



This is the first of a regular look at recent news in the world of mediation, focusing in particular on the workplace, and throwing in some of my own views for good measure. This edition includes an interesting Guardian article on mediation in the public sector, a piece from the Telegraph on how lawyers are the only beneficiaries of Employment Tribunals, and a blog from me on first impressions of the mediation market.

Marc Reid

Public sector seeing the benefits of workplace mediation

The Government response to the Resolving Workplace Disputes consultation has given a strong endorsement to the use of mediation to help resolve conflict in the workplace. This Guardian article (click [here](#) to link to full article) identifies three key drivers for the increasing adoption of mediation in the public sector.

1. Financial. The business case for adopting mediation is clear. A grievance can run on for months taking up days of HR / management time whereas a mediation can be completed in a day.
2. Full resolution. Unlike formal processes, mediation deals with the underlying causes of the conflict and so can achieve a long-lasting resolution.
3. People benefits. Those participating in mediation find the process a positive one; the same cannot be applied to formal grievance / disciplinary processes.

Who are the real winners in Employment Tribunals?

A provocative article in the Telegraph (click [here](#) to link to the full article) by IoD Director-General contends that the current Employment Tribunal system is broken. The only winners are the lawyers and as such the time is right to consider a new approach. The article argues the Business Secretary's consideration of compensated no fault dismissals is a step in the right direction. Whilst not referencing mediation specifically, