



Human Resources

Title **Grievance Procedure**

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Roles, Responsibilities and Review

The **Assistant Chief Officer** is responsible for ensuring this Order is implemented across the Brigade.

The **Head of HR and Administration** will be responsible for the day-to-day operation of the Order.

The **Human Resources Officer** will review this Order as and when organisational changes take place.

Brigade Order: Human Resources Grievance Procedure

Purpose

These procedures are established in accordance with the guidelines contained in the National Joint Council (NJC) for Local Authority Fire and Rescue Services (Grey Book); the NJC for Local Government Services Scheme of Conditions of Service (Green Book) and ACAS Code of Practice and Non Statutory Guidance on Grievance and apply to all Service personnel, both uniformed and non-uniformed.

The Grievance Procedure enables an employee to seek redress for any grievance that may arise in relation to their employment or Conditions of Service under which they are employed, subject to the exclusions listed on page 2.

The Grievance Procedure is designed to resolve issues as speedily, fairly and as near to the point of origin as possible. It is the responsibility of all parties involved to ensure this occurs.

SFRS aims to ensure that there is a fair and consistent approach to ensure that everything is done by managers and colleagues to encourage and maintain good employee relations, in order to ensure a motivated workforce and an efficient service.

Employees should aim to resolve most grievances informally with their line manager. This has advantages for all workplaces. It allows for problems to be resolved quickly.

The Grievance Procedure is designed to encourage employees to achieve resolutions through dialogue. To this end communication and honesty are essential to its success. At no time will any person pursuing or participating in a grievance be challenged on related matters by management as a result of the grievance, unless there is clear evidence that their action is malicious. In these circumstances, consideration will be given to invoking Disciplinary Procedures.

If a grievance cannot be settled informally and cannot be settled through mediation the employee should raise it formally by following the Grievance Procedure. Grievances should be raised within 3 months of the management decision causing the grievance.

It is important that when dealing with any issues that fall under this policy, managers ensure that they follow the attitudes, professional behaviors and conduct as outlined in the Employee Code of Conduct and Workplace Charter. This is to ensure that any decisions are made in a fair, impartial, and ethical manner and do not detract from the Service policies.

Strategic Aims

This Order supports all of the services Strategic Aims as outlined in the Annual Plan.

Establishing a Grievance

The Grievance Procedure is intended to deal with individual employment issues that may cause grievances, examples include:

- Interpretation or Implementation of Policy
- Health & Safety
- Work Relations
- New Working Practices
- Working Environment

It is important that potential grievances are first dealt with at an informal stage, and an employee should first try and resolve any dissatisfaction by speaking to their Line Manager/Grandparent Line Manager. If an employee wishes to air views of general dissatisfaction about actions or behaviour of the management of individuals, they must make sure they identify specific examples to allow the issues to be fully investigated and a mutually acceptable resolution to be found.

Where an employee raises a grievance that is already being addressed collectively via Trade Unions or is currently in the formal consultation process with employees or representative bodies, the Manager will consult with the representative bodies with a view of dealing with the grievance under the Collective Grievance procedure.

Where an employee raises a grievance and the Manager subsequently discovers that the issue has already been resolved through the collective grievance or consultation process with representative bodies, the Manager will liaise with the representative bodies and HR Department as to the correct process to follow.

Policy Statement

This policy and procedure are applicable to all SFRS employees and is designed to help and encourage all employees to achieve and maintain good employee relations. The organisation's rules, which are summarised in this procedure and associated documentation, apply to all SFRS employees.

Principles

The principles of Natural Justice apply to this policy and associated procedures, namely:

- Grievance procedures should be fair and should be seen to be fair
- There should be a full investigation by an unbiased individual to establish the facts of the case
- Employees have a right to a fair and unbiased hearing
- Employees who have raised a grievance in good faith should not subsequently be disadvantaged in any way
- Unless there are exceptional circumstances demanding confidentiality, the presumption should always be that an employee has sufficient and timely information about any grievance raised against them. Employees have the right to express their view and give an explanation. Employees who have a grievance raised against them will be informed, if appropriate, of a summary of findings
- All individuals to be treated in good faith

Where a situation arises that an employee feels aggrieved by, raising a formal grievance should not be the first resort. The Service would encourage employees to discuss issues with the other employee/s involved to try and resolve the issue without the need of any formal grievance.

