



## Conflict resolution and mediation procedure

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Author and contact number	Head of Staff Support & Psychological Well-Being (SSPWS) - 01244 397589

Type of document	Policy
Target audience	All CWP staff
Document purpose	This document outlines the role of the conflict resolution and mediation service which aims to respond to the needs of the employees and volunteers of CWP where there is conflict within a working relationship.

Document consultation		
AMH – Wirral	Yes	Acute Clinical Services Manager,
AMH – West	Yes	CSM
AMH – East	Yes	Clinical coordinator, Locality Lead - East Cheshire, Clinical Service Manager
D&A services	Yes	BSM
CAMHS	Yes	Service Manager East ,
LD services	Yes	Forensic Practitioner East,
CCWC services	Yes	Who within this service have you spoken to
Corporate services	Yes	L&D Dept, HR Manager, HR Service Partner, Volunteer and Work Placement Coordinator, L&D Officer, Information Support Analyst
Staff side	Yes	CNP
Other –	Yes	Staff Support Counsellor, IPC Nurse, Clinical Manager OH, Work & Wellbeing Project Lead, Research & Effectiveness Manager, Informatics Support Analyst
Groups / Committees	N/A	
Involvement taskforce	N/A	

Approving meeting	Workforce and OD Sub Committee	7-Oct-13
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Implementation date	Oct-13	
Review date	Oct-18	

CWP documents to be read in conjunction with	<a href="#">HR6</a> <a href="#">HR14</a> <a href="#">HR3.7</a> <a href="#">HR3.5</a> <a href="#">GR4</a> <a href="#">HR15</a>	Mandatory Employee Learning (MEL) policy Guidance on accessing Staff Support & Psychological Well-Being Service (SSPWS) Dignity at work policy and procedure Managing attendance policy and procedure Making experiences count policy and procedure for effective management of concerns and complaints Policy and procedure on stress prevention and management in the workplace
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Training requirements	No - Training requirements for this policy are in accordance with the CWP Training Needs Analysis (TNA)
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Financial resource implications	Yes - Monitored via evaluation of the service
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### Equality Impact Assessment (EIA)

Initial assessment	Yes/No	Comments
Does this document affect one group less or more favourably than another on the basis of:		
• Race	No	
• Ethnic origins (including gypsies and travellers)	No	
• Nationality	No	
• Gender	No	
• Culture	No	
• Religion or belief	No	
• Sexual orientation including lesbian, gay and bisexual people	No	
• Age	No	
• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
Is there any evidence that some groups are affected differently?	No	
If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable? N/A		
Is the impact of the document likely to be negative?	No	
• If so can the impact be avoided?	N/A	
• What alternatives are there to achieving the document without the impact?	N/A	
• Can we reduce the impact by taking different action?	N/A	
Where an adverse or negative impact on equality group(s) has been identified during the initial screening process a full EIA assessment should be conducted.		

If you have identified a potential discriminatory impact of this procedural document, please refer it to the human resource department together with any suggestions as to the action required to avoid / reduce this impact.

For advice in respect of answering the above questions, please contact the human resource department.

Was a full impact assessment required?	No	
What is the level of impact?	Low	

### Document change history

Changes made with rationale and impact on practice
1.

### External references

References
1.

## Monitoring compliance with the processes outlined within this document

<p>Please state how this document will be monitored. If the document is linked to the NHSLA accreditation process, please complete the monitoring section below.</p>	<p><b>Service Evaluation / Clinical Governance</b></p> <p>The service will be monitored and reviewed regularly through: supervision, feedback from those involved in the conflict resolution / mediation process as either disputants or referrers.</p> <p>Senior management meetings held within the SSPWS are scheduled monthly and provide an opportunity to review the work of the Conflict Resolution &amp; Mediation Service. The following issues are addressed as appropriate:</p> <ul style="list-style-type: none"><li>• Quality of service;</li><li>• Budget issues;</li><li>• Operational overview;</li><li>• Activity and uptake of service.</li></ul> <p>The Head of SSPWS will provide an annual report to the Workforce and OD Sub Committee (WODSC).</p>
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## 1. Introduction

The purpose of this document is to set out the agreed operational procedure for the Conflict Resolution & Mediation Services delivered by Cheshire and Wirral Partnership NHS Foundation Trust (CWP). This service will be available to anyone working for the Trust as an employee, bank staff or volunteer; hereafter these will all be referred to as staff within the procedure. The service will be available across all three localities.

