



## **BIRMINGHAM CITY UNIVERSITY ACADEMIES TRUST**

### **DIGNITY AT WORK POLICY**

#### **1. Purpose**

The Trust is committed to creating a work environment for all staff that is free of harassment, intimidation and other forms of bullying at work, where everyone is treated with dignity, respect and professional courtesy. Underpinning this commitment is the Trust's culture which supports positive behaviours that include the following:

- Respecting and valuing difference
- Making full use of skills and abilities
- Open and constructive communications
- The effective resolution of conflict
- Fair and just application of procedures
- Educating employees at all levels in the development of positive behaviours.

Harassment and bullying can have very serious consequences for individuals and the Trust. Harassment or bullying may make people unhappy, may cause them stress and may affect their health and family and social relationships. It may also affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the Trust can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the Trust's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected by their behaviour. Serious harassment may be a criminal offence.

The Trust is therefore committed to identifying and, wherever possible, eliminating such behaviour. Where staff and students are confident that they will be treated with dignity, professional courtesy and respect, there is an enriching effect on the quality of life for all concerned that cannot be overemphasised. As well as the personal benefit to the individuals, the Trust's reputation as a desirable place to work and study is enhanced, which can lead to higher levels of staff morale and student satisfaction.

#### **2. The Scope of this Policy**

This policy covers bullying and harassment of and by employees, contractors, agency staff and anyone else engaged to work at the Trust, whether by direct contact with the Trust or otherwise. If the complainant or alleged harasser is not directly employed by the Trust, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications. For example, as the Trust could not dismiss the worker, because the Trust does not have a contractual relationship with them, it would instead require the agency to remove the worker, if appropriate, following an investigation.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

The policy does not cover bullying or harassment by third parties such as students, customers, suppliers, vendors or visitors and, in these cases, employees should report any such behaviour to their manager who will take appropriate action following discussion with the Human Resources Department. It should be noted that the Equality Act 2010 now considers an employer potentially liable for the harassment of employees by third parties who are not employees of the Trust, such as those outlined above. The Trust could potentially be liable when such harassment has occurred and in situations where the Trust is aware that the harassment has taken place and no attempt to take reasonable steps to prevent any repeat occurrence has been made. Any action taken should be discussed with the Human Resources Department in the first instance. Bullying or harassment of students, customers, suppliers, vendors or visitors or others by employees will be dealt with through the disciplinary procedure.

### **3. Responsibility**

The Trust Board have responsibility for ensuring equal opportunities throughout the Trust. However, all staff are responsible for ensuring that bullying and/or harassment is not tolerated.

The Director of Human Resources is responsible for ensuring that these requirements are publicised and that the appropriate procedures to address harassment are in place.

Managers have a responsibility to take all complaints of bullying and/or harassment seriously and to ensure that employees are encouraged to read and understand this policy.

Every member of staff has a responsibility to ensure colleagues are treated with dignity and respect. All employees are responsible for their own actions and are required to read and understand this policy. For the policy to be a success, employees must be aware of its contents and the consequences of not acting in accordance with it. Further information and guidance regarding equal opportunities can be found on the Human Resources Intranet site.

Employees should contact a Dignity at Work Advisor or a member of the Human Resources Department if they would like to discuss this further.

### **4. Legislative Framework**

The Trust has a legal duty to create a work environment for all staff that is free from harassment and unlawful discrimination. This ensures that everyone is treated with dignity and respect. In some situations, the Trust may be responsible for the action of staff towards one another and towards third parties.

The most relevant pieces of legislation related to harassment and/or bullying are:

- The Health & Safety at Work Act 1974;
- The Protection from Harassment Act 1997;
- The Sex Discrimination Act 1975;
- The Race Relations Act 1987 and Amendment Act 2000;
- The Disability Discrimination Act 1995;
- The Human Rights Act 1998;
- The Employment Equality (Religion and Belief) Regulations 2003;
- The Employment Equality (Sexual Orientation) Regulations 2003; and
- The Employment Equality (Age) Regulations 2006
- The Equality Act 2010

The Sex Discrimination Act, Race Relations Act, Disability Discrimination Act and the various Employment Equality Regulations have now been replaced by the Equality Act 2010 with the exception of historic issues that may have been ongoing since before 1 October 2010.

Under the Protection from Harassment Act 1997 it is an offence to pursue a course of conduct that amounts to harassment of another person.

