of 2 qualified Mediators is allocated. After contacting the CIMT for advice it may be decided that the more simple cases can be managed by a single, experienced Mediator. In cases where a particular Mediator is inexperienced and/or a case is particularly complex (i.e. involving a wide range of issues, or more than 2 Parties), the CIMT may recommend/direct, or the unit may request, that 'co-mediation' takes place. In the event of co-mediation, one Mediator will act as the lead Mediator whilst the other acts as the support Mediator.

d. Through consultation with the CIMT to determine if mediation is deemed to be appropriate to resolve the workplace based dispute or Informal/Formal bullying and harassment/Service Complaint or wider Service Complaint, the Command (on EDA advice) is to determine whether the accredited Mediator(s) can be resourced in-unit. If this is the case, EDAs are to inform the CIMT and request the intention to use him/her. This is to ensure that accurate records of Mediator employment are retained centrally (ensuring equitable sharing of the mediation load), to enable quality assurance of the overall process and to provide support to the Mediators i.e. ensuring the Service 'cares for the carer'.

4. Travel costs

Travel costs to facilitate mediation sessions are to be met by the unit where the dispute or complaint is being handled and which requests the Mediation Service. In most cases this will be the Complainant's parent unit.

5. The Mediation Process

The appointed Mediator(s) will meet individually with each of the Parties involved in the complaint to identify the issues, explore ways forward and ascertain each individual's preparedness to enter into the mediation process. The Mediator(s) will then arrange a joint face-to-face meeting with the Parties to facilitate discussion with a view to seeking a mutually acceptable resolution. The Mediator(s) will inform both Parties prior to the mediation taking place that they will be required to sign a Declaration of Confidentiality at the end of the mediation. The Declaration reminds the Parties of the confidentiality of the mediation (as this is a fundamental tenet of the process) and records whether the mediation was successful or not. Copies of these Declarations of Confidentiality are at [Annex 30D](#) (Successful Mediation) and [Annex 30E](#) (Unsuccessful Mediation) and completed Declarations should be sent to the CIMT. In the event that mediation takes place as a result of a Formal bullying and harassment/Service Complaint being submitted, or as a result of a wider Service Complaint which contains allegations of bullying/harassment, the Mediator(s) are to inform the Deciding Officer in writing of the outcome of the mediation, copied to the CIMT, using the template at [Annex 30F](#). This letter will only detail if the mediation was either successful resulting in the withdrawal of the Formal bullying and harassment/Service Complaint, withdrawal of part of a Formal bullying and harassment/Service Complaint, withdrawal of part of a wider Service Complaint or the mediation was unsuccessful. The Deciding Officer is to confirm this outcome in writing to both Parties using the template at [Annex 30G](#). The outcome is also to be recorded on JPA.²

6. Care of U18s

In the event of an U18 Service person being party to mediation, Commanding Officers are to provide an accompanying chaperon(e) (e.g. Assisting Officer, member of Divisional staff) to accompany the U18 person. Further guidance is given in [Annex 30B](#) 'Guidance to EDAs'.

7. Other Personnel

The Naval Service Mediation Policy is primarily for the assistance of Naval Service personnel and those from the other Services and Civil Service working within Navy Command. Accordingly, cases involving disputes where one of the Parties is from the other Services or Civil Service not working within Navy Command or are civilian contractors, mediation should also only be conducted with the prior approval of the CIMT and D&I Policy Staff. In this case, the CIMT and D&I Policy Staff will engage with the other respective Service D&I Policy staffs or HR staffs from the MOD Civil Service or civilian contractor to ensure the provision of an appropriately accredited Mediator or mediation team.

2. All E&D complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

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8. Neutrality and form of address

Unless the Parties object, mediation will normally be conducted in civilian attire in a quiet, neutral atmosphere away from the Parties' work-place(s). The mediation process recognises and respects Service Chains of Command. The mediation session will normally be conducted in civilian clothes and attempts to cultivate an open and progressive environment in which both Parties feel comfortable. To that end, mediators will encourage the Parties to use first names. Mediators will address both parties by first name, subject to their agreement.

9. Data Monitoring

Once mediation has taken place as a result of Informal/Formal bullying and harassment/ Service Complaints, the Unit EDA will be required to annotate the Unit E&D Log and JPA³ stating the names of the Mediators, the date mediation was carried out and whether the mediation was a success or not in resolving the complaint. If mediation was used to resolve a workplace based dispute there is no requirement to annotate it in the E&D Log and JPA.