The service is based on the perception that where conflict in the workplace is managed in a professional and time efficient manner, that there is the potential for a reduction in grievance procedures, sickness absence, staff turnover and stress related issues.

## 2. Procedure aims

The service aims to provide a conflict resolution and mediation service capable of responding to the needs of Trust staff in a professional and time efficient manner in order to support both the individual and the organization. This procedure focuses on what the Conflict Resolution & Mediation Service does i.e. how it is accessed and gives a clear outline of the process which takes place.

## 3. Purpose and scope of the service

The Conflict Resolution & Mediation Service is a member of the Civil Mediation Council. All mediators receive specialist professional mediation supervision as appropriate to the work undertaken. The aim of the service is to provide a confidential and professional service to address conflict between employees with a view to reducing the need for lengthy, time consuming and often stressful grievance procedures. This support includes:

- Consultative role where there is conflict in the workplace with referrer i.e. Human Resources, Managers, Occupational Health, Trade Union to assess whether the situation is suitable for mediation or to signpost to other appropriate services;
- Offering conflict resolution/mediation between two individuals;
- Offering conflict resolution/mediation between teams.

## 4. Accessing the conflict resolution and mediation service

Information about the service can be found on the intranet where a copy of the leaflet "Conflict Resolution / Mediation" can be printed off ([appendix 1](#)). A copy of the "Flowchart for accessing conflict resolution / mediation" can be found in [appendix 2](#).

Referrals can be initiated by:

- Human Resources;
- Occupational Health;
- Managers;
- Staffside;
- Self - where the staff member works for CWP, they may approach the SSPWS to request support for conflict resolution to take place.

Referrals can be made by telephone, email or fax ([appendix 6](#)) and in the first instance each request will be followed up by a call from the Conflict Resolution and Mediation Service to discuss the request in greater detail to ascertain whether it is a suitable situation for conflict resolution. Where this is not felt to be the case, alternative avenues of support will be discussed with the member of staff. These may include accessing e.g. HR, OHS, individual psychotherapy, coaching.

### 4.1 Response times

Response times are dependent upon the levels of demand and available resources. Every effort will be made to respond to the initial enquiry within 2 working days. Once it has been agreed that conflict resolution is a viable option and all contact information has been received by the Conflict Resolution & Mediation Service, the assigned mediator will contact the members of staff involved to arrange a convenient appointment. Where possible the one-to-one sessions and conflict resolution meeting will take place on the same day.

Where this is not possible every effort will be made to conclude the process within two weeks. The follow-up meeting should take place within approximately 1 to 2 months of the conflict resolution meeting.

Where a member of staff is currently absent from the workplace, conflict resolution / mediation may still take place if they are deemed well enough to undertake the process and if they are agreeable to the process taking place. Each situation will be considered on a case by case basis.

Where a member of staff does not want to take part in mediation, or if they wish to withdraw from it at any time they may do so with the full support of the Conflict Resolution & Mediation Service.

#### 4.2 The conflict resolution and mediation process

Please see “Flowchart for accessing conflict resolution / mediation process” ([appendix 2](#)).

- During the initial telephone calls with the members of staff, the mediator will start to assess whether conflict resolution is a viable option and will explain the process to the members of staff involved. *If this is not the case, this is in no way a reflection on any of the members of staff involved but is a decision made by an experienced mediator that for different reasons this is potentially not the best option at this time.* Alternative options for support will be discussed at this time to ensure all members of staff are supported;
- The initial one-to-one meetings are all confidential unless risk factors become apparent e.g. child protection issues. This is the time when the members of staff can share with the mediator the issues they are struggling with in the workplace. Following these meetings, the mediator will again assess whether mediation is possible. Where this is not the case, the mediator will discuss alternative courses of action to support those involved. Additional information about the process for individuals and group conflict resolution / mediations can be found in [appendix 3](#) and [appendix 4](#).

**Please note:** Conflict resolution will only take place where all members of staff involved indicate they are willing to take part and have an open mind to discussing the situation from all perspectives, demonstrate that they are committed to the process and where it is felt that the psychological well-being of the members of staff involved will not be significantly undermined by the process.