Where the situation continues, or the employee does not feel able raise the issues directly with the employee/s involved, it should be raised with that employee's Line Manager immediately. That manager will then inform the employee that a grievance has been raised against them and provide that employee with information as to the nature of the grievance.

Those responsible for dealing with the Grievance Procedure will bear in mind that the procedure is aimed at achieving a **resolution** at an early stage, rather than fault.

Where individuals believe they have a genuine grievance, they are encouraged to seek advice from HR department.

In most cases where early advice is obtained and appropriate interventions agreed, this often prevents a set of circumstances escalating and can significantly reduce any damage to employee/management relations.

Privacy and confidentiality shall be observed in all actions taken under this policy and associated procedures.

In accordance with the ACAS Code of Practice and Non-Statutory Guidance on Grievance Procedures all employees have a right to be accompanied by a colleague, or trade union official, where they are required or invited by SFRS to attend grievance meeting/interviews or grievance appeal. It is the responsibility of the employee to arrange his/her accompaniment. If employees are choosing a colleague, they should bear in mind that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the hearing or who might have a conflict of interest. The request to be accompanied does not have to be in writing.

A written record will be produced giving the outcome of all grievances and will include where appropriate, conclusions and/or recommendations for action. Records should include:

- The nature of the grievance raised
- A copy of the written grievance
- The employer's response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome
- Subsequent developments

It will be considered a serious disciplinary offence to give false or misleading information, or to withhold evidence in the course of a grievance investigation, or to encourage an employee to do so, or to interfere or coerce a witness.

It is also considered inappropriate to encourage an individual to submit a grievance where the individual would rather deal with the issue informally.

Abusive or insulting behaviour from anyone taking part, or conducting, grievance investigations/meetings will not be tolerated. The Service will treat any such behaviour as misconduct, and it will be dealt with under the disciplinary procedure.

Right to be Accompanied

At all formal stages of this procedure the employee has the right to be accompanied by a trade union representative or a work colleague. Employees in the probationary period may request to be accompanied by a trade union representative or work colleague at a meeting where their continued employment is to be discussed.

Employees have the right to postpone a formal meeting for up to seven days if their representative or work colleague is unavailable to accompany them at the meeting, however where this might cause the process undue delay the employee will be requested to seek someone else to accompany them.

Time Limits

Grievances must be made within three months of the event leading to an employee being aggrieved, unless specifically agreed otherwise.

The Service will make every effort to deal with grievances as speedily as possible, but in some cases an investigation can take some time. The purpose of the procedure is to reach a mutually acceptable resolution of the issue and therefore meetings will be arranged for dates and times where those involved can reasonably be expected to be available.

If the timescales set out in the Grievance Procedure are not complied with, the employee raising the grievance will be entitled to an explanation. The time limits are, however, a guide and in some circumstances, it may not be possible for them to be adhered to. If there is a delay in the process every endeavour should be made to alter the timescales by mutual agreement. If a grievance is raised against a person every effort should be made to keep that person updated if there is a delay in proceedings.

Employees must make all reasonable efforts to attend any meetings and the Service will reasonably try to accommodate genuine reasons for an employee's inability to attend meetings. If an employee fails to attend without due explanation, or it appears that insufficient efforts have been made to attend, meetings can be held in an employee's absence.

Grievance Procedure for all employees

Table showing grievance officers appropriate to each stage:

Grievance	Informal	Formal	Appeal
All employees	Line Manager	Line Manager	Group Manager of above or non-uniformed equivalent (as appropriate)

Mediation

At each stage of the process, mediation should be the first consideration to try and 'nip' issues in the bud.

Mediation is a process where an impartial person, the mediator, works with those suffering difficulty or conflict at work. The mediator works with both parties to come to an agreed resolution so that good working relationships can be restored.

The mediation process is entirely voluntary and is morally rather than legally binding. However, it is recommended as a method to use to try and resolve issues before the need to go through the formal process and can benefit all parties involved.

