

Introduction

The School is a community within which all colleagues, volunteers and pupils are valued for their contributions, and it is the School's expectation that they engage with the life of the School in a manner which ensures that everyone is treated with dignity and respect.

Our aim is to provide a stimulating and supportive environment for working and learning which will enable colleagues and pupils to fulfil their potential. **The School will not tolerate bullying, discriminatory, offensive, violent, and inappropriate behaviours of any kind** which undermine this aim, and everyone has an important role to play in creating an environment where such behaviours are unacceptable.

This policy is aligned to the School's ethos, *ex corde caritas*, and provides a framework to help prevent bullying, harassment, victimisation and other inappropriate behaviour and outlines the procedure to be followed if incidents occur.

Scope

This policy applies to everyone who works for or visits the School. It applies whether colleagues are working on School premises or at other locations, and also covers work-related social events.

Parents of our pupils and other third parties are outwith the scope of the procedures; however, any colleague who has concerns about the behaviour of a parent towards them or another employee should speak to their line manager in the first instance. *Further information about treatment by third parties (i.e. parents, visitors, contractors, other members of the public) is available in the section "Treatment by Third Parties" below.*

Purpose

The purpose of this policy is:

- To promote an enabling and inclusive environment where all individuals are treated with dignity and respect, free from bullying and harassment (for definitions of these terms refer to Appendix 1)
- To ensure that any occurrences of bullying and harassment are taken seriously and dealt with promptly and with due sensitivity and discretion
- To provide a framework for raising, addressing and resolving concerns about individual and/or organisational behaviour

This policy will be applied to promote a culture in which every employee is treated with dignity and respect irrespective of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex or sexual orientation (i.e. regardless of protected characteristics under the Equality Act 2010).

Employees will not suffer any detriment as a result of raising a concern in good faith. However, where a complaint is made maliciously and/or on knowingly false information, the complainant may be subject to the Disciplinary Procedure.

Support

The School recognises that allegations of bullying and harassment can be upsetting and stressful for all those involved. In all cases, the HR Team will be available to offer neutral advice and guidance during any stage of this process and to all parties.

The School's Employee Assistance Helpline (**0800 023 9324**) is a free and confidential counselling support service available to all employees and managers. Further details are available from Human Resources and on the Staff Portal.

Free, confidential and impartial advice about employment issues is available from the ACAS helpline (online service - <http://www.acas.org.uk/contact>; telephone service - 0300 123 1100).

There are a number of other organisations who may be able to provide colleagues with additional information, advice and support:

- UK National Workplace Bullying Advice Line <http://www.nationalbullyinghelpline.co.uk>
- Equality and Human Rights Commission www.equalityhumanrights.com/guidance/individuals
- Equality Advisory and Support Service (EASS) <http://www.equalityadvisoryservice.com>
- Citizens Advice <http://www.citizensadvice.org.uk>

Responsibilities

In simple terms, employers and employees have a mutual obligation to treat each other with dignity and respect. This policy and associated procedures place a responsibility on everyone to help create and maintain a positive working and learning environment, free from harassment and bullying.

As a responsible employer, the School understands our legal duty to protect our employees from harm, which includes doing all we can to prevent bullying or harassment from happening, taking any reported cases seriously, and handling them appropriately.

All colleagues

As employees, we all have a responsibility to:

- Make ourselves familiar with this policy and our responsibilities under it
- Behave in accordance with this policy and set an example to our pupils and each other
- Behave in a positive manner and demonstrate respect and integrity in our interactions with others
- Identify and challenge unacceptable behaviour if it occurs
- Address and resolve matters ourselves, where reasonably possible, in a constructive way
- Raise more serious concerns according to this policy and procedure
- Modify behaviour should we become aware that we have behaved unacceptably, even if no formal complaint has been made
- Help others to do the above, where we identify a need to do so
- Maintain confidentiality on these matters to protect the dignity of those involved.