- Where appropriate the Conflict Resolution & Mediation Service may offer to conduct a more informal, **facilitated meeting** between the two parties. This does not preclude them from entering a formal conflict resolution process at a later stage;
- It is important that all issues are raised with the mediator during the one-to-one meetings prior to the joint meeting. The mediator bases their decision to progress a conflict resolution/ mediation on what is shared with them during these one-to-one meetings. The mediator may decide to stop the meeting where completely new issues are declared during the joint meeting. If in doubt about raising a new issue into the process, but which the individual feels may be pertinent to the difficulties being experienced, the member of staff should discuss this with the mediator;
- Where the mediator is supportive of the conflict resolution / mediation going forward a date will be agreed with all parties to meet together;
- Once the members of staff are brought together, the onus is on the individual(s) to raise their issues for discussion. The mediator will seek to ensure a safe environment is provided and to facilitate the mediation in such a way as to ensure impartiality, equality of time and uninterrupted time in which to speak, for each member of staff;
- Conflict resolution works towards the member of staff working collaboratively to formulate an agreement. The mediator’s role in this part of the process is to facilitate the process as opposed to providing the solutions which need to be developed by the members of staff involved. This will include mutually agreed actions to improve the working relationship going forward. These agreed actions will be written up in the presence of the mediator who will then provide each member of staff with a copy for them to confirm. They will sign this agreement and commit to putting it into practice following the meeting ([appendix 5](#)).

**Please note:** Where some actions agreed by the members of staff involved in the mediation include issues relating to e.g. changes in working hours or practices, these will need to be taken back to their line manager to discuss as it will not be possible for the mediator to authorise these.

- With the consent of those involved, a copy of the agreement ([appendix 5](#)) will be given to their referrer / manager;
- All members of staff involved will be made aware at the outset that conflict resolution will **not** take place whilst there is an active grievance procedure under way. As the conflict resolution is confidential, whatever discussions take place during the meetings should **not** be used as part of a later grievance procedure unless by mutual agreement of all members of staff involved in the mediation;
- Conflict resolution can be used after a grievance procedure where members of staff want to find a way of working together in the future without conflict. The Conflict Resolution & Mediation Service will consult on a case by case basis to assess appropriateness for conflict resolution mediation. Where this is not the case other possible avenues of support may include one to one psychological support, or conflict coaching / executive coaching.

### **4.3 Information management**

All notes and records of any mediation activity are strictly confidential and kept within the SSPWS. All records are kept in accordance with the Trust policy on record keeping.

Where appropriate the members of staff may agree to share the agreement ([appendix 5](#)), finalised at the end of the conflict resolution meeting with the referrer / manager. This is particularly important when mediation relates to working relationships so that the referrer / manager is aware of actions agreed. There may also be some actions which need to be taken to the referrer/manager for discussion and approval before they can be put into practice.

### **4.4 End of conflict resolution / mediation**

Conflict resolution / mediation may be ended by a member of staff at any point and there will be no coercion by the service or referrer for them to continue. Where the members of staff do not wish to take part in a follow-up meeting after the mediation, conflict resolution may be deemed to have ended, whether an agreement has been concluded or not. Where a follow up meeting has taken place after the meeting this would usually signify the end of the conflict resolution process.

#### **The mediator may end the process at any point where:**

- They feel the issues raised and discussed are inappropriate for conflict resolution;
- A member of staff becomes abusive/aggressive or demonstrates any other behaviour which the mediator feels makes the continuation of the process inappropriate;
- In the mediator's clinical judgment, it would not be in the best interest of either member of staff's psychological well-being for the process to continue.