10. Promulgation

Mediation is a relatively new tool for dealing with workplace based disputes/bullying and harassment complaints therefore units are requested to promulgate the provision and benefits of mediation to unit personnel. Moreover, EDAs are requested to spread the message as widely as possible. Mediation leaflets are available from the D&I Policy Staff.

11. 3 Month Review

The CIMT will conduct a follow-up with the Parties 3 months after the successful mediation to ensure that the agreements that were reached have been respected and that there is no repeat of the issue(s) that resulted in the original complaint.

3. All E&D complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

ANNEX 30B

GUIDANCE TO EDAS WHEN CONSIDERING/RECOMMENDING MEDIATION

1. Introduction

a. **Informal Bullying and Harassment Complaints.** As an EDA your role is to advise both Parties of the mediation process in order to resolve the complaint. For those intractable *Informal* bullying and harassment complaints where the content is considered sufficiently serious, you are to scope the nature of the complaint and mediator provision with the Complaints Investigation and Mediation Team (CIMT) prior to commencing any mediation.

b. **Formal Bullying and Harassment/Service Complaints.** As an EDA your role is to advise the Deciding Officer on whether mediation is, or has been, a consideration when resolving a *Formal* bullying and harassment Complaint or a Service Complaint which has a bullying and harassment element that may be resolvable through mediation. You are to advise both Parties of the mediation process as a means of resolving the complaint/part of the complaint. The EDA is to scope the complaint with the CIMT to determine whether resolution by accredited mediators should be considered. It is important to remember that mediation can be used at any stage of the Formal Complaints process. For effective mediation, both Parties must be willing to participate in good faith in order to attempt to work out an agreement and resolve the complaint.

c. **Workplace Based Disputes.** As an EDA you may be asked to advise Line Management as to whether a specific workplace based dispute might be resolvable through mediation. If mediation is considered an option by you, Line Management and the Parties, you are to contact the CIMT to scope the suitability of mediation for resolution of the dispute. You are also required to advise the Parties of the mediation process as a means of resolving the dispute.

2. Definition

Mediation is a process that those in a workplace based dispute or those who are complaining of inappropriate behaviour of a bullying and harassment nature use when communication has broken down, but when the Parties are willing to meet in order to attempt to work out an agreement on the way forward. It is most useful when undertaken at an early stage of a dispute/complaint and is used as a first alternative to more formal procedures. The Parties in conflict play a full participative role in deciding on issues, and creating, evaluating and agreeing options; it is they who make the decisions. The 3rd party (Mediator) has an independent and impartial role, acting as a facilitator to the process, providing a neutral, non judgemental and confidential environment. The Mediator is not the decision-maker although he/she does facilitate the process in a firm but informal way. Mediation usually focuses on future rather than past behaviour and aims to achieve an outcome that is agreed by, and mutually acceptable to, all Parties.

3. Factors to consider

Mediation can only work as a voluntary process. Its use should be on a case-by-case basis and it cannot be 'forced' on Parties. Factors to be considered include:

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- a. The history and dynamics leading up to the dispute/complaint. It is advised that mediation at an early stage is more likely to be effective than if utilised in the later stages of a dispute/complaint. If both Parties agree to mediation, then mediation should occur as soon as possible after the agreement has been given to ensure the best likelihood of success.
- b. The possibility of physical threat or verbal aggression. Agreement on non-violence, respectful and dignified behaviour (including, where appropriate, respect for rank) and the maintenance of Service discipline throughout are essential and are a pre-requisite for mediation.
- c. The nature of the relationship between the Parties. A substantial difference in rank or status may mean that mediation is not a practical option. In general, mediation should only be used if there is no more than a 2 rank/grade separation between the Parties (see Para 6 [sub para a](#) below for amplification).
- d. The intensity of feeling. If antipathy is extreme, it may not work.
- e. The willingness of all Parties to participate in the process. Mediation cannot be one-sided – everyone needs to be able to contribute something constructive to achieve resolution.
- f. The nature of the dispute/complaint; for example cases of prolonged sexual harassment or bullying cases would not normally be remediable.
- g. On receipt of a Service Complaint Advice Form (see [Chapter 23](#)) Staff Legal Advisors *may* recommend that Mediation is offered to those parties involved in a Level 1 Service Complaint.