Line managers

Leaders and those in line management positions have additional responsibilities to:

- Promote a culture where employees feel able to talk to them about problems or concerns; where everyone is treated with dignity and respect and where any form of bullying or harassment is not tolerated
- Ensure that colleagues are aware of expected standards of behaviour and remind employees at regular intervals
- Carry out their managerial functions fairly and in a professional manner which does not undermine the dignity of employees
- Act promptly to correct behaviour which could cause offence or be seen to contravene this policy
- Treat cases of discrimination, bullying or harassment sensitively and in line with this policy.

Fair and reasonable actions taken by a manager to address performance issues would not in themselves be considered to be bullying or harassment.

Definitions

The terms bullying and harassment are often used interchangeably, but there are important differences. Generally, they can both be defined as behaviours directed towards someone that are unwelcome, unwarranted and which cause a detrimental effect. However, there is additional protection within law for people who are harassed due to particular protected personal characteristics. Victimisation is another form of harassment, which occurs when an individual is treated less favourably because they have, in good faith, made an allegation of harassment, or assisted another person in bringing forward such an allegation. **Appendix 1** provides further guidance on the specific definitions.

Unacceptable Behaviour

The School expects all its colleagues and pupils to treat others with dignity and respect and regards any form of bullying, harassment or discrimination as unacceptable behaviour. To help everyone better understand what the School may consider to be unacceptable behaviour, additional information and examples of such behaviours have been provided in **Appendix 1**.

Resolution Procedures

Colleagues are encouraged, where possible, to resolve any concerns they may have informally. However, if the problem has not been resolved by informal means, or the employee feels it cannot be informally resolved, then they may submit a formal complaint.

The School considers that it is important to have a clear framework in place to help support and guide colleagues and line managers in relation to raising, addressing and resolving any concerns in the workplace. Full details of our resolution procedures, both informal and formal, are provided in **Appendix 2**.

Treatment by Third Parties

If an employee experiences offensive or unwelcome behaviour from a parent, member of the public, contractor or visitor they should speak to their line manager as quickly as possible. This will be raised as a complaint in the Complaints Register and handled under that procedure.

Parents are required to abide by the School's Terms and Conditions document. Section 9 of this Terms and Conditions document clarifies parental obligations, and confirms that parents are required to maintain a constructive relationship with school employees, including in the tone, content, volume and/or nature of their communications and interactions.

On arrival at School all visitors and contractors are required to report to reception. At this time, we share our expectations of behaviour with them and they are asked to sign that they understand and agree to abide by them. Any breach of these expectations should be reported and will be dealt with in line with the complaints procedure as above. Where a breach is deemed to be so serious that it requires immediate attention, the matter should be reported to a member of PLT.

Relevant Legislation

There are a number of key areas of legislation to be particularly aware of with regards to...

- Equality Act 2010
- Data Protection Act 2018 and UK General Data Protection Regulation (GDPR)
- Health and Safety at Work etc Act 1974
- Employment Rights Act 1996

Other Relevant Policies

- Equality, Diversity and Inclusion Policies, Guidance and Procedures
- Complaints Procedure

- Grievance Policy and Procedures
- Disciplinary Policy and Procedures

Effective Date

The Dignity and Respect Policy and associated procedures are effective from May **2024**. This policy supersedes any previous policies or procedures relating to how the School will deal with any instances of bullying, harassment or discrimination.

Approval and Review

The Head of Human Resources is the owner of this policy.

The Dignity and Respect Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

In line with the agreed schedule, the School will review the Dignity and Respect Policy at least every two years, or as soon as practicable after any change of relevant legislation, to ensure that the policy and associated procedures continue to comply with current employment legislation and to meet the School's operational needs.

Date of next review: Spring 2026

Appendices

Appendix 1	Definitions and Unacceptable Behaviour
Appendix 2	Resolution Procedure and Additional Information
Appendix 3	Mediation

Version 3 / Issue 1/May 2024

Appendix 1: Definitions, unacceptable behaviour, and the effects of bullying and harassment

The following definitions and information are generally guided by the ACAS document “[Bullying at work](#)” and information available on the ACAS and Equality and Human Rights Commission websites. These definitions are provided to help colleagues and line managers understand more about what bullying, harassment and victimisation are, so that they can make informed judgements about whether a particular behaviour or situation may fall within the scope of the Dignity and Respect Policy. Further advice is always available from the HR Team.