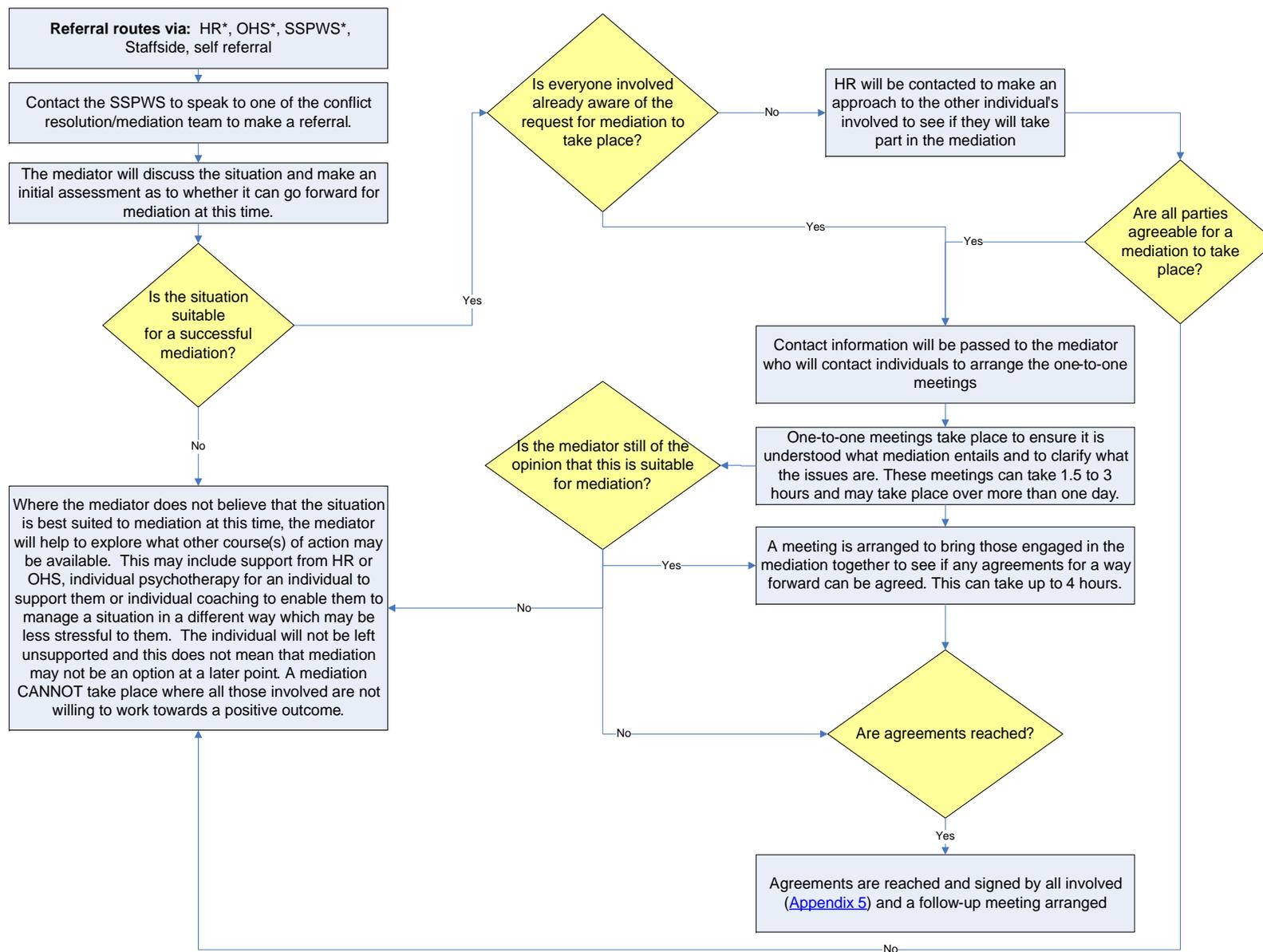
If the mediator has concerns about the conduct of an individual or develops concerns about the appropriateness of the conflict resolution / mediation taking place, they have the authority to stop the process at any time. The reasons will be made clear to those involved. The referred will be made aware that the process is not being progressed and will be informed of the reasons for this if appropriate. The mediator will consult with those involved in order to direct them on to more appropriate services / avenues of support e.g. some issues are beyond the remit of conflict resolution e.g. shift hours, job role and where this is the case they would be advised to discuss this with their manager. Where it is felt that a member of staff would benefit from psychological support, they will be offered access to the SSPWS. This will be confidential and will not be conducted by the mediator nor will it be part of the conflict resolution / mediation itself.

Where significant conflicts or boundary issues occur, e.g. staff working in the same setting as the SSPWS, in consultation with the Head of Service an alternative appropriate arrangement will be made which may include accessing equivalent professional services outside the Trust.