Employees could be personally liable in law if they harass anyone at work.

## **5. What is Bullying & Harassment?**

**Bullying** is offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power which is meant to undermine, degrade, offend, humiliate or injure the person on the receiving end of the behaviour.

**Harassment** is unwanted conduct related to sex, gender reassignment, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which:

- Has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- Is reasonably considered by that person to have the effect of violating his or her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others. Behaviour which any reasonable person would realise is likely to offend will be harassment even if this is a first or one-off event where the recipient has not had chance to make it clear, in advance, that behaviour of that type is not acceptable to him or her, e.g. sexual touching, physical assault, an abusive outburst. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink at work. In these cases, first-time conduct which unintentionally causes offence is unlikely to be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with in accordance with the Trust's Disciplinary Policy. Bullying or harassment will often be gross misconduct which can lead to dismissal without notice.

Some bullying or harassment will constitute unlawful discrimination, e.g. if it relates to a person's sex, gender reassignment, race, religion or belief, sexual orientation, age or disability. Serious bullying or harassment may amount to other civil or criminal offences, e.g. civil or criminal offences under the Protection from Harassment Act 1996 and criminal offences of assault. Further information and guidance regarding equal opportunities can be found on the Human Resources Intranet site.

## **6. Examples of Bullying and Harassment**

Bullying and harassment may be misconduct which is physical, verbal or non-verbal, e.g. by letter, mobile phone, text or e-mail (so called 'flame mail').

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances, e.g. promotion, access to training, etc;
- Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of a sexual, religious or racial nature or about an individual's age, sexual orientation, disability or gender reassignment;
- Posting material on websites or sending e-mails or text messages that are considered to be abusive, harassing or defamatory to the Trust, its staff and/or students.
- Unwanted nicknames related to a person's age, race, sex, religion or belief, gender reassignment, sexual orientation, marital status or civil partnership, maternity, pregnancy or disability;
- The use of obscene gestures;
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazines, pornography, calendars or pin-ups, etc;
- Spreading malicious rumours or insulting someone;
- Picking on someone or setting him or her up to fail, for example, deliberately undermining a competent worker by overloading them with work, requiring them to meet unrealistic deadlines and constant criticism;
- Making threats or inappropriate comments about someone's job security;
- Ridiculing someone;
- Using inappropriate automatic supervision methods, such as computer recording or the recording of telephone conversations or meetings – without prior agreement;
- Speaking to someone as if they are a 'child' or as if they have below average intelligence rather than speaking to them as if they are a 'reasonable adult';
- Forcing one's own beliefs onto others or actively promoting a religion or belief in the workplace;
- Isolation or non-cooperation at work;
- Excluding someone from social activities.

In addition, the Trust recognises that we live in a tolerant society and therefore some people may have differing belief systems which may not be palatable to everyone. Discrimination, victimisation or harassment on the grounds of religious or philosophical belief systems will not be tolerated by the Trust. However, by the same token, behaviour because of religious or philosophical beliefs which causes distress, victimisation or harassment to another will similarly not be tolerated. Either of these could result in disciplinary action up to and including dismissal.

## **7. What is Victimisation?**

**Victimisation** is treating someone unfavourably because he or she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him or her (or someone else), or supported someone to make a complaint or given evidence in

relation to a complaint. This would include isolating someone because he or she has made a complaint of giving him or her inappropriate work. It would also apply if a person was treated unfavourably because they had complained that they had been subjected to any unlawful discrimination or other breach of their employment rights.

Provided that an employee acts in good faith, i.e. they genuinely believe that what he/she is saying is true, an employee has a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Trust will take appropriate action to deal with any alleged victimisation, which may include disciplinary action up to and including dismissal against anyone found to have victimised them.

Making a complaint which an employee knows to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against that person also up to and including dismissal.

## **8. What should you do if you think you are being Bullied or Harassed?**

You may wish to discuss your situation with a member of the Human Resources Department or alternatively, the Trust has a number of trained Dignity at Work Advisors. This does not preclude staff from discussing these matters with a Trade Union Representative or any other source of support.

The Human Resources Officers and Dignity at Work Advisors appointed by the Trust are members of staff who have an interest in preventing bullying and harassment and who have volunteered and undertaken training as qualified mediators, to undertake this role. They will be prepared to discuss any matter with you, however sensitive. They will listen carefully to you, then inform you impartially about your choices of action and help you decide what, if anything, you wish to do or have done about the bullying or harassment.