Specific information on the mediation process can be found at Appendix A

Where an employee is concerned about a matter relating to working relationships, they may wish to raise the issue directly with the person involved. There is an expectation that, where reasonable, the employee will resolve the matter informally before proceeding to the formal stage.

Informal Stage Employees should be informed that if they have a grievance relating to their employment, they should discuss it with their Line Manager. If the employee is not satisfied with the reply they may proceed to the next stage.

Wherever possible, attempts should be taken to informally resolve issues before resorting to the formal stage.

Grievances are normally heard by the employee's Line Manager, both at the Informal Stage and Formal Stage. The key difference for the formal stage is that the employee has the right to be accompanied, whereas the informal stage is dealt with on a one-to-one basis between the Line Manager and the employee.

The Line Manager will as soon as is practicable arrange the one-to-one meeting, free from interruption, to discuss the issue that concerns the employee informally and in confidence. The aim is to identify options for an amicable resolution. If the issues raised involve an alleged criminal or serious disciplinary offence then the Line Manager should immediately bring the meeting to a close and refer the issue to the HR Manager, who will decide upon the relevant course of action.

Both parties should commence the discussion with the aim of resolving the problem and must be given adequate opportunity to explain their points of view. The Line Manager should encourage the employee to fully discuss the issue and seek their views on what they expect from raising the grievance.

The Line Manager should advise the employee that Formal Stage of the Grievance Procedure could be activated if they are dissatisfied with the Line Manager's response at the informal stage. Before entering the Formal Stage of the Grievance Procedure, the Line Manager should encourage both parties to consider mediation.

Formal Stage - Grievance in Writing

If the grievance cannot be settled informally and cannot be settled through mediation, it should then be raised formally with the appropriate level of management. Normally this will be the Line Manager. Grievances will be submitted **in writing** and identified as such. Written grievances should include:

- The specific issue that the employee is aggrieved by
- What informal methods have been used to try and resolve the situation
- If no informal methods have been considered, an explanation as to why
- The outcome sought

Line Manager must seek advice from HR if they receive correspondence from an individual or individual's representative and are unsure whether or not it constitutes a grievance.

Where the grievance is a complaint against the Line Manager with whom the grievance would normally be raised, the employee can approach the 'grandparent' Line Manager or another manager at the same or similar level of authority. It must be noted that the Hearing Manager needs to be at such a level to have the authority to decide on the outcome of an employee's grievance.

All information whether printed or written should be clear and legible. The statement should clearly set out a summary of the issue as well as the more detailed description of events relating to the grievance if considered appropriate.

It is the responsibility of the Grievance Manager to acknowledge receipt of the grievance in writing and then arrange a Grievance Meeting within 7 days (or longer if mutually agreeable) at a time and place to suit both parties. At this stage the aggrieved person is entitled to be accompanied by a Trade Union official or colleague. NB: Should the grievance be raised against an individual, when they are interviewed, they will have the right to be accompanied.

Before the meeting the Grievance Manager will consider the written submission and will take steps to speak to other involved parties, particularly those identified in the written submission.

Any individual identified in a written submission, as having some involvement in the case, may be required to make note of their involvement in the case.

The Grievance Manager should take a written account from the involved parties or witnesses. Where the Grievance Manager cannot obtain these notes, due to extenuation circumstances such as annual leave, sickness absence etc., this should not delay the process unreasonably.

If the facts of the grievance are not clear after the initial investigation by the Grievance Manager and further evidence needs to be gathered and witness accounts taken, then by agreement with all involved parties, this stage of the process can be extended by mutual consent within a reasonable timescale. Witnesses will be informed that any minutes taken from the investigatory meetings will be disclosable to the aggrieved employee.

Grievance Meeting

On receiving a formal grievance, the Line Manager should invite the employee to a meeting which should be held in good time (within 10 days or longer if mutually agreeable) and inform them that they have the right to be accompanied (either by a colleague or union representative). The aggrieved and/or other involved parties including witnesses where required, must make all reasonable efforts to attend the meeting. If an employee fails to attend the meeting without due cause it may be held in their absence.