Bullying

There is no legal definition of bullying. It can take many forms, occur in a variety of situations, and involve either an individual or a group of people.

Bullying may be characterised as unwanted behaviour that is offensive, intimidating, malicious or insulting. It can also be an abuse or misuse of power that undermines, humiliates, or causes someone physical or emotional harm.

Bullying can be a regular pattern of unwanted behaviour or a one-off incident. It can happen face-to-face, in writing, or using digital technologies (e.g. by email, mobile phone, text messages, or via social media, which is often referred to as “cyber bullying”). Bullying can happen at work or in other work-related situations (e.g. at team social events). It may not always be obvious or noticed by others; bullying can sometimes be more subtle (e.g. “gaslighting” when an individual engages in unacceptable behaviour but then denies the abuse, leading the recipient to doubt their experiences or reality).

Bullying can be directed towards an individual or a group of people, may be done by an individual or a group, and can be directed towards a more senior colleague (i.e. upward bullying).

Harassment

The terms bullying and harassment are often confused or used interchangeably to describe unacceptable behaviours. As shown above, bullying can take many forms and someone could be targeted for any reason (e.g. a hobby, the type of music they like); however, bullying behaviour can be legally defined as harassment if it relates to any of the following “protected characteristics” specified in the Equality Act 2010:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation

NB: Although any form of bullying behaviour is unacceptable, technically the harassment provisions under the Equality Act 2010 do not apply to the following “protected characteristics”: Marriage and Civil Partnership, and Pregnancy or Maternity. However, individual’s may still be able to claim unlawful discrimination in relation to these characteristics. Further information is available on the [Equality and Human Rights Commission](#) website.

Bullying behaviours can also be legally classed as harassment if there is any connection to a “protected characteristic”; i.e. if someone is treated as having a protected characteristic, even though the other person knows this isn't true. (An example of this could be directing offensive, homophobic remarks towards a colleague even though you know they are not actually gay).

Harassment does not actually have to be behaviour that is targeted towards an individual. An example of this could be that there is a culture in a team which generally allows offensive or stereotypical jokes to be made, and which an individual finds offensive, even though they are not the direct recipient of the comments/behaviour.

In certain circumstances, severe cases of harassment could be viewed as a crime; for example, a **hate crime** as defined by the Hate Crime and Public Order (Scotland) Act 2021 or **stalking** as covered by section 39 of the Criminal Justice and Licensing (Scotland) Act 2010.

Victimisation

Victimisation is a type of harassment. In terms of this policy, this would apply when someone is treated less favourably because they have, in good faith, made an allegation of harassment, or has assisted another person in bringing forward such an allegation.

Examples of unacceptable and bullying behaviour

Bullying and harassment can happen in many different forms, including:

- verbal - e.g. name calling, threatening someone, putting someone down, persistent teasing, wolf-whistling
- physical - e.g. hitting, tripping or pushing, breaking someone's possessions, making rude faces or gestures towards them, sexually assaulting them
- social or psychological - e.g. spreading gossip or rumours, playing horrible pranks on someone, excluding someone from a social event, playing mind games, humiliating someone in public
- cyberbullying - e.g. sending hurtful or threatening text messages, posting embarrassing photos online

Although not an exhaustive list, the section below provides some examples of what could be viewed as unacceptable and bullying behaviour at work.