4. Resolution

There will be maximum opportunity for achieving resolution through mediation in cases where:

- a. There are low levels of anger and verbal intimidation.
- b. There have been no breaches of Service discipline rules.
- c. No other Formal action is anticipated/underway which would conflict with the mediation process.
- d. Allegation(s) made are being offset by counter-allegation(s) that would be raised within the mediation process.
- e. Both Parties are willing to contribute to a resolution.
- f. There is room for improvement in relationships.
- g. The Parties may not have been initially prepared to have face-to-face interaction with each other, but are more inclined to do so with external help.

5. Care of U18s

In the event of an U18 Service person being involved in mediation, Commanding Officers are to provide an accompanying chaperone e.g. Assisting Officer or any impartial, responsible person that the U18/Command chooses to nominate. The chaperone is present to ensure that the U18 person fully understands the process and to act in an advisory capacity to the individual. The chaperone should not be involved in any debate or offer an opinion during the mediation process, other than to act *in loco parentis* for the individual and keep an eye on their emotional state. The full level of confidentiality applicable to mediation should be respected by the chaperone. The other Party in the mediation should also be consulted prior to commencement of the mediation process to ensure that he/she is content for the nominated individual to act as a chaperone.

6. When not to use mediation

Mediation is not usually appropriate if, for example:

- a. There is a difference of greater than 2 ranks/grades between the Parties. In instances where there is a rank difference greater than 2 ranks, the protocol for mediation should be discussed with the CIMT before final approval, in the event of a Formal bullying and harassment/Service Complaint, by the Deciding Officer.
- b. The nature of the relationship between the Parties is such that, from the perspective of all Parties, it is unsafe to participate.
- c. Formal procedures need to be applied, e.g. if potential criminal behaviour/activity is suspected and Service Police involvement may be required.
- d. Internal administrative, disciplinary or restoring efficiency procedures need to be applied, e.g. if contravention of the Code of Social Conduct, other serious misconduct, or unsatisfactory performance may be involved.
- e. Factors leading up to the dispute/complaint are long-standing and complex, and the Parties have become so embittered and entrenched, that progress is very unlikely.
- f. The mediator, given their experience, considers that the situation is not suited to mediation.

7. Recording of outcomes

The following actions to record mediation are required:

- a. **Informal Bullying and Harassment Complaints.** The outcome, whether successful or unsuccessful, is to be recorded in the summary sheet for an Informal bullying and harassment complaint, retained within the Unit E&D Log and included as a comment (as to outcome) in the Unit 6-monthly E&D Return.¹ The appropriate Declarations of Confidentiality (see [Annex 30D](#) and [Annex 30E](#)) will be retained by the CIMT.
- b. **Formal Bullying and Harassment/Service Complaints.** A copy of the Mediator's letter to the Deciding Officer specifying the outcome ([Annex 30F](#)) is to be retained in the Unit E&D Log and copied to the D&I Policy Staff. Additionally, a comment as to outcome of the mediation is to be made in the Unit 6-monthly E&D Return and on JPA.¹ The appropriate Declarations of Confidentiality (see [Annex 30D](#) and [Annex 30E](#)) will be retained by the CIMT.

1. All E&D Complaints, both Informal and Formal, must be recorded on JPA iaw 2010DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

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c. **Workplace Based Disputes.** There is no need to record these in the E&D Log or JPA, however the CIMT are to be informed on the outcome of the mediation adapting the template at [Annex 30F](#). The appropriate Declarations of Confidentiality (see [Annex 30D](#) and [Annex 30E](#)) will also be retained by the CIMT.

Frequently asked questions

Q. Who can mediate?

A. Mediation should not be confused with routine resolution of management issues and low level Informal bullying and harassment complaints which can be supported via the Divisional/Regimental system or Line Management intervention. Mediation of disputes is achieved using fully trained, authorised and accredited Mediators. After having scoped the complaint with the CIMT, and after appropriate intervention at the informal level, if the complaint is considered to be potentially resolvable through mediation but accessibility to accredited Mediators is impractical because a unit is deployed for a prolonged period, units may be advised by the CIMT to undertake mediation with untrained Mediators utilising the guidance at [Annex 30C](#).

