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People Management Toolkit

# Managing Mediation

Agreed in conjunction with ACAS and PCS

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Sport for life

**sportscotland**  
the national agency for sport

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**Our values are: honesty, respect, integrity, openness, inclusion, ambition**

## 1.0 Introduction

- 1.1 **sportscotland** is committed to encouraging harmonious working relationships between colleagues. In most instances, workplace conflict is resolved informally without the involvement of a third party, however where resolution is not achieved, **sportscotland** has both formal and informal processes that support the parties in conflict.
- 1.2 Mediation is a versatile process which can be used not only as an alternative to the formal procedures but also as a rapid intervention to prevent escalation of the dispute or to repair working relationships after formal procedures have been concluded.
- 1.3 In managing mediation matters, **sportscotland** will not discriminate on the grounds of including but not limited to disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation (protected characteristics) and also gender identity, responsibility for dependents, political beliefs, trade union activity, socio-economic background, Looked After Children and Care Experienced Young People (LACYP) or other relevant factors.

## 2.0 Scope of Policy

- 2.1 This policy applies to all **sportscotland** employees.
- 2.2 **sportscotland's** policy is to:
  - provide individuals with an objective and impartial framework for resolving conflict at an early stage;
  - support the effective resolution of disagreements and disputes;
  - provide training to support the effective implementation of the managing mediation policy and procedures for those with responsibility for managing and supervising employees;
  - provide access to mediation to all staff;
  - comply with legislation;
  - act fairly, reasonably and consistently.
- 2.3 **sportscotland** is committed to ensuring that any mediation matters are managed confidentially, sensitively and promptly and that any employee involved in the process, either formally or informally, is able to access confidential support, though the [Employee Assistance Programme](#) should they wish to do so.

## **3.0 Mediation**

### **What is mediation?**

- 3.1 Mediation is a voluntary process, useful in addressing disputes, conflicts and issues between individuals. The focus for mediation is to find the best route to help the parties concerned agree actions which will allow them to continue their roles, working together constructively and productively. In particular, mediation can help address matters before and after going through a formal process as long as this is agreed by all parties concerned.
- 3.2 Mediation is based on the principle of collaborative problem solving, with a focus on the future and rebuilding relationships, rather than apportioning blame. It gives participants an opportunity to step back and look at how the situation can be put right, looking at their own actions as well as those of the other party.

### **When can mediation be used?**

- 3.3 Mediation is conducted on the basis that all parties want to achieve a mutually agreeable outcome and solution.
- 3.4 Mediation can be used in a variety of circumstances, for example:
- to resolve misunderstandings or conflict between colleagues or with their managers/ supervisors
  - where there are allegations and counter allegations
  - in resolving perceptions of victimisation, harassment, bullying or unfair treatment
  - dealing with communication difficulties and major differences of opinion between individuals
- 3.5 Mediation can also be used after a disciplinary or grievance procedure has been concluded to help rebuild working relationships.
- 3.6 Should the parties in dispute feel that some form of mediation would help resolve the issue, HR will advise on how this can be arranged.

### **What is a mediator?**

- 3.7 A mediator (a neutral third person) works with the parties involved to help them find their own solutions and reach an agreement designed to resolve disagreement or improve a situation. All mediators will have received the appropriate training.

### **Confidentiality**

- 3.8 Mediation is voluntary and completely confidential. Anything said during the mediation process is confidential to the parties. Either party may, however, choose to reveal some or all of what has occurred during the mediation to colleagues, or their managers, but only if all parties agree. The only exceptions are where, for example, a potentially unlawful act has been committed or there is a serious risk to health and safety or there is a serious reputational risk to the organisation.

### **When Mediation May Not Be Suitable**

3.9 Mediation may not be suitable for all situations, for example if:

- mediation is used as a first resort – where possible, individuals should be encouraged to speak to each other and their Line Manager in the first instance before they seek a solution via mediation
- it is used by a Line Manager to avoid their managerial responsibilities
- a decision about right or wrong is needed, for example, where there is possible criminal activity
- the individual bringing a victimisation, bullying, harassment or discrimination case wants it investigated
- the parties do not have the power to settle the issue
- one side is completely intransigent and using mediation will only raise unrealistic expectations of a positive outcome.

### **How to request Mediation**

3.10 All parties must agree to participate in the mediation process. The request for mediation should be sent to the HR Officer who will contact the individuals to begin the process and will also source a suitable independent mediator.

3.11 Further advice and guidance on mediation should be sought from HR.

## Version Control History

Group update with HR and PCS Union.  
To be reviewed within 3 years of the date below.

Name	Position	Signature	Date
Callum MacInnes	HR Manager	DocuSigned by: <i>Callum MacInnes</i>	16-Oct-19   07:54:44 F
Nichola Raccio	HR Officer	A63B04DB491E4EE... DocuSigned by: <i>Nichola Raccio</i>	16-Oct-19   15:44:32 E
Andrew Kelly	Trade Union Representative	F41C0130B7114AB... DocuSigned by: <i>Andrew Kelly</i>	17-Oct-19   09:44:46 E
Scott Baxter	Trade Union Representative	3F74D29D3E1F49E... DocuSigned by: <i>Scott Baxter</i>	16-Oct-19   16:12:19 E