



HUMBERSIDE FIRE AND RESCUE SERVICE

People and Culture

Professional Standards Mediation Policy

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1. INTRODUCTION

Mediation is a process whereby a neutral third party is appointed to help individuals who are in dispute with each other reach an agreed way forward/restore effective working relationships. Mediation is a voluntary process to resolve differences and should not take place without the agreement of all the relevant parties.

Humberside Fire & Rescue Service (HFRS) understands the importance of developing positive working relationships with colleagues. It recognises that a constructive work environment enhances employee performance and wellbeing. Furthermore, it believes that mediation can be of benefit in providing a potential alternative to the formal stages of the Grievance Procedure in resolving workplace differences. In some circumstances, it may provide an alternative means of resolving an issue which may otherwise have been dealt with under the Grievance or Disciplinary Procedure. Ultimately, it may help avoid legal proceedings which can prove costly to both parties and be disruptive to the lives of those in dispute and the Service's operations.

Core Code Of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY, DIVERSITY AND INCLUSION

HFRS has a legal responsibility under the Equality Act 2010 and a commitment, to ensure it does not discriminate either directly or indirectly in any of its functions and services or in its treatment of staff, in relation to race, sex, disability, sexual orientation, age, pregnancy and maternity, religion and belief, gender reassignment or marriage and civil partnership. It also has a duty to make reasonable adjustments for disabled applicants, employees and service users.

3. AIM AND OBJECTIVES

This policy outlines the mediation process, the roles of those involved and support that is available. The policy applies to employees and workers. It does not apply to contractors, consultants or any self-employed individuals working for the organisation.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Assessment](#)
- Legal References

There are no specific legislative requirements relevant to this policy.

- National Guidance
There is no specific National Guidance relevant to this policy.

5. WHEN TO USE MEDIATION

Examples of situations where the mediation process could be suitable:

- Where there has been a breakdown in working relationships between employees or between an employee and their line manager (e.g. caused by personality clashes, breakdown in trust or communication difficulties, differences in working style, relationship breakdowns, perceived bullying and harassment;)
- Where there is a perceived unfairness at work.
- Where there are continuing difficulties in rebuilding working relationships following an earlier dispute (e.g. arising out of a grievance or disciplinary matter).
- At any stage of a dispute, including before a formal grievance or disciplinary procedure is initiated and after a formal procedure has concluded to support the parties in rebuilding relationships.
- to resolve conflict between peers, or between a line manager and their team member, or other work relationships where there is not a major power differential between the parties.

The mediation process should not be used in dealing with minor differences in day to day working relationships if the parties can resolve them by effective communication and by individuals and their line managers exercising their responsibilities appropriately.

The mediation process is not appropriate where the parties are not demonstrating a willingness to move forward and reach agreement, if parties have not yet tried to resolve the issues themselves by speaking to each other and seeking the support of their manager or if there are allegations of discrimination, bullying or harassment, or potential criminal activity. In such cases, the most appropriate course of action will be to raise a grievance (see Grievance Policy) or initiate the Whistle Blowing Policy (where these behaviours have been observed and not personally affected). It may be necessary to initiate a disciplinary investigation which may result in an appropriate disciplinary sanction (see Disciplinary Procedure).

6. RELATIONSHIP WITH OTHER POLICIES

The mediation process is not an alternative to the proper use of the formal stages of the Grievance or Disciplinary procedures where these are more appropriate but may be an option in some instances. Guidance and advice is available to line managers in considering how to deal with a particular issue from the Human Resources (HR) Team.

All parties involved must freely agree to the use of mediation and whilst it is ongoing, any Grievance or Disciplinary matters may be suspended. Should the mediation process fail to resolve the dispute satisfactorily, the relevant stage of the Grievance or Disciplinary Procedure will be reinstated.

Mediation may be introduced at any stage of the Grievance or Disciplinary Procedures.

7. ROLE OF THE MEDIATOR

The role of the mediator is to facilitate the parties in reaching agreement on the way forward. They will first evaluate the dispute and ensure that both parties understand what mediation is and confirm that the parties they are happy to participate. The mediator has the discretion to invite the parties to separate meetings prior to holding the joint meeting. The mediator will also be given the right to hold further separate meetings should this be deemed helpful to resolving the dispute.