Q. Why do we recommend the use of accredited Mediators to resolve workplace based disputes, Informal bullying and harassment Complaints and Formal bullying and harassment/Service Complaints?

A. In the case of complaints that escalate to Formal level and then proceed to an Employment Tribunal, the MOD will have to demonstrate that the correct process was followed. This will include showing that any mediation was conducted by a suitably accredited Mediator.

Q. What happens if mediation is not successful?

A. An Informal/Formal bullying and harassment Complaint or wider Service Complaint containing allegations of bullying and harassment may be raised or re-activated and continues through the JSP831/JSP763 complaints procedures.

Q. Where is the best location for mediation?

A. The Mediator will require a quiet, neutral environment preferably away from both Parties' workplace(s). Whilst proposed by the Mediator, ideally the location should be agreeable to both Parties. Mediation will also normally be conducted in civilian clothes.

Q. How do I deal with the military rank issue in the mediation process?

A. The mediation process recognises and respects Service Chains of Command. The mediation session will normally be conducted in civilian clothes and attempts to cultivate an open and progressive environment in which both Parties feel comfortable. To that end, mediators will encourage the Parties to use first names. Mediators will address both parties by first name, subject to their agreement.

ANNEX 30C

AN INDIVIDUAL'S GUIDE TO MEDIATION AS A MEANS OF RESOLVING WORKPLACE BASED DISPUTES AND APPROPRIATE BULLYING AND HARASSMENT COMPLAINTS

1. Introduction to Mediation

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

2. What is the Naval Service Mediation Policy?

a. The Naval Service Mediation Policy provides a process for resolving workplace based disputes or appropriate complaints of a bullying and harassment nature between 2 or more personnel, quickly and effectively, that could avoid more lengthy and formal methods, such as submission of a Formal bullying and harassment/Service Complaint or an application to an Employment Tribunal. In some instances a bullying and harassment complaint may have already been submitted and, in this case, mediation could be the preferred process for complaint resolution.

b. With the help of an impartial 3rd party (known as the Mediator), you and the other person(s) with whom you are in dispute (you will jointly be referred to as the 'Parties') will be assisted in achieving a mutually acceptable resolution. Sometimes it may be better to conduct 'co-mediation', in which case a team of 2 Mediators would facilitate the mediation session.

c. You and the other Party(ies), rather than the Mediator(s), decide on the issues to be discussed and it is therefore essential that all Parties have a genuine desire to resolve the dispute. The process is completely voluntary and therefore no-one will be ordered, or in any way forced, to take part in mediation and you, and any of those involved, can choose to withdraw from the process at any time.

d. If you agree to mediate, but are unable to reach a resolution, and you are the Complainant then redress may still be sought through the procedures laid down in JSP 831 (Redress of Individual Grievances: Service Complaints) and JSP 763 (The MOD Bullying and Harassment Complaints Procedures). If you have already submitted a Formal bullying and harassment/Service Complaint and at some point during the formal process you and the other Party(ies) agree to mediation, the Formal bullying and harassment/Service Complaint will be put on hold pending the outcome of the mediation. If mediation is unsuccessful, the Formal bullying and harassment/Service Complaint can be re-started. See [Chapter 23](#).

e. The Mediator(s) will avoid taking sides, making judgements or imposing solutions. They will remain absolutely impartial at all times and are simply responsible for developing effective communications and building agreement between the Parties. Their aim is to help the Parties find a mutually acceptable and lasting solution to the problem.

f. The mediation process is completely confidential and any information discussed (e.g. events, personal conversations, issues or feelings) will not be disclosed to anyone at all. That said, by law, the Naval Service has a duty to pass on certain information relating to evidence for criminal or Service-related offences to the Courts or the Service or Civilian Police. However, you will be informed straightaway if this is the case.