Examples of bullying behaviour could include:

- constantly criticising a colleague's work
- spreading malicious rumours about someone
- excluding someone from a team social event
- unwelcome physical contact (such as hitting or pushing, or standing too close to someone to intimidate them)
- assigning unreasonable, demeaning or pointless work tasks
- isolating someone in the workplace (e.g. withdrawing "collegiate" working, ignoring them in corridors, not returning "good morning" or other polite gestures, ostracising them or "freezing" them out of a project team etc)
- putting humiliating, offensive or threatening comments or photos on social media
- deliberately "losing" or withholding information from a colleague or otherwise setting them up to fail
- putting someone down or humiliating them in meetings
- sending emails that are critical about someone's performance, and including other colleagues who do not need to know

Examples of upward bullying could include:

- continually showing a manager or more senior colleague disrespect or undermining their authority
- refusing to complete tasks
- doing things to make yourself seem unskilled or unable to do your job to suggest to others that your manager hasn't properly supported or trained you

Examples of harassment could include:

- unwanted sexual contact, sexually suggestive jokes, comments or innuendo, offensive gestures or whistling
- suggestions that sexual favours may further someone's career or that refusing may damage it

- outing a colleague as trans or non-binary without their permission
- using derogatory terms about someone's ethnicity, making offensive comments about their clothes, or mimicking someone's accent
- excluding someone from a social event because of their religious beliefs or political opinion
- displaying offensive pictures or graffiti on a staff noticeboard
- repeatedly ignoring someone's views because they have a diagnosis of mental ill health
- using racial "slurs" or other derogatory language relating to any protected characteristic
- making assumptions about what someone can or cannot do because of their age
- repeatedly using the wrong pronouns or name for someone who is transitioning
- asking deliberately intrusive questions about someone's religious or cultural practices

For line managers, the following are examples of unacceptable bullying behaviour and harassment that could additionally be considered as "an abuse of power":

- reprimanding an employee in front of other team members
- undermining a competent worker by overloading them (e.g. deliberately giving them a heavier workload than their colleagues)
- placing excessive demands on employees by setting unrealistic work targets or deadlines
- intentionally blocking promotion or training opportunities because of someone's age, disability, gender, or race
- deliberately not providing the resources required for employees to properly undertake their job roles, e.g. equipment, budget, reports/information - essentially, setting them up to fail
- encouraging or knowingly allowing unacceptable behaviour to take place in your team when it is highly probably it will cause harm or offence to an individual or a group of individuals
- unfair treatment of different team members depending on their protected characteristics
- overbearing supervision, excessive micromanagement, or other misuse of power or position
- making threats or comments about an individuals' job security without foundation

However, it is always vital to respond to unacceptable behaviour and the impact it is having on someone rather than focussing on any rigid definitions.

Understanding more about bullying and harassment

Bullying or harassment essentially takes place in the context of relationships, and are about both behaviour and impact.

Bullying and harassment can make people feel hurt, threatened, frightened or left out, and harm them physically or mentally. Bullying or harassing behaviour is often persistent, but unacceptable behaviour doesn't have to take place over a sustained period to have a negative impact on someone's self-esteem or their physical or mental wellbeing; a single incident can have a significant impact on an individual, and the fear and anticipation of further bullying can have as adverse an effect on someone as the behaviours themselves. Bullying is not always a case of someone picking on the weak; sometimes it is a person's strengths in the workplace that can lead to a colleague feeling threatened and triggering their unacceptable behaviour.

Bullying or harassment are often done deliberately, but sometimes it is possible that a person doesn't know that their behaviour is bullying or harassment. An individual may genuinely not realise that the way that they are treating a colleague at work is bullying, or understand how what they say or do makes someone else feel. They might think that the other person is oversensitive, or doesn't "get a joke", or that reasonable management behaviour is being perceived wrongly by an employee. **It can still be bullying or harassment even if the person (or people) doing it does not realise that it is, or they didn't maliciously intend to bully someone.**

Occasionally, bullying behaviour can be unsuccessful; an individual tries to bully a colleague, but their behaviour actually has no impact. However, the unacceptable behaviour must still be challenged as it could affect someone else.