8. APPOINTMENT OF A MEDIATOR

HFRS will appoint an internal mediator who has been trained to act in this role having undertaken appropriate training. Alternatively, and at the sole discretion of the Service, a suitably qualified external mediator may be appointed who will be provided with the appropriate dispute mediation terms of reference agreed upon by HFRS and the relevant employee(s).

- All costs and expenses of engaging the services of an external mediator will be met by HFRS.
- The mediation process will normally be held on HFRS premises, paying particular attention to the need for impartiality and confidentiality unless exceptional circumstances require alternative accommodation to be used.
- At the end of the process, for monitoring purposes only, the mediators will inform HR whether the process has been successful in that all parties have reached agreement. There will be no disclosure of the details of the case.

9. THE MEDIATION PROCESS

Mediation is suitable for resolving a range of workplace conflicts. It is recognised as a useful tool for trying to resolve workplace disputes before parties engage in any formal process.

The principles of facilitative mediation encourage the parties to resolve their conflict and empowers them to become accountable and responsible for the outcome of the process. The Service has qualified inhouse mediators and, whilst it is acknowledged that mediation is voluntary, the Service is nonetheless committed to resolving workplace conflict at the earliest opportunity. Employees are expected to actively consider mediation, where appropriate, as a voluntary and constructive process for resolving disputes. Whilst participation cannot be compelled, all parties should be prepared to give reasonable consideration to mediation before pursuing formal procedures.

The Service's expectation is that all staff will work professionally with each other in accordance with the Service's Core Code of Ethics.

All formal requests for mediation should be directed to HR. Requests should be made in writing or via email to hr@humbersidefire.gov.uk.

HR will ascertain the willingness of both parties via their line manager to participate in mediation before contacting a mediator. HR will arrange individual meetings between the appointed mediator and the employees. The purpose of this initial meeting will be to identify and understand the key issues and assess if mediation is the right way forward. The mediator will answer any questions about the mediation process at this initial meeting. The mediator will not reveal the content of these meetings with anyone.

Individual meetings are strictly confidential, and the other individuals will not be informed at this stage if there is a commitment to mediation without formal consent.

If mediation is considered appropriate, all individuals must voluntarily agree to be involved and will be informed of their right to withdraw from the process at any time.

All parties in the mediation process are expected to maintain confidentiality about issues raised in mediation sessions. The only exception is where there is evidence of criminal conduct, or where there is evidence of serious risk to health and safety. In these circumstances the process will be terminated and the Co-ordinator informed.

The mediator will contact all parties with an initial plan for the mediation process. This will suggest the number of sessions that may be required. These meetings will be arranged as soon as possible after the first meeting.

The date of any meetings and other procedural and practical matters not referred to in this policy will be decided by the mediator and the parties involved. If agreement cannot be reached the mediator will have discretion to decide whether this prevents the mediation process from continuing.

The consequences of non-participation and continued dispute within the workplace will not be tolerated and will be discussed with both parties and the consequences including potential disciplinary action to either or both parties should this continue.

During the joint meeting each person will have a chance to speak uninterrupted. The mediator will help to clarify the issues that need to be addressed and those taking part will be encouraged to be open and honest and to express their feelings clearly and constructively to one another to improve communication and interaction. Once the issues have been identified and discussed, the mediator will facilitate the individuals to identify ways forward to rebuild mutual trust.

Any notes taken during the session will be destroyed at the end of the session in front of the other parties, with the exception of notes relating to any agreements or records of understanding that are taken by the mediator and given to both parties at the end of the session.

Parties are not normally accompanied in mediation meetings. In exceptional circumstances (for example, where emotional support is required), a colleague may accompany a party, provided that:

- all parties agree;
- the companion does not participate in the discussions; and
- the companion signs the agreement to mediate, thereby committing to keep confidential all information relating to the mediation.

10. THE MEDIATION AGREEMENT

Where an agreement is reached, the mediator will clarify the details in writing to the parties who will be asked to sign the agreement at the end of the mediation session made and will each retain a copy.

Thought needs to be given in the meeting as to how to debrief others who may need to know any outcomes, i.e. line managers.

If an agreement is not reached further mediation sessions may be arranged at the agreement of all parties. Alternatively, individuals may still use the formal procedures i.e. grievance, but the mediator cannot support either party during this process. However, the mediator may be asked to provide evidence by the grievance investigator.

