

INTRODUCTION

This proposal compares the differences in approach and potential benefits of an exploration vs. a traditional investigation and outlines the possible outcomes, stages and costs.

INVESTIGATION VS. EXPLORATION

Traditionally, “investigations” carry the unfortunate associations of guilt, innocence and “evidence” – indeed many procedures use language such as “fully investigate and establish the facts of the case. This may include interviewing witnesses and gathering written materials, including statements “. In what is almost inevitably an adversarial atmosphere it can often be very difficult to elicit “facts” in the legal sense and the result can be an increase in mistrust between the individuals involved and a negative effect on other team members.

In an Exploration, the individuals and their supporters are assisted by an independent facilitator to explore what lead to the conflict (and hence the grievance or disciplinary request). The facilitator is not hampered by being asked to judge or establish guilt or innocence and so can create a more relaxed, professional, objective atmosphere. As a result the information they help to elicit is more thorough and usually helps both parties to come to an understanding of what happened and why. The exploration can demonstrate where misunderstandings have lead to attributions which may be misplaced and can also raise behaviours and their effects perceived as a problem by others, so allowing for behaviour change to be self-generated rather than imposed.

POTENTIAL OUTCOMES

In a traditional investigation there are normally only two possible outcomes.

- ☀ First a win/ lose in either direction, where the claim is either found to be true or false.
- ☀ The second possibility is a lose / lose where the claim is found “not proven”. In either event the outcome is controlled by the investigating “officer”.

In an exploration there are three possible outcomes.

- ☀ First the individuals identify what happened, why and agree how to prevent it from happening again, with sufficient trust developed for the complaint or disciplinary issue to be withdrawn or “resolved”.
- ☀ Second is a similar outcome, but where an independent monitor is agreed, who will check back with the individuals at agreed interval (s) to ensure what has been agreed is being adhered to.
- ☀ Third, if the information exchanged does not allow the parties to resolve their differences, the facilitator will document the information, gain the parties agreement to its contents and make this document available to an agreed individual who may then form an opinion within a normal grievance or disciplinary process.

POTENTIAL STAGES

1) INITIAL PRIVATE MEETING

The individual, with their supporter, has a confidential session with the facilitator to ask any questions about the process. Essentially this should enable them to reach an informed decision and if they decide to proceed, to ensure their commitment to and understanding of what is involved.

2) THE EXPLORATION

Normally we suggest a whole day to allow the momentum built up in the early stages to carry through towards a resolution. However the individuals may choose other formats, such as a number of half days if

this better suits their diaries. The exchange can be extended at the time by the individuals if they agree this would provide a more realistic chance of a successful outcome.

CHOICE OF FACILITATORS

We normally provide two facilitators at no extra cost, with the benefit that one may have experience in an area relevant to the dispute. The adage of two heads being better than one applies and allows the individuals to build trust with whichever facilitator they find most empathic. It also provides the opportunity to have one of the female members of our panel present if one or more of the individuals feel this would help.

POTENTIAL DATES

Normally the individuals are keen to reach a resolution as quickly as possible so dates for the meetings would be organised as soon as diaries allow, but in any case within a few weeks.

POTENTIAL VENUE

An independent location is recommended, such as a hotel or other suitable location. Three rooms are used, one private room for each individual and one joint meeting room, all equipped with flip charts. Tea and coffee are organised throughout the day and a lunch is provided.

ESTIMATED FEES

The basis of fees for the meetings are normally based the time involved. As an aid to budgeting, we would suggest the following could be allowed for:

Pre Meeting	£ for 3 hours, per meeting	£350
Main Meeting	Assume 8 hours with two Facilitators	£1,500
	Additional Hours on the same day	£250
	Or if ½ days are chosen (includes travel/half day) per ½ day	£1,500

No costs would be incurred without your express agreement. We would also confirm this budget estimate after the pre- meetings when we would have a better idea of what might be involved. Our Standard Terms are appended for your information.

FURTHER QUESTIONS

If you have any further questions please let me know. You may also find the information on our website helpful.

Yours sincerely



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