Whatever you say to them will be treated in the strictest confidence and they will maintain confidentiality to the maximum extent possible. However, understandably, there may be exceptional situations where confidentiality has to be broken and, if this is the case, this will be made clear to you. For example, if something constitutes an unacceptable risk to you, another person or the Trust itself, then the Advisor may be forced to take appropriate action. The decision as to whether a complaint should be progressed normally rests with you. However, action may have to be taken against your wishes to address an unacceptable risk.

The names and contact details of the Trust's Dignity at Work Advisors and members of the Human Resources Department are available on the HR Intranet site.

You can go directly to any Human Resources Officer or Dignity at Work Advisor – anywhere in the Trust, regardless of your department or area of work. The choice of Dignity at Work Advisor is yours, and you can change the person at any stage if you so wish. All are willing to discuss incidents or problems however large or small they may seem, but it is for you to determine who best to approach in the first instance.

Both the Human Resources Officers and Dignity at Work Advisors will be required to provide basic details of the incidents discussed and the advice given to the Dignity at Work Co-ordinator, based within the Human Resources Department, on a regular basis for statistical analysis, and for the development of the service. These records will be maintained securely by the Dignity at Work Co-ordinator, and will not be placed on staff personnel records.

## **9. Options Available to Deal with Bullying and Harassment**

You may choose to deal with Bullying and Harassment either informally or formally.

In the first instance, you may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him or her to understand the effects of his or her own behaviour and agree to change it. Alternatively, if an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can invoke the Trust's Grievance Procedure, which can be found on the Human Resources Department's intranet site.

Appendix 1 outlines the informal procedure and Appendix 2 outlines the formal procedure.

## **10. Cases of Physical Assault**

A member of staff who has been attacked should seek help immediately. This may involve reporting the attack to the Human Resources Department, the Security Office, your Head of Department, or the Police. For the protection of all, it is important that the offender is dealt with. If an individual decides to go to the Police, they will not be asked to go alone and may ask to be accompanied, unless they prefer to go alone.

A member of staff who has been physically and/or sexually assaulted should seek medical help and advice immediately, given the very serious nature of such an assault.

## **11. Dual Relationships**

Dual relationships exist where a member of staff has a personal involvement with another member of staff or a student. This is a sensitive and difficult area given that it is not a matter for the Trust to interfere in personal relationships of a consensual nature. However, staff must be aware:

- It will never be appropriate to engage in a relationship with a pupil or student under the age of 18 or where there is a direct teaching or assessment role;
- of the importance of avoiding, and being seen to avoid, any potential or actual conflict of interest in respect of the other party to the relationship, e.g. in respect of assessment of probation, promotion and future prospects or in respect of supervision and examination matters;
- of the possible dangers and difficulties inherent in such a situation should their relationship break down which may lead to strained future working relationships affecting other colleagues, or to allegations of undue pressure having been exerted to establish or maintain the relationship or claims of victimisation consequent upon the relationship ending.

The most effective safeguard is for a consensual relationship to be openly acknowledged and overt steps taken by both parties, not only to ensure the separation of personal and professional life, but also to ensure that senior colleagues are aware of the position.

It must be emphasised that there are in place effective mechanisms, via the Principal and the Human Resources Department, to enable those faced with what they might consider to be a potentially coercive situation to take effective steps to obtain advice and support from the outset to deal with the matter, and that the Trust expects staff to take such action promptly.

Further information can be obtained from the Trust's Consensual Relationship policy and the Trust's Child Protection Policy.

## **12. What can I do to help stop Bullying & Harassment?**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can do this by:

- Making it clear that you find harassment and bullying unacceptable;
- Being aware of how your own behaviour may affect others and changing it, if necessary – you can still cause offence even if you are ‘only joking’;
- Treating your colleagues with dignity and respect;
- Taking a stand if you think inappropriate jokes or comments are being made;
- Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- Intervening, if possible, to stop harassment or bullying and giving support to recipients;
- Reporting harassment or bullying to your manager or the Human Resources Department and supporting the Trust in the investigation of complaints;
- If a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- Set a good example by their own behaviour;
- Ensure that there is a supportive working environment;
- Make sure that staff know what standards of behaviour are expected of them;
- Intervene to stop bullying or harassment;
- Report promptly to the Human Resources Department any complaint of bullying or harassment; any incident of bullying or harassment witnessed by them; and any complaints from members of staff, of bullying or harassment from third parties, such as students, customers, suppliers, vendors or visitors.