In cases where the grievance is raised against an employee's Line Manager, it may be necessary for an alternative manager to deal with the grievance. In cases such as this, advice should be sought from HR.

It is important that the meeting is not interrupted, and that the employee feels their grievance is being treated seriously and in confidence. The Manager hearing the grievance will not be junior to the person presenting the grievance. A HR Officer will be present to advise on procedure and ensure fairness and consistency. A note-taker will also be present.

Shropshire Fire and Rescue Service do not permit any meetings to be recorded, unless mutually agreed prior to the meeting with all parties on the grounds of reasonable adjustments. This is to ensure the following:

- There can be no breach of confidentiality, either by the Service or employee
- There can be no breach of GDPR Rules, by either the Service or employee
- There is no possibility that the record of the meeting will be lost due to system failure.

Employers, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. They will be asked to verbally set out their grievance as stated in their written notification and present any evidence without interruption. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Both sides will then ask questions of each other and discuss the issue.

The meeting will be conducted with respect for every individual and anyone acting inappropriately or using bad language will be requested after suitable warning to leave.

If any party becomes distressed it may be appropriate to adjourn. However, the issues cannot be avoided, and the meeting will be reconvened after a short break.

Each grievance will be resolved on the basis of the balance of probabilities in the view of the Line Manager conducting the meeting. The meeting is meant to provide an opportunity to air issues not necessarily to prove them.

The employee will be given a full opportunity to explain their complaint and say how they think it should be settled. If a point is reached at the meeting where it is not clear how to deal with the grievance or further investigations are necessary, the meeting should be adjourned to get advice or make further investigations. The Manager should give the grievance careful consideration before responding.

The Decision

The Manager hearing the grievance will make his/her reasonable decisions based on the specific circumstances of the case. The Manager will not be rushed into making decisions. Therefore, following the presentation of the employee's grievance, it will often be the case that the Manager cannot give an immediate decision but will need to seek further advice/information before reaching a final decision.

The Manager should respond in writing to the employee's grievance as soon as a decision is made, without any unreasonable delay, usually no later than 7 days after the Grievance Meeting explaining:

- A summary of the grievance
- Appropriate details of any investigation carried out including disclosure of any minutes from meetings held
- The decision on the matters raised
- The reasons for the decision
- If the grievance has been upheld, wholly or in part, what necessary steps will be taken
- Details of Appeals Process

At the conclusion of the grievance i.e., no appeal lodged or at the conclusion of appeal decision, consideration should be given, if appropriate, for a summary of findings to be given, within a reasonable timeframe, to an employee who is the subject of the grievance report.

Appeal Stage

An employee has the right to appeal in writing. He/she can appeal against the grievance decision, within 7 days of the date of receipt of the letter informing him/her of the decision of the grievance meeting. The appeal letter should be sent direct to the Head of HR and Administration.

The appeal letter should include:

- Why it is felt that the outcome was wrong or unfair
- What the employee would like to happen next

The Appeal Hearing Manager should be someone who has not previously been involved in the case and be more senior to the original Hearing Manager. However, there may be occasions where this is not possible. The Service will make all reasonable efforts to ensure best practice is followed and reserve the right to bring in an external party to carry out the appeal. The HR Department will write to the employee confirming the date, time and place of the hearing, including the right to representation by a Trade Union representative or work colleague.

A Trade Union representative or work colleague should be allowed to address the meeting in order to:

- Put forward the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting.

The work colleague/union representative will also be allowed to confer with the employee during the meeting and participate as fully as possible in the meeting, including asking questions directed through the Chair of the hearing to the investigating officer, witnesses or employee in relation to the case. They have no right to answer questions on behalf of the employee, nor do they have the right to address the meeting if the employee does not wish them to or prevent the Service from explaining their case.

The Appeal Hearing is an opportunity for the employee to:

- Explain why they believe the outcome is wrong or unfair
- Explain where they felt the procedure was unfair, and ask questions around the areas of policy perceived as being unfair
- Present any new evidence (this should be sent to the Head of HR and Administration within a reasonable time prior to the Appeal Hearing taking place)
- Listen to the Hearing Manager's views on the issues raised

At the Appeal Hearing the employee will be given full opportunity to state the grounds on which the appeal is made. The Appeal Hearing covers only those elements raised by the employee in their grounds for appeal.

