

Essential Mediation

resolution wrapped up

Mediation for Employers and Employees



independent
impartial
confidential

www.essentialmediation.co.uk

At a time of increasing legal challenges and as the costs of litigation become prohibitive, mediation is becoming an increasingly popular and important method of dispute resolution.

Essential Mediation is a specialist practice that provides independent, impartial and confidential mediation services to resolve disputes that arise between employers and employees.

Essential Mediation is committed to promoting mediation as a viable alternative to the excessive personal cost in stress, time and money caused by unnecessary litigation, lack of effective communication and unresolved conflict.

What is mediation?

Mediation is a voluntary, confidential process where people involved in conflict are helped by an independent specialist mediator to resolve their problems collaboratively. The goal of mediation is for the parties to speak with each other in an open and honest manner to try and reach a resolution that is acceptable to all parties in dispute.

The mediator uses techniques to facilitate communication, problem solving and negotiation between the parties in a safe and constructive environment, and deploys them from a position of independence and neutrality making progress possible.

The mediator never takes sides or tells the parties what to do, but helps the participants reach a solution that they are happy with which is then drawn up into a written agreement.

Mediation in workplace disputes

Conflicts in the workplace can arise from a variety of sources such as:

- Serious disagreements between team members;
- Tensions created as a result of performance management;
- Allegations of inappropriate behaviour such as bullying and harassment or discrimination;
- Difficulties encountered in implementing change management;
- The integration of staff after a TUPE transfer or merger of teams;
- A return to work after lengthy sickness absence;
- Formal disciplinary or redundancy procedures.



Where there is an ongoing employment relationship, mediation can be particularly important in ensuring that disputes are resolved in such a way as to enable the parties to continue working together. Where employment is at an end mediation provides an opportunity to avoid litigation or to bring it to a conclusion without the delay, expense and stress of a hearing.

Mediation can be applied at any stage in the life of a dispute, for example when:

- A serious difference arises which cannot be resolved directly between the individuals concerned, but they agree that a facilitated discussion is likely to be helpful;

- A formal grievance has been raised which, if not resolved, will lead to the need for a formal internal hearing;
- Legal proceedings are threatened;
- Legal proceedings have been issued.

A close-up photograph of a single puzzle piece against a light blue background. The puzzle piece is white and has a dark blue shadow. The word "EMPLOYMENT" is printed in bold, dark blue, uppercase letters in the center of the piece. Below the word, there is a snippet of a form with the text "employment" and "our compan" on the first line, and "day of" followed by a horizontal line on the second line. The puzzle piece is surrounded by other puzzle pieces, which are out of focus.

EMPLOYMENT

employment _____ our compan
day of _____

What is the mediation process?

Following initial contact from one or both of the parties the mediator will contact the parties by telephone to introduce him / herself, to ascertain a brief outline of the dispute(s), to set a date for the mediation day and deal with any preliminary queries.

A proposed form of Mediation Agreement will be prepared and circulated to the parties for approval. Each party will be invited to provide the mediator with a summary of the issues in dispute along with any other relevant documents so that the mediator can have some background information prior to the mediation day itself.

The mediation day usually starts between 09.00 and 10.00. There is no formal structure to the mediation day, unlike that of a tribunal or court hearing. The day will normally begin with an individual meeting between the mediator and each party when the mediation agreement is signed and the format of the day is discussed. Normally this is followed by a joint meeting at which time each party sets out their views on the dispute and the mediator can confirm the ground rules and establish an agreed way of working forward.

Throughout the course of the day, the amount and type of meetings will vary according to the needs of the parties and the organisation which the mediator believes will be most effective. The mediation will continue until either resolution has been reached, the parties agree to take a break and resume on another occasion, or one party chooses to abandon the mediation process.

How can mediation help?

This process:

- Ensures the relevant people and information are brought together;
- Provides a safe, secure environment to allow communication to take place freely;
- Focuses people on the issues and needs;
- Helps overcome deadlock and emotional blockages;
- Assists the negotiation and makes all parties part of the solution;
- Rebuilds and safeguards relationships.

Why appoint us

At Essential Mediation we can provide:

- Mediators who understand the complexity of workplace issues and relationships from the perspective of the employee and the employer;
- Mediators who have direct experience of management, working with employers, employees and professionals;
- A process facilitated solely by a mediator and not an administrative assistant.

Services we provide

- If we are instructed, we provide a comprehensive mediation service which includes:
- The provision of dedicated and specialist mediators with experience of the workplace, management and an understanding of the legal framework;
- The administration of the mediation process, including arranging a suitable and accessible venue, initiating pre mediation contacts with the parties and drafting the mediation agreement (if applicable);
- Mediation telephone information line;
- Mediation information pack for employers and employees.

Cost

Because mediation is entered into voluntarily by both parties, the costs are normally shared.

Costs will be made up of:

- The mediator's fee;
- Any charge which may be made for accommodation – 3 rooms are normally needed so that each party can have their own private space and a larger room is available for joint meetings;
- Professional fees of a solicitor or other representative which a party may instruct to attend with them at the mediation and pay directly.

Essential Mediation can offer a range of packages to suit individual requirements. We can also specifically create a package whereby the expense of the mediation process can be shared. However the cost of an individual mediation session is as follows:

Individual mediation

£2,000.00 + VAT

- 1 full day mediation session with a specialist mediator
- Full administration of the mediation process and provision of a suitable venue
- A dedicated and specialist mediator
- Correspondence between the parties both prior to and following the mediation
- Preparation of mediation agreement



If you would like further information regarding the cost of mediation and the subscription packages on offer then please contact us by email: admin@essentialmediation.co.uk or call: 01908 246023

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