Further information on equality and diversity can be found on the HR Intranet site.

### **13. The Availability of Counselling or other Support**

The Trust is able to provide counselling or other support, if an employee is suffering from harassment or bullying. Any requests should be discussed with a member of the Human Resources Department in the first instance.

### **14. Making this Policy Work**

The Trust will continue to provide training to all existing and new employees and guidance to others engaged to work at the Trust to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. We will continue to provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The Trust will review the outcomes of cases where complaints of bullying and harassment have been made, to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The Trust will periodically monitor through the Dignity at Work Advisor Network Management Group, how successful we are being in creating a workplace free of bullying and harassment by other means, which may include confidential staff surveys.

## **APPENDICES**

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| Appendix 2 | Formal Procedures                        |
| Appendix 3 | Template for Recording Incidences        |
| Appendix 4 | An Informal Route – Which Route to Take? |

## **Appendix 1: Informal Procedures for Dealing with Bullying & Harassment**

You should keep a note of the details of any relevant incidences which cause distress, including a note of the ways in which the incidents cause any change to your pattern of work or social life. Any witnesses to incidences of harassment and/or bullying should be asked to keep a record of what occurred. An example of a template you may wish to adapt to record such incidences is attached in Appendix 3.

1. In the first instance, you may be able to sort out matters informally. The person may not know that his or her behaviour is unwelcome or upsetting. An informal discussion may help him or her to understand the effects of his or her own behaviour and agree to change it. Alternatively, you may feel more comfortable writing to the person.
2. Either way, if you choose to speak or write to the person, you should tell them what behaviour of his or hers you find offensive, unwelcome and therefore unacceptable, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or the Human Resources Department. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint, however often such action is sufficient to resolve matters.
3. If this approach does not resolve matters, you may wish to seek conciliation with the assistance of your contact person in the Human Resources Department or a Dignity at Work Advisor, all of whom are trained in mediation. The aim of mediation is to seek conciliation by reaching an agreed resolution between the parties, and ensuring as far as possible, that there will be no repetition of adverse behaviour, likely to give cause for further complaint. Such action is often sufficient to resolve the matter.
4. Additional guidance notes for which route to take if you wish to adopt an informal procedure, are attached in Appendix 4.

## **Appendix 2: Formal Procedures for Dealing with Bullying & Harassment**

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can invoke the Trust's Individual Grievance Procedure or make a complaint under the Trust's Disciplinary Procedure. Both procedures can be found on the Human Resources Department's intranet site.

1. In very serious cases, a criminal offence may have been committed and you may wish to report matters to the Police. The Human Resources Department can arrange for someone to accompany you to make a complaint to the Police, if you so wish.
2. All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. The action of instigating these procedures is unlikely to be seen as Bullying and Harassment which could act as a counter allegation and, in effect, result in a separate investigation being invoked in this context. This is true unless the subject of the complaint can argue a case that the use of this procedure is on the face of it, discriminatory in terms of any statutory definition. You will have the right to be accompanied by a fellow worker or trade union representative at any meeting dealing with your grievance. The Dignity at Work Advisors will not be required to participate in the investigation process and will not be required to provide evidence in proceedings unless this is absolutely necessary. You will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings. After considering all the available evidence, the Trust will decide, on the balance of probabilities, whether harassment or bullying has occurred.
3. The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know' basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he or she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the Trust's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.
4. Wherever possible, the Trust will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. This could involve a temporary transfer for the alleged harasser or you, or give you or the alleged harasser the option of remaining home on special leave, if no other alternative is available. In a serious case, the alleged harasser or you may be suspended until an investigation and any disciplinary proceedings are concluded.
5. If your complaint is upheld, and the person found to have bullied or harassed you remains in the Trust's employment, every effort will be made to ensure, if possible, that you do not have to continue to work alongside the harasser if you so wish. This will of course need to be discussed with you and the alleged harasser and the Trust's decision will need to consider the needs of the Trust as a business. The Trust will discuss options available to you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.
6. If your complaint is not upheld, the Human Resources Department will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair your working relationships.

7. You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint which you know to be untrue may lead to disciplinary action taken against you up to and including dismissal.
8. Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings.

### **Appendix 3: Template for Recording Incidences**

It will help you and anyone helping you if you are clear about the behaviour you believe to be bullying and/or harassment. Make some notes about what is happening or what has happened.