In the Appeal Hearing, the Hearing Manager will:

- Introduce everyone present including their roles in the hearing
- Explain the purpose of the hearing and how it will be conducted
- Clarify the grounds of appeal
- Look at any new evidence provided
- Provide a summary at the end of the hearing

The Appeal Hearing Manager will then consider if:

- The original outcome was fair
- Whether they need to change the original outcome
- Whether a new investigation is needed before making a final decision.

A new investigation may be required in cases where the Appeal hearing Manager needs to:

- Find or look at new evidence
- Re-check any evidence previously looked at
- Talk to witnesses spoken to in the original investigation
- Talk to any new witnesses identified

The Appeal Hearing Manager should then write a confidential report which will be shared with the employee.

The Appeal Hearing Manager will write to the employee as soon as possible with the outcome of their appeal, clearly explaining the reasons for their decision.

The decision of the Appeal Hearing Manager is final, and no further appeals can be made.

Counter Claims/Allegations

All related issues, counter claims/allegations from any of the involved parties will be dealt with as part of the one resolution procedure.

Withdrawal of Grievances

Where a grievance is withdrawn prior to the Grievance Meeting, the Line Manager will ensure that the person concerned confirms this in writing.

Where a grievance issue is withdrawn, the Line Manager should ensure that there are no unresolved issues that require further action. Also, the Line Manager will advise all involved parties, if previously notified of an intention to use the Grievance Procedure, of the withdrawal.

Where a grievance has commenced and other involved parties named, they have become part of the issue and have every right to continue with the procedure. In these circumstances and although the aggrieved person might have withdrawn, they may still be called upon as witness to the issue at hand and where necessary may be required to attend the Grievance Meeting. Once the grievance is withdrawn if others wish to proceed they should raise their own grievance.

Special Considerations

Where either the authority or the recognized union determine that the matter is a collective issue it may, at any stage, be transferred to stage one of the local negotiation procedures set out in the Grey Book (Sixth Edition) Part C Section 5.

Overlapping Grievances and Disciplinary Cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related in may be appropriate to deal with both issues concurrently by mutual agreement.

Grievances raised in relation to a disciplinary decision will be heard at the appeal stage of the disciplinary procedure.

Collective Grievances

The provisions of this code do not apply to grievances raised on behalf of two or more employees by a representative of a recognized trade union or other appropriate workplace representative. These grievances should be handled in accordance with the organisation's collective grievance process as outlined in the grey book under Local Consultation and Negotiation Procedures.

Privacy Notice under the Data Protection Act 2018

Privacy Notice under the Data Protection Act 2018 (General Data Protection Regulations). Shropshire Fire and Rescue Service collects Personal Identifiable Information to enable it to process job application and employment issues to monitor against statutory requirements e.g. Equality Act 2010. Information is processed under GDPR Article 6(b) and GDPR 2018 Article 9(b).

For further details on our privacy arrangements please view the privacy page on the FS website page.

[Link to GDPR Portal Site](#)

Mediation Process

In some cases, mediation can be used to resolve issues where the informal stage has not resolved the issue, but before invoking the formal stages of the process.

What is mediation?

Mediation allows each person to talk and discuss their views in a confidential and supportive environment. It does this by offering a process which:

- Explores participants' issues and concerns
- Rebuilds relationships through a process of joint problem solving
- Allows all parties to understand each other's views
- Helps participants develop skills to resolve workplace differences for themselves
- Encourages communication and helps people find their own solutions

The mediator's role is not to take sides, but to assist all parties to come to a mutual agreement by managing the discussions in a fair and impartial way.

When can mediation be used?

Mediation should not be used as a first resort, as a first resort we would encourage employees to discuss issues with the other parties involved, or their Line Manager/Grandparent Line Manager.

Mediation may not be appropriate in all cases, and each case will be discussed by the Line Manager and HR.

Who can use mediation?

Any employee can request mediation. The conflict may involve colleagues working at a similar level in the same team or a different team, or those at different levels of seniority. It can also be used between a Line Manager and groups of staff.

