The mediation method

The whole basis of mediation is that it is a voluntary process (and one shown to work in 80% of cases). The Mediator has to be agreed on by the parties as independent and impartial. A confidentiality agreement is also signed up to, to enable open and frank disclosure of information to take place.

Mediation often starts with a joint meeting where the process is explained by the Mediator and each party can be invited to outline the position as they see it. Background information may be exchanged before that meeting. The Mediator may meet then individually with each party to explore the issues relating to the dispute, the issues around it and the parties concerns. Often this involves careful questioning on difficult and sensitive matters.

Everything disclosed in each of these meetings is confidential. The Mediator would seek permission as to what may be disclosed to the other party and at what point. Assistance is also given by the Mediator in identifying to move forward. Once issues are fully explored in this way the role of the Mediator is to assist the parties to assess options available, formulate proposals, examine alternatives and overcome deadlocks. This may be in joint meetings with each other or a combination of joint and separate.

The length of mediation may typically be a day but the timeframe for it will have been agreed beforehand.

When the parties have come to the stage of coming up with solutions through this kind of negotiation, a resolution agreement is normally signed up to.

Summary of the benefits

In addition to those outlined above it offers a quicker, more informal process than investigation. It helps parties come together in face to face meetings to share information. It assists in clarifying misunderstandings and perceptions. It enables the parties to come up with their own suggestions about how the problem can be resolved.

In terms of a resolution agreement if the parties agree something which has an impact on existing practices, work or study arrangements or requires a change in culture or skills an agreed report may need to go then to the appropriate line manager or Head of Department or School.
Mediation - explained

Introduction
Most people do not want to live their lives in dispute. If this arises, generally they want to reach an agreement on the dispute and get on with their work or study. At the same time, it is vital to them that they are heard and given the opportunity to put their point across. If in a dispute animosity or suspicion arises and each side blames the other, then lines of communication close and there is not the opportunity for creative and open negotiation.

Mediation offers the option of a flexible approach to resolve such conflicts. It gives an opportunity to discuss the issues with an impartial third party (the Mediator) and it is a voluntary, confidential and independent process. It is not a soft option, nor a compromise by any one party. It involves total commitment by those involved, difficult questions being asked and aired and a lot of hard thinking on positive options.

What is mediation?
The essentials of mediation are its
- privacy and voluntary nature of assisted negotiation
- informality
- flexibility
- opportunity for parties to consider future as well as past events and present circumstances
- opportunity for confidential and without prejudice discussion
- opportunity for creative solutions, none of which are binding until agreement is reached

It is a proven method of resolution, saving on time and cost. More importantly perhaps it enables settlement to be achieved, rather than compromise or a 50/50.

What does the Mediator do?
The Mediator’s role is independent, to work with those in dispute and assist them to find a solution. The Mediator is there to bridge that communications gap, explore options, test out realities and help the parties focus on the real interests and issues. A Mediator’s function is not judge or decide on an issue but to be an independent voice of reason.

The Mediator
- is neutral and has no vested interest in the outcome
- will not impose a settlement or pass judgement
- will identify common ground and help the parties to build on points they come to agree upon

What are the benefits of mediation?
Resolution can be achieved in days or weeks rather than months or years.
Mediation can identify core issues, which created the dispute in the first place.
Options can be explored and discussed.
It gives greater satisfaction in achieving workable outcomes and keeps the focus on the future.

When can it be used?
Mediation is an option for use at any time when both parties genuinely want to see the end to a dispute or to ineffective negotiation.

It is best suited when
- a negotiated settlement is desired
- tensions and emotions are impeding communication
- time and/or costs are a concern
- the persons in dispute want or need to maintain or rebuild a working relationship
- the parties wish to keep the proceedings confidential.

Not everyone will immediately agree to participate in mediation. In some circumstances more information on the process itself is needed or assessment of whether it is appropriate for a particular circumstance. It may not be appropriate where, for instance, one of the parties does not have an interest in settlement or wishes to establish a legal precedent or principle or there is a wish to use court proceedings to discourage similar actions.

The University has developed an edr initiative which was launched in October 2008. This is lead from Academic Affairs and there are 9 trained mediators within the University. For further information see (and the link again) or contact Academic Affairs on 01382 384010.

“ The value of the use of mediation is principally a quicker, simpler and more cost-efficient way to solve disputes. It allows for taking into account a wider range of interests of the parties, a greater chance of reaching an agreement which will be voluntarily respected ”