3. You have been offered mediation. What next?

- a. Except in very limited circumstances, qualified Mediators will be assigned to work with you. Ideally they will be serving members of the Naval Service (although they could, in certain circumstances, be accredited Mediators from one of the other Armed Services, MOD Civil Service or a Contractor/Partner) and will not be a member of your immediate Command chain. However, rest assured that any Mediator will be acting in his/her capacity as an impartial 3rd Party and their rank and status will be irrelevant. Consequently, any mediation will normally be conducted in civilian clothes and, wherever possible, at a location away from your place of work, in order to facilitate confidentiality and privacy, and to put the Parties at ease. If there is a rank difference between the Parties, then – unless both of you have consented for first names to be used – you will be expected to refer to each other by your normal military rank.
- b. The Mediators will arrange to visit you at a convenient time and meet separately with each Party, normally on the same day. Again, wherever possible, the visit will take place at an agreed 'neutral' venue, away from your place of work that offers some privacy.
- c. Individual meetings are confidential sessions between the Mediator(s) and each of the Parties in turn.

4. The purpose of the initial meeting

The Mediator(s) will meet privately with the Parties involved in the disagreement or dispute to find out each Party's view of the issues. The Mediator(s) will help each of you to consider what needs to happen and what you are seeking from the other individual involved. The mediation process will be explained and you will be helped to consider how best to proceed with the mediation process.

5. After the initial meeting

If appropriate, the Mediator(s) 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 Mediator(s) will 'shuttle' between the people involved, aiming to exchange requests, offers and options. This might happen on the phone, in person, or by e-mail.

6. Face-to-face meetings

Once the Parties are ready, the Mediator(s) will arrange a joint face-to-face mediation session. The joint mediation session:

- a. Will usually take place at a neutral venue, away from your workplace.
- b. Is confidential. All your Chain of Command or Line Management will know is that you have agreed to mediation and, if it is a Formal bullying and harassment/Service Complaint, the Deciding Officer will be informed as to whether the mediation was successful or not. They will be given no further information, before or afterwards, unless you expressly request it and each of the Parties agree.
- c. The aim of this joint session is for the Parties to jointly consider how they may best resolve their differences, to create a better working relationship. The Mediator(s) will use their skills to assist you both to talk openly and productively about this. It is sometimes necessary to arrange a second (or even third) face-to-face session, depending on people's availability and/or the number of issues that need to be addressed.

7. Resolution

At the end of a successful mediation both Parties will reach an agreement which enables resolution and restoration of an appropriate working relationship. If the mediation is not successful, both Parties are advised to contact their respective EDAs to discuss the next step in the process of management of any bullying and harassment complaint.

Frequently asked questions

Q. Do I have to take part in the mediation?

A. No. Mediation is entirely voluntary. Either Party is free to leave or stop the process (either temporarily or permanently) at any time. This allows you, the Parties, to have the final say in how far you become involved in the mediation process, rather than feeling you are having an outcome or resolution imposed upon you.

Q. If I am the Complainant and I agree to take part in mediation, do I then give up my right to use Formal bullying and harassment/Service Complaint procedures?

A. No. Mediation is 'without prejudice' and, if you choose to try mediation, you still retain your right to use other measures as laid down in JSP 831/JSP 763 at a later date – whether or not the mediation process is successful.

Q. How confidential is mediation?

A. The process of mediation is confidential, both within the mediation itself, and with respect to further proceedings (but see Para 2 [sub para f](#) above). The Mediator(s) will not divulge any confidences that are shared unless given permission by both Parties to do so or there are issues raised that the Mediator(s) is legally bound to disclose. No notes or records of the mediation will be kept with the exception of;

a. **Informal Bullying and Harassment Complaint.** An entry in the Unit E&D Log and on JPA¹ and an anonymised reference in the Unit 6-month E&D Return to NCHQ.

b. **Formal Bullying and Harassment/Service Complaint.** A copy of the letter from the Deciding Officer, addressed to both Parties and recording the success or otherwise of mediation, will be retained within the Unit E&D Log and sent to the CIMT. An anonymised reference will also be made in the Unit 6-month E&D Return to NCHQ D&I Policy Staff.

Q. What happens if I don't like the mediated agreement?

A. The issues and points to enable resolution are entirely a matter for the Parties to agree upon. Together you are responsible for identifying, defining and agreeing the problem(s), setting the agenda and agreeing the solutions. No agreement can, or will, be imposed on you as part of the mediation process.

Q. How long will mediation take?

A. The total time taken for the whole mediation process, from start to finish, varies from case to case. Generally, the briefing and individual meetings are conducted within the same a day, followed by the joint session the same or the next day – so, anything from 1 to 2 days, normally.