What is mediation used for?

Mediation can be used in a variety of situations, such as:

- Breakdown in working relationships
- Communication difficulties between colleagues
- Disagreement over the way work is being done
- Some cases of bullying and harassment

Mediation may not be used to deal with:

- Disciplinary cases, including serious cases of bullying and harassment where formal action is required
- Cases of poor performance

Benefits of mediation

Mediation is one of the best methods to resolve conflicts in the workplace. It is carried out impartially, quickly, confidentially and informally. It enables all parties to achieve a mutually agreed way forward and helps rebuild and sustain working relationships.

Mediation is also less stressful and quicker than formal proceedings and is likely to produce more lasting outcomes for both parties.

Is mediation confidential?

Mediation is a confidential process and any information shared during mediation remains confidential between the parties and the mediator. Only those people that need to know the contents of the final agreement will be informed, either for working reasons or to enable any recommendations to be implemented.

There are certain exceptions to this where the boundaries of confidentiality may be breached. For example, the disclosure of abuse, disclosure of gross misconduct and the disclosure of criminal activity. If issues of this nature arise, it is the responsibility of the mediator to suspend mediation and report to the Head of HR and Administration.

Data from mediations will be analysed and anonymised statistics reported for monitoring purposes only. No information that could lead to the identification of any individuals involved in a mediation process will be included.

The process

The Service uses professional mediators employed by an external provider.

Mediation is only possible if both parties agree to take part. Ideally beforehand attempts would have been made by the person aggrieved to resolve any difficulties before starting the mediation process. This might include talking with their Line Manager, or if possible, having a direct conversation with the other parties involved.

Anyone wishing to start the mediation process should approach their Line Manager of the HR Department with a request to do so.

There is no need for the person who requests mediation to seek agreement from the other parties as this will be done on their behalf.

The HR Department will complete the Mediation Referral Form (Appendix B) with a brief summary of the issues so that the mediator can ensure the appropriate course of action is taken.

Once the referral has been accepted by the mediator they will contact all parties to arrange initial, one to one meetings to enable all involved to discuss their own issues and concerns, and to understand more about the mediation process, before deciding whether to proceed to the next stage.

The next stage is face to face meetings with all involved, managed by the mediator. Before this happens, all parties will be asked to sign a mediation agreement which includes a confidentiality statement (Appendix C).

The agreement

Any agreement reached will be written down and signed by all parties (Appendix D) and the mediator will let the HR Department know whether an agreement has been reached.

If an agreement cannot be reached, any parties involved can use the formal grievance procedure. However, any discussions that have taken place during mediation cannot be used as part of the grievance, or in any other procedure.

What happens if the agreement breaks down?

In most cases agreements reached through mediation work. However, in some cases things go wrong. If they do, the formal process can still be invoked, but as stated above, the use of any confidential discussions cannot be used. It may be that a further meeting with the mediator may be required. In cases of an agreement breaking down, the employee must first speak to their Line Manager or the HR Department.

Where will mediation take place?

Mediation will take place on Service premises, at a location agreeable by all parties. This is usually Brigade Headquarters.

