**Practitioner Performance Advice Assisted Mediation Service**

**What is assisted mediation?**

Assisted mediation is an independent, voluntary and confidential process in which accredited Practitioner Performance Advice mediators work with the parties on an impartial basis to help resolve difficulties which are impacting on professional relationships at work.

The mediators are trained and accredited workplace mediators and most are experienced advisers. Normally mediators work in pairs as this is found to be effective in this style of mediation but neither mediator is assigned to a specific party and both will work jointly with all parties.

Assisted mediation offers a protected opportunity for a frank and candid discussion about the matters underpinning the difficulties as perceived by each party. Assisted mediation does not seek to apportion blame but aims to help create a deeper mutual understanding of the issues. This requires all parties to engage in the process with an open mind about what may be possible by way of an outcome and to be prepared to listen respectfully to each other. As part of the discussion the mediators may ask the participants to explain their views of the problems and what they feel has prevented these from being resolved. With the help of the mediators participants may be required to be open to thinking about the issues in a different way, to be questioned about their assumptions and to be specific about their expectations of what needs to change to improve the current situation.

The parties and not the mediators will decide the terms of any agreed outcome but the mediators may, where appropriate, propose options they feel may be helpful in achieving the best outcome for all parties and the organisation. In doing so the mediators will draw from their extensive experience of supporting the handling of concerns and what is likely to be a workable way forward. The mediators will also be able to discuss the implications and consequences of any failure to agree and/or any agreed outcome.

The value of Practitioner Performance Advice mediation is the specialist knowledge and experience that we can bring to the mediated discussion. Whereas conventional mediation may not offer solutions, a Practitioner Performance Advice mediator will be in a position, where appropriate, to help set out the options for progression (without making judgements on the merits of these). Our approach is designed to be objective and informative. We use a coaching-style discussion and will seek to explore the behavioural drivers of any disagreement in order to understand the respective position of the parties.

**Mediation formats**

Practitioner Performance Advice mediations traditionally take the form of face-to-face meetings between mediators and participants. These usually take place over the course of a day at a venue arranged by the employer/contractor that has commissioned the mediation and comprise separate meetings between two mediators and each individual participant. This is then followed by a joint meeting between the mediators and both participants with a view to agreeing a way forward.

We recognise that, in an environment of increased remote working and competing work commitments, the capacity to arrange face-to-face meetings can be difficult. To ensure continued accessibility to this service we have developed the capacity to conduct mediations remotely. Further information on remote mediations can be found in ‘A guide for participating in a remote assisted mediation’.

**Agreement to participate in mediation**

For the assisted mediation to proceed participants must show a willingness to engage in the process. At the beginning of the process participants are asked to provide their written agreement to proceed with the mediation which includes agreement to maintain the confidentiality of the mediation. Participants will also be asked if they are content for this document to be shared with the other participants in the mediation.

If it any point during the process the mediators consider it is not appropriate to continue in the circumstances, this will be explained to the participants and the commissioner of the mediation at the earliest opportunity.

**Confidentiality**

The assisted mediation discussion is confidential and is conducted on a ‘without prejudice basis’. This means that what is discussed during the mediation cannot be used for other purposes, for example, formal HR or legal processes.

There are some circumstances where confidentiality would not apply – for example where information disclosed during the mediation raises an issue of patient, personal or public safety. In such circumstances the mediators will inform the commissioner with the expectation that appropriate action is taken and, where necessary, relevant third parties are informed.

**Preparation for the mediation**

We understand that resolving conflict is not easy and can have a significant impact on individuals and their teams which may also affect clinical practice, working relationships and patient safety. We also recognise that most issues are likely to have some historic context but it is important to focus on the future rather than on past difficulties if participants are to move forwards.

In advance of the mediation, the participants will be asked to set out in writing an outline of the key aspects of the issues as they see them. The purpose of this is not to put forward evidence of complaints against the other participant(s) as the role of the mediators is not to adjudicate on the merits of past disagreements. It is solely to help the mediators understand the participant’s perspective.