1. All E&D complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

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ANNEX 30D

PROTECT – STAFF (when completed)

DECLARATION OF CONFIDENTIALITY – SUCCESSFUL MEDIATION

I, XXXX, have willingly participated in a formal mediation session(s) which took place on XXXX at XXXX.

Persons present during the mediation were:

Parties:

.....

Mediator(s):.....

.....

The mediation was successful therefore I am content that the Mediator(s) XXXX (and XXXX (*insert Supporting Mediator's name if applicable*)) inform the Deciding Officer of the outcome.

If this Declaration is being signed by the Complainant in a Formal Bullying and Harassment/Service Complaint insert the following:

I am also content that the Mediator(s) inform the Deciding Officer that my intention is to write to him/her in order to withdraw my Formal Bullying and Harassment/Service Complaint.

I understand that, as all information discussed remains totally confidential, any breach of that confidentiality may result in an inquiry.

Signature:

Date:

Mediator(s) Signature(s):

Date:

This Declaration of Confidentiality is to be retained by the CIMT

ANNEX 30E

PROTECT – STAFF (when completed)

DECLARATION OF CONFIDENTIALITY – UNSUCCESSFUL MEDIATION

I, XXXX, have willingly participated in a formal mediation session(s) which took place on XXXX at XXXX.

Persons present during the mediation were:

Parties:

Mediator(s):.....

The mediation was unsuccessful and I am content that the Mediator(s) XXXX (and XXXX (*insert Supporting Mediator’s name if applicable*)) inform the Deciding Officer of the outcome.

I understand that, as all information discussed remains totally confidential, any breach of that confidentiality may result in an inquiry.

Signature:

Date:

Mediator(s) Signature(s):

Date:

This Declaration of Confidentiality is to be retained by the CIMT

ANNEX 30F

PROTECT – STAFF (when completed)

To: (Deciding Officer)

(Date)

OUTCOME OF MEDIATION OF A FORMAL BULLYING AND HARASSMENT/SERVICE COMPLAINT

1. The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was successful and the XXXX intends to write to you to withdraw their Formal Bullying and Harassment/Service Complaint. On the withdrawal of the Formal Bullying and Harassment/Service Complaint you are requested to inform the Line Manager(s) of both Parties of this outcome and to instruct them to monitor the relationship between both Parties for a period of at least 3 months to ensure that the agreement is respected and that there is no repeat of the issue(s) that resulted in the original Formal Bullying and Harassment/Service Complaint.

or

1. The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was partially successful and the XXXX intends to write to you to withdraw part of their Formal Bullying and Harassment/Service Complaint. On the withdrawal of part of the Formal Bullying and Harassment/Service Complaint you are requested to inform the Line Manager(s) of the relevant Parties of this outcome and to instruct them to monitor the relationship between both Parties for a period of at least 3 months to ensure that the agreement is respected and that there is no repeat of the issue(s) that resulted in the original part of the Formal Bullying and Harassment/Service Complaint.

or

1. The mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was unsuccessful. The Formal Bullying and Harassment/Service Complaint submitted by XXXX remains extant and should continue to be managed under JSP 831 and JSP 763 procedures.

2. A record of the outcome of the formal mediation session is to be recorded in the Unit D&I Log and on JPA¹.

**Signature block
(Mediator(s))**

Copy to:

Unit Lead EDA
NCHQ D&I Policy Staff fao NAVY PERS&POL DANDI SO2A

1. All bullying and harassment complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

ANNEX 30G

PROTECT – STAFF (when completed)

To: (Complainant) and (Respondent)

(Date)

OUTCOME OF MEDIATION OF A FORMAL BULLYING AND HARASSMENT/SERVICE COMPLAINT

1. The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was successful. I can confirm that the Formal bullying and harassment/Service Complaint has now been withdrawn and you both acknowledged the need to work towards the solutions agreed during the formal mediation session(s).
2. Your respective Line Manager(s), EDA and CIMT have been informed of this successful outcome and will support the working relationship between you for a period of at least 3¹ months to ensure that the agreement you both reached is respected and that there is no repeat of the issue(s) that resulted in the original Formal bullying and harassment/Service Complaint.

**Signature block
(Deciding Officer)**

Copy to:

Unit Lead EDA
NCHQ D&I Policy Staff fao NAVY PERS-PPOL DANDI SO2A

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1. Chapter 30, Annex 30A, [Para 11](#).