Representation

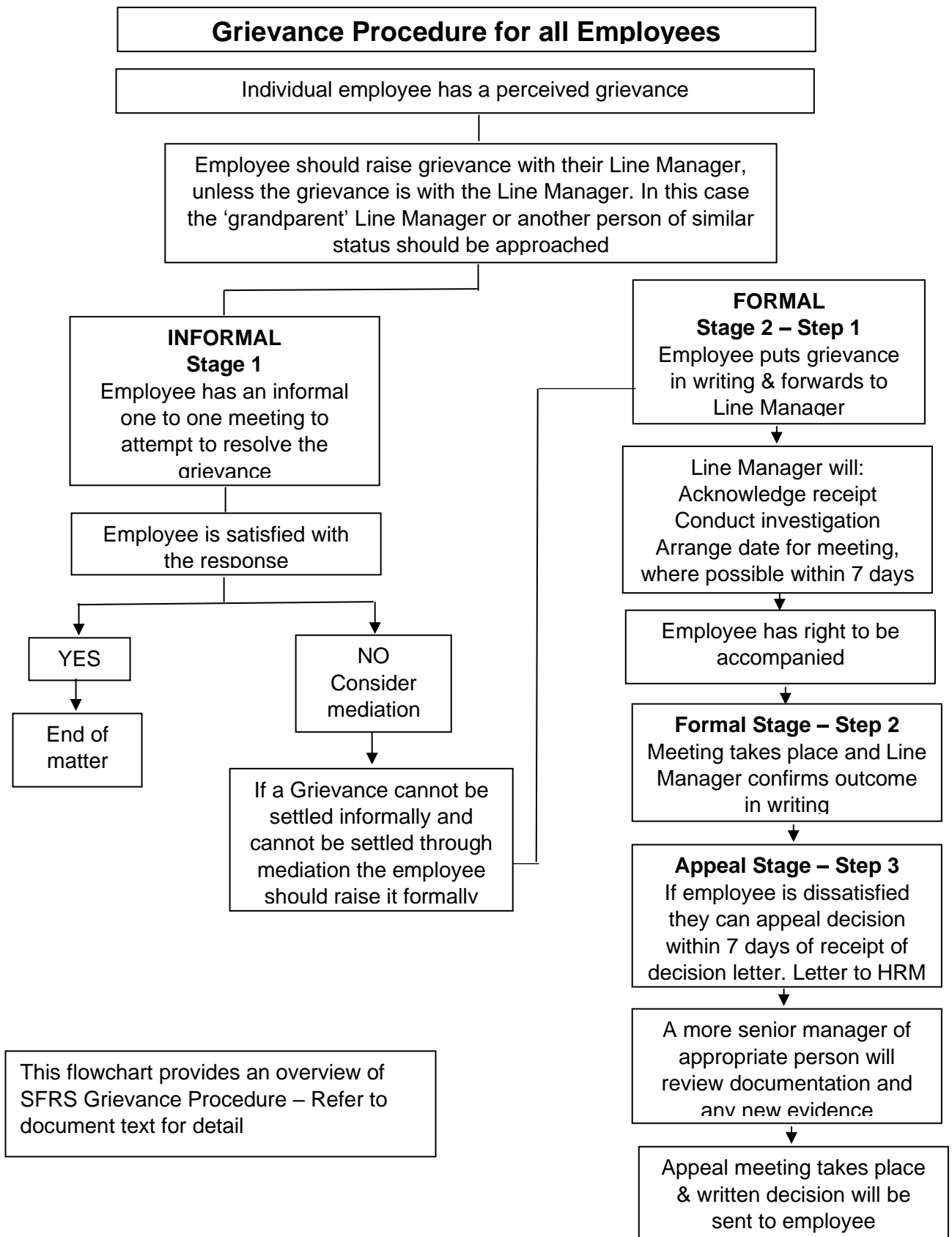
Representation during a mediation process is permissible if either party feel they require support during the process. However, in this context representation does not mean advocacy. It can only be used as support and is conditional on the representative attending a pre-mediation briefing with the mediator to discuss and agree their role and responsibilities in these circumstances.

Accessing mediation

In the first instance, employees should talk to their Line Manager or the HR Department who will discuss the case and complete the referral form. This form will then be sent to the mediator and discussions will take place between the mediator and relevant HR Officer to decide whether the case is suitable for mediation.

Evaluation

At the end of the mediation process, all involved will be issued an Evaluation Questionnaire (Appendix E). These questionnaires remain strictly confidential and the purpose is to assess the satisfaction of all parties involved and the quality and effectiveness of the service provided.



Agreement to mediate and confidentiality statement form

This form confirms that all parties:

Agree to participate openly, honestly, listen to each other and treat each other with respect during the mediation process. The aim of mediation is to work together to try and agree a joint agreement that can be taken forward to improve working relationships.

All conversations undertaken during this process will remain confidential and will not be repeated to any other parties unless express permission has been obtained, or there is a serious breach as detailed in the Mediation section of the Grievance Brigade Order.

Name..... Signed..... Date.....
(Party A)

Name..... Signed..... Date.....
(Party B)