Participants will also have the opportunity to speak with a Practitioner Performance Advice mediator in advance of the mediation. This contact is intended to explain the mediation process and answer any questions or concerns about the process.

**The mediation process**

In face-to-face mediations when the participants arrive they will be asked to wait in a separate room from the other participant(s). In remote mediations these meetings take place via Microsoft Teams, which participants join via an email invite.

In these initial meetings the mediators will explain their role and the process and ask participants to go through the written summary they prepared prior to the mediation. The purpose of this first meeting is to help the mediators understand the situation from the participants’ perspectives and to clarify what they would like the mediation to achieve. Participants are asked not to bring any additional material that has not previously been shared as it cannot be included in the mediation. This first meeting usually lasts for approximately one hour.

If participants wish to have a representative or companion to accompany them during the mediation, they are welcome to attend this initial meeting. Their role will be to support the participant and not to speak or advocate on their behalf. Representatives/companions will also need to agree to be bound by the terms of confidentiality.

In face-to-face mediations following completion of the initial meeting the participant will be asked to return to the same room as before whilst the mediators meet with the other participant(s) on the same basis. Whilst waiting for completion of the individual meetings the participants can utilise this time as they wish (for example, bringing some work with them).

Following the individual meetings the mediators may feedback any issues for which consent has been given to share prior to the joint meeting if it is felt this would help to prepare the other participants and to facilitate the discussions. In some circumstances the mediators may feel it is not appropriate to bring the parties together for a joint meeting and in this event they will explain their reasoning and the next steps.

For the joint meeting in face-to-face mediations participants will be asked to join with the other participant(s) and both mediators in the same room. In remote mediations the participants will each be provided with an email invite to access the joint meeting. Representatives/companions are not permitted to join the joint meeting stage of the process.

At the beginning of the joint meeting the mediators will welcome participants, reiterate their role, the purpose of the meeting and how it will be conducted. Each participant will then be given the opportunity to set out what has brought them to the mediation and what they would like to achieve from the process. Participants are expected to be open about the issues they wish to discuss and specific and focused about the outcome they are looking for. They should listen openly to the views of the other participant(s), even if they disagree with what is being said. Once these viewpoints have been shared the mediators will draw up a list of the issues which will form part of the open discussion between participants.

The open discussion will focus on each issue in turn and it is important for each participant to say how they are affected and what they want in the future. The role of the mediators is to ensure the discussions keep on track and support participants to constructively address any points of contention. When the participants feel ready to do so the mediators will begin to draw together the ideas for how things might change in the future.

During the process things might be said that participants find difficult to hear and we understand that this may be upsetting. It is natural for participants to want to retaliate or to justify why the other party is wrong and they are right. It is helpful for participants to try and focus on the issues rather than the person and to hear the other person out as they may learn something which changes the way they feel about them and/or the issues.

At the end of the mediation the mediators will sum up the key aspects of the discussions and what has been agreed including any consent to share information with an employer or contracting body. No information will be shared without the consent of the parties unless this is necessary in the interests of the participants’ wellbeing, other staff or patient safety and the process remains confidential as set out above.

Assisted mediations can vary in length but participants should make themselves available for a full working day. The process is voluntary and participants can therefore withdraw at any stage.

The mediation is not recorded on any audio or video device by the mediators and, similarly, must not be recorded by any of the other parties. Notes taken by the mediators will be used to inform the confirmation of the outcome in writing, but will then be destroyed.

**Following the mediation**

The outcome will be confirmed in writing to each party and a separate letter will be sent to the employing/contracting body confirming that the assisted mediation has taken place.

Participants will be asked to complete a short and confidential post mediation questionnaire (via a link to an online survey); this normally happens two months after the mediation and is to allow Practitioner Performance Advice to continue to evaluate and improve our services.

We recognise that in some instances the next steps may require changes in behaviour or some other type of intervention to support the progression of what has been agreed. We may make some suggestions about the further assistance that we can provide in this respect.

We will normally contact the participants at an agreed interval (normally three months) after the mediation to offer a follow-up discussion by phone with one of the mediators. The commissioner of the mediation will be told when this offer is made and asked if they have any questions following the mediation.