Be as clear as possible about dates, times, places, any witnesses, how you felt at the time and subsequently, and what, if anything, you did following the incident.

1. Date(s) of Incident(s):
2. Location:
3. Time:
4. Detail of incident(s):  
(Including any actions and comments and the people who made them)
5. Your response:
6. How you felt at the time and later:
7. Action taken by you if any:
8. Names of Witnesses:
9. What you would like to happen:

## **Appendix 4: The Informal Process – Which Route to Take?**

### **1. Talking to the person concerned**

Appropriate when:

- There are times when the working relationship is acceptable;
- The problems are recent; and
- Both parties are assertive (rather than passive or aggressive).

Not appropriate when:

- There has been violence, threats or threatening behaviour;
- The behaviour of the alleged harasser is in your view too serious;
- You feel that you cannot have a constructive conversation with the person because either your or their emotions may prevent this from happening or cause things to escalate unnecessarily.

### **What should you do?**

Before the meeting:

- Identify the behaviours that are experienced as unpleasant or bullying;
- Be specific (times, frequency, etc); and
- Keep a diary.

At the meeting:

- Ensure that the meeting takes place in a confidential location;
- Clearly describe the behaviour to the offending person;
- Say that it is unwanted;
- Describe the appropriate behaviour that should be used; and
- Seek agreement.

### **Benefits:**

- Issues can be resolved quickly; and
- Relationships can be improved.

### **2. When is a letter or email appropriate?**

A letter/email may be more appropriate when:

- Talking to the person has not brought about the expected results;
- A meeting or telephone conversation is not possible (i.e. distance, timing, etc); or
- If you feel more comfortable putting your thoughts in writing.

A letter/email might not be appropriate when:

- The person is unable to deal with the potential responses to the letter; or
- The person is unprepared to talk about the difficulties directly;
- In your view, a letter directly to the person is likely to cause the situation to escalate unnecessarily;
- You are concerned that the letter may not be kept confidential.

- **What should you do?**

Before writing the letter/email:

- Identify the behaviours that you want the person to change; and
- Identify alternative, appropriate behaviours.

When writing the letter/email:

- Clearly describe the negative behaviours;
- Explain why the behaviours are unwanted;
- Indicate the effects this unwanted behaviour has had on you;
- Describe the alternative, appropriate behaviours;
- Say how you want the situation resolved (i.e. a meeting or acknowledgment of the letter).

**What shouldn't you do?**

- Don't make the letter too long;
- Don't personalise the bad behaviours (i.e. say 'the behaviour was disrespectful' rather than 'you were disrespectful'); and
- Don't be too emotional/emotive in your language.
- At all times be mindful of the tone you are using in the letter. Although your feelings may be running high unnecessarily angry and accusative tone/language is unlikely to achieve the result you want;;

**Benefits**

- It allows preparation time;
- It enables you to say what you want; and
- It acts as a record.

**3. Mediation**

Appropriate when:

- There is a need for support in dealing with a problem;
- There is agreement on the existence of an issue; and
- Both parties are willing to work for a win-win solution.

Not appropriate when:

- One or more people are unwilling to take part in the process;
- There has been serious bullying, violence or victimisation; or
- The parties are not able or prepared to negotiate.

**What should you do?**

- Contact the Human Resources Department who will appoint an appropriate member of staff to undertake mediation;
- Try to keep an open mind during the mediation and try to appreciate that the other person may have a different point of view from yours or remember things in a different way to you;

- Be prepared to give ground on some of the issues. If both parties steadfastly refuse to accept that there may have been a misunderstanding, misinterpretation or some other form of miscommunication and that they are 100% right and nothing will change that, not even an apology, the mediation is unlikely to work.

The Mediator will help you:

- Identify what has happened by speaking confidentially to all parties;
- Assess the best way to bring the parties together;
- Explore the issues; and
- Build an agreement for future working relationships.

### **What shouldn't you do?**

- Don't expect the Mediator to solve the problems;
- Don't stick in the past; and
- Don't try to apportion responsibility/blame. The mediator is not there to make a judgment about who is wrong or right. They are there to help the parties to resolve the dispute so that the parties can move forward, put the dispute behind them and attempt to heal the rift that has occurred between them.

### **Benefits:**

- It increases the likelihood of a resolution; and
- It can improve working relationships.