## **Appendix 1 – Leaflet about conflict resolution for employees and managers**

The leaflet can be found on the Staff Support & Psychological Well-being intranet site:  
<http://nww.cwp.nhs.uk/humanresources/StaffSupportWellBeing/Pages/Welcome.aspx>

## Appendix 2 – Flowchart for accessing conflict resolution / mediation



\* See [appendix 6](#) for numbers, HR (Human Resources); OHS (Occupational Health Service); SSPWS (Staff Support & Psychological Well-being Service)

### Appendix 3 – Information for members of staff accessing conflict resolution / mediation

Where conflict resolution / mediation is required **between two members of staff**:

- Sometimes individuals need additional support prior to undertaking conflict resolution / mediation. Where this is the case, there is the opportunity to meet with a workplace specialist therapist from the SSPWS. The therapist seen for psychological support at this time will not be part of the conflict resolution /mediation meetings but may help the individual to reduce anxiety / clarify thinking before they are ready for the conflict resolution to take place.
- Once individuals feel they are ready to go forward with the conflict resolution, one to one meetings will take place with each member of staff. These meetings will take a minimum of 1½ hours with the appointed mediator. These are to ascertain whether all parties are taking part in the conflict resolution / mediation process voluntarily, and to ensure that they are fully aware of the remit of conflict resolution/mediation. The meetings will ensure these members of staff have a realistic expectation of what can be achieved. These one-to-one meetings will also offer a member of staff the opportunity to inform the mediator what the key issues are for them. It is important that all issues are raised with the mediator at this point prior to the joint meeting. The mediator may need to stop the meeting where completely new issues are declared mid-way through the mediation joint meeting. If in doubt about raising a new issue into the process, but which the member of staff feels may be pertinent to the difficulties being experienced, the member of staff should discuss this with the mediator.
- Ideally the members of staff will be brought together in the same day as the one-to-one meetings although this is not always possible. This meeting can take up to 4 hours. During this period the members of staff will be encouraged to be frank, open and respectful, about the difficulties they are experiencing and to work together to find a “Win-Win” workable agreement. Where there is insufficient time, another meeting may need to be arranged. In some cases members of staff may need to take some issues to their manager for discussion e.g. division of tasks, shift hours etc. as it would be beyond the remit of the mediator to agree these issues.
- A follow-up meeting is encouraged as it is often helpful to establish whether the agreement has been beneficial to the members of staff involved, whether this needs adjusting, and to consolidate agreed changes. This meeting will take up to 2 hours and is usually held 1 to 2 months after the mediation has taken place.
- Consent is requested from the members of staff so that appropriate feedback can be given to the referrer and/or manager so that they are aware of agreements reached.

## Appendix 4 – Information for groups / teams accessing conflict resolution / mediation

Where conflict resolution is request **by a group / team**:

- Depending on the number of staff involved, separate meetings may be arranged prior to bringing all parties together.
- Where the group has more than two members of staff on one side, a co-facilitator may also attend to help support the process.
- The meeting(s) will ideally take place over one day with the aim of the group meeting being to examine the key issue(s) agreed. In the discussing of the difficulties they are experiencing all members of staff will be encouraged to be frank and open whilst also being respectful of each other at all times. The objective of the meeting is to collaboratively work on and formulate a "Win-Win" workable set of agreements to take forward which will be supportive of a more positive working relationship.
- A follow up meeting will be encouraged as it gives all parties an opportunity to try out the agreements made and to feed back to the group as a whole whether members of staff have found this beneficial. This meeting can help to fine tune the agreement and reinforce positive actions undertaken.
- Whilst consent would be sought from the group, the expectation would be for the manager to be aware of the agreement made and the outcome of the meeting.

**Appendix 5 – Conflict resolution agreement**

Team / Service Line / Contractor		Request Date	
Name of member of staff / Job Title	Signature	Date	
Mediator's Name	Signature	Date	

## Appendix 6 - Useful telephone numbers

Occupational Health Service (Chester)	01244 397676
Occupational Health Service (Wirral)	0151 6047262
Occupational Health Service (Macclesfield / East Cheshire)	01625 505600
HR Advice Line	01244 852335
Staff Support & Psychological Well-being Service Or by email <a href="mailto:staffsupport@cwps.nhs.uk">staffsupport@cwps.nhs.uk</a>	01244 397589 ( <i>in confidence</i> )
Health and Safety Adviser	0151 4887765

### Useful information

Staff Support & Psychological Well-being intranet site:

<http://www.cwp.nhs.uk/humanresources/StaffSupportWellBeing/Pages/Welcome.aspx>