11. WHO CAN PROVIDE SUPPORT OR ADVICE TO EMPLOYEES

We are committed to maintaining a safe and supportive work environment for everyone. Below are internal and external routes staff can use to speak up, raise concern and get support.

Most 'speaking up' happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option. It may well be the easiest and simplest way of resolving matters. However, you have other options: Station Managers, Group Managers, CLT and SLT members with responsibility for the subject matter you are speaking up about.

Via Your Line Manager

Your line manager is a key point of contact for reporting concerns and seeking support. They are here to listen, provide guidance, and ensure that your concerns are addressed appropriately. Whether you have questions about workplace policies, encounter issues with colleagues, or require assistance with personal matters affecting your work, your line manager is there to support you.

If, for any reason, you feel uncomfortable discussing your concerns with your line manager, we have established multiple channels for reporting concerns anonymously or confidentially.

Through Our Policies and Our Professional Standards Policies

Various routes are included in our Policies and our Professional Standards Policies listed below:

- Anti-Fraud and Corruption
- Complaints
- Conduct Policy (anti Bullying and Harassment)
- Disciplinary
- Exits From the Service
- Equality and Inclusion
- Grievance
- Menopause
- Mediation
- Personal Relationships at Work Policy
- Safety Event Reporting Recording and Investigation Arrangements
- Whistleblowing

Independent Speak Up (Powered By Crimestoppers)

This service aims to provide a safe space for staff to speak up when something isn't right in the workplace:

- Discrimination, victimisation and harassment (on gender, sexual orientation, disability)
- Misogyny and violence against women and girls
- Health and safety breaches
- Fraud and corruption
- Poor or unsafe working practices

The Service is available online or via phone [here](#).

Service users can remain anonymous or can choose to provide their name and contact details which will then be shared for confidential use by the Fire Service

Our Internal Bullying And Harassment Hotline

Bullying will not be tolerated within Humberside Fire and Rescue Service. Our Dignity at Work policy clearly defines bullying and how to report it.

The Service's 'Zero Tolerance' campaign has a very simple strapline - **SUPPORT - CHALLENGE - REPORT** - and we encourage our employees to do just that.

Contact HR

You can contact your HR team, in complete confidence, on: 01482 567572.

This number will take you through to one of our HR advisers who will listen to what has caused you to feel the way you do.

You don't need to provide names, and you will receive completely confidential advice as to how to manage any issues you raise.

HMICFRS Independent Reporting Line

The independent reporting line (IRL) form is a tool for fire and rescue service staff to confidentially pass information to HMICFRS, which as an independent body is responsible for inspecting fire and rescue services on their efficiency, effectiveness and how well they look after their people.

The reporting line can be accessed [here](#).

Employee Assistance Programme

As part of an ongoing commitment to employee wellbeing, Humberside Fire and Rescue Service Occupational Health Team are very pleased to offer all employees confidential support, with free access to emotional and practical support through the Employee Assistance Programme.

The service is provided by Westfield Health, an external organisation, who are entirely independent, so support and advice are completely confidential. The Confidential Care service is available (8:30am – 5:30pm, Mon-Fri except public holidays) a year and is accessed by calling the number: [0114 250 2000](tel:01142502000).

Internal Freedom To Speak Up Routes

The Freedom to Speak Up model was developed in health and has six key elements; we have used the model as the basis for the HFRS process. How we implement 'Valuing' and 'Modelling' Speaking Up within HFRS will be developed from the 'ground up' by listening to staff about how line managers and the organisation can value and model Speaking Up.

Our 'Freedom to Speak Up Guardian' can support you to speak up if you feel unable to do so. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).

Additional information relating to Freedom to Speak Up Routes can be found [here](#).

You may also wish to speak to:

- A colleague
- A trade union representative
- The Humberside Fire Authority Counselling Service
- Protect – UK Charity

You may wish to discuss the concern with a colleague or trade union representative first and may find it easier to raise the matter if there are other colleagues who share the same concerns. A trade union representative or work colleague may accompany a member of staff at any meetings or interviews in connection with the concerns raised.

Further guidance is set out under the Whistleblowing Policy.

**If you require any further guidance/information on this Policy,
please contact the Human Resources Team**