Research studies into the issues surrounding workplace bullying and harassment regularly look at why people bully others. Some of the reasons include:

- professional jealousy (e.g. targeting someone who is getting positive attention for their work performance)
- social envy (e.g. targeting a well-liked colleague because they see them as a threat to their own popularity or social standing)
- threats to their control (e.g. bullies want to be in control, so they target caring, social and collaborative team players who they see as draining their “power”)
- their own insecurity, shame or low self-esteem (i.e. they say or do what they do to trigger these emotions in others)
- personality characteristics (e.g. someone joining others in bullying a colleague because they need to be a “people pleaser”)
- prejudice (i.e. targeting a colleague because of perceived or actual differences)
- the impact on them of leadership and organisational culture (i.e. if a manager engages in bullying behaviour themselves or an organisation doesn’t tackle unacceptable behaviour, it can lead to a perception that it’s OK).

In managing incidents, understanding why someone is engaging in bullying behaviour can guide the steps that need to be taken to address their unacceptable behaviour (e.g. someone may need additional equality and diversity training, etc)

Bullying can affect people in many different ways and this should always be taken into consideration; each bullying incident should be looked at on an individual basis. The perceptions and feelings of the recipient of the bullying behaviour or harassment are very important in determining whether behaviour is bullying and how it should be addressed. However, in some situations, the recipient’s perceptions may possibly be distorted, biased or unreasonable (e.g. when a colleague thinks that negative management feedback is bullying behaviour or they are making assumptions based on a previous situation). On that basis, the viewpoints of both the colleague receiving the behaviour and the person responsible for it should be taken into account, along with the other circumstances of the situation, and a sense of whether it is “reasonable” for the behaviour or conduct to have had that effect.

Labelling people as either “bullies” or “victims” can be unhelpful in terms of supporting them to change and improve their behaviours or to recover from the impacts of unwanted behaviour they have experienced at work. Rather than focus on these terms, the School will instead concentrate on educating everyone about the importance of dignity and respect in the workplace, and addressing any unacceptable behaviour and the impact it has had. There is more information about how we will do this in **Appendix 2: Resolution Procedures and Additional Information**.

Effects of workplace bullying and harassment

Workplace bullying and harassment can lead to a range of negative effects, both for any individuals, teams and line managers involved, and also for the School as an employer.

Health impacts and risks

Individuals targeted by bullying behaviour may experience a range of significant physical and/or mental health problems; e.g. headaches, high blood pressure, ulcers, flare-ups of IBS, skin rashes, tearfulness, stress and anxiety, mood changes, panic attacks, issues sleeping and/or eating, depression etc. In some cases, exposure to bullying behaviour can even lead to suicidal thoughts or suicide.

It should be remembered that the effects of bullying and harassment don't necessarily end when people leave work, and that these negative impacts can apply to other team members, even when they are not directly bullied themselves.

Job performance

All or any of the following work related issues might arise as a result of bullying and harassment:

- lack of concentration
- lack of confidence e.g. in decision making
- lack of productivity - a bullied employee may be less focused and less productive because they are preoccupied with avoiding the bully, ruminating about the situation and planning how to deal with it. The same applies to the rest of the team...

Negative impact on the workplace

Similarly, bullying and harassment at work could lead to the following issues, which could all have a significant detrimental impact on individuals, teams, line managers, and the the finances and reputation of the School:

- increased absenteeism
- high levels of turnover
- low morale and motivation
- hostile work environment
- financial impacts e.g. associated with defending an employment tribunal claim, increased recruitment costs
- negative impact on the School's good reputation

Appendix 2: Resolution Procedures

Resolution Procedure

Informal approach

The person concerned may be unaware that their behaviour is inappropriate and oblivious to any upset it is causing or any objection to it. The informal approach gives an opportunity for the individual to be made aware of the impact of their behaviour and adapt it accordingly.

Where they feel able to, employees should raise the problem immediately with the person concerned, directly or in writing, and ask them to STOP doing whatever it is that is causing them distress. Employees may wish to be accompanied or ask someone to speak on their behalf. A note of the conversation, when/where it took place and what was said, should be kept.

Seeking Informal Assistance

If the employee does not feel able to resolve the matter themselves at an early stage, they may wish to seek advice and support from their own line manager or Human Resources. Where the concern relates to the employees own line manager they should seek advice from the Human Resources department.

Making a formal complaint

If the problem has not been resolved by informal means, or the employee feels that the situation is serious as to warrant formal action, employees may submit a grievance in line with the School's **Grievance Policy**.

Employees are advised to speak to their line manager or Human Resources before raising a grievance. The **Whistleblowing Policy** and procedures encourages colleagues who believe that an individual's or group of individuals' behaviour will result in fraud, crime, a threat to health and safety, including public safety issues or a miscarriage of justice, to disclose the matter to the School using internal channels. In certain cases, this may also be appropriate.

Mediation

Mediation can be used at any stage in this procedure. Mediators do not make judgements or determine outcomes – they assist parties to understand each other's point of view and help them look at options for resolving disputes. An external mediator can be arranged by Human Resources, if deemed an appropriate way to resolve the dispute. Further information is available in **Appendix 3** of this policy as well as Appendix 4 of the **Grievance Policy** (applicable if an employee has chosen to follow the formal complaint process).

Confidentiality

Complaints must be treated confidentially and not discussed with anyone who is not involved in the procedure.

Appendix 3: Mediation

It is always a good idea to try to resolve any issues at work informally first, before thinking about mediation. However, if that has not been possible, it is best to start mediation as soon as possible; the earlier any concerns, difficulties, or disagreements are dealt with, the less chance there is of matters getting worse.

The following information is provided to explain more about the purpose and possible uses of mediation, and clarify how the School may use the process to help resolve workplace issues or restore good working relationships. Further information and support is available from the HR Team.

What is mediation?

Mediation is a process that aims to help find a positive resolution when you are having a disagreement or are in conflict with another person at work (or sometimes more than one other person). Mediation is not about judging who was right or wrong in the past, but aims to help employees resolve their differences and to reach an agreement on how they can positively work together in the future.

Mediation can be an effective way to resolve disagreements and issues at work because it is a less formal and more flexible process (than a formal grievance, for example). Mediation is always entirely voluntary and confidential, and any agreements reached are not normally legally binding. An impartial third party - the mediator - always supports the employees through the process.

How mediation can help

Mediation can help to mend workplace relationships by finding solutions that everyone agrees to, by improving communication between the parties involved, and by allowing everyone input to and control over what is finally agreed as the way forward.

Mediation has many benefits, including reducing workplace stress, keeping valuable employees who may otherwise have left the School, resolving issues more quickly, avoiding more formal internal and external processes including formal grievances or employment tribunals, and saving the considerable time and costs associated with those more formal processes.

Mediation can often help if you are dealing with a conflict or concern at work that you have been unable to resolve by yourself. Situations where mediation can really help include:

- a communication breakdown with a colleague
- a disagreement or breakdown in your working relationship with a colleague or manager
- a personality clash
- when allegations of inappropriate behaviour have been made (e.g. bullying and harassment)
- rebuilding relationships after a grievance or disciplinary process
- as part of a resolution in a grievance case.

When mediation is not appropriate

Although mediation can be really useful, there are some situations where mediation isn't appropriate, for example:

- if the matter involves serious misconduct that needs to be addressed through a formal process, e.g. the School's Disciplinary Policy
- where a clear decision about "right or wrong" is required, e.g. in cases involving criminal activity
- if it would be difficult for a person to take part in the process, e.g. due to their health (physical or mental) or disability
- where the matter is not actually within the remit of the parties involved to settle, (i.e. something which needs to be more officially resolved by the School).

What is the role of the mediator?

The mediator is always an impartial and “neutral” person; they will not have had any previous involvement with the case or issues, they won’t “take sides”, or decide who is right or wrong. Since it is so important that the mediator is impartial, the school will normally use an external, fully trained mediator to support the process.

The mediator helps to create a safe and confidential space in which the employees involved can openly discuss their concerns and explore their differences, before helping them to look at options and agree ways of resolving those differences. If required, they can also help to rebuild the working relationship so that employees can work together effectively in the future.

It is important to note that any agreements reached come from the employees involved. The mediator facilitates the process, but it is always the participants themselves who have control over how issues are resolved; the mediator won’t tell them what they should or shouldn’t do.

Considering and agreeing to mediation

It is in everyone’s interests to try and resolve concerns and difficulties at work **informally** if at all possible. Reaching a positive solution by informal means can stop matters escalating and help to maintain positive working relationships.

Mediation is a way of dealing with a conflict or concerns at work through open, constructive conversation and may avoid the need for a more formal process, which can be more stressful for all concerned and further damage working relationships. By agreeing to mediation, the employees involved are showing a willingness to resolve issues in a positive, practical way.

Mediation is always a voluntary process though, so if you do not want to take part, you don’t have to.

In the event that mediation fails to resolve matters, employees always still have the right to formally raise any concerns through the School’s Grievance Policy. Mediation will still remain an option during the grievance or other formal processes.

How does the mediation process work?

If all the parties involved agree to mediation, the mediator will make contact with each person separately to start the process. They will make sure that everyone understands the various stages that will be followed and ask them to confirm their agreement to participate.

First meeting

The mediator will meet with each employee involved in the case separately in the first instance. At these individual meetings, they will start to explore each person’s difficulties or concerns and what they want to achieve from mediation. Having spoken to each employee, the mediator will then decide if they think mediation will help to resolve the problems or concerns.

Occasionally, having had these separate meetings, the mediator may conclude that mediation isn’t the best way to progress, in which case they will let the employees know that they will not be taking the process further.

Joint meeting

At this meeting, the mediator will give each of the employees involved the opportunity to describe their issues or concerns to the other(s), to explain how they are feeling, and how they have been affected by the situation. Everyone will listen to each other without interruption. This stage is really important; giving everyone a chance to be heard can really improve the understanding of all the parties involved, which in turn can help employees focus on reaching an agreement and restoring good working relationships.

The mediator will then work with the employees to explore what can be done to improve matters, facilitating their discussions and suggestions, exploring possible solutions with them, and helping the employees to find a mutually acceptable solution that resolves things in a positive way.

The mediator will then summarise exactly what has been agreed and they will usually provide a written summary of this agreement which the participants will sign up to.

Outcomes

Mediation outcomes are not decided by the mediator; they are always decided by the employees involved in the mediation process. The outcomes can be very flexible depending on the individual circumstances of the situation, but may include:

- an acknowledgement of each employee's views,
- a commitment to change behaviour or improve communication,
- an agreement to share work more fairly or provide more responsibility,
- an agreement to review policies, procedures or ways of working, and
- a commitment to regularly review the agreement reached through mediation.

Successful mediation is always dependent on the willingness and openness of the employees involved to reach a positive solution. Unfortunately, sometimes it is not possible to immediately reach a full agreement through the mediation process. However, even when this is the case, the mediation process may still have resolved some of the concerns or issues, and a partial agreement can be put in place. Depending on the situation, the mediator may stay in touch with the employees, if they think agreement might be possible after a further, short period of reflection or review.

It is important to remember that using mediation does not take away the subsequent right to use an alternative process, such as a formal grievance.

Follow up

The mediator will normally contact all of the employees involved in the mediation process after an agreed period of time to see how the agreement is working.

Confidentiality

Anything employees say during mediation is strictly confidential. The mediator will agree with everyone involved what information can be shared out with the mediation, and how. The mediator will always let the Head of HR or the manager who instigated the mediation process know that mediation has taken place, but they will not pass on any details about what was discussed or agreed unless all parties agree to that information being disclosed. They will also advise the Head of HR or relevant manager if the mediation has failed to reach an agreement, again without disclosing details.

If the parties involved in the mediation are unable to reach an agreement, anything that has been said during the mediation process must still be kept confidential and cannot be used in any future procedures (e.g. a formal grievance).

The only exceptions to this default confidentiality in mediation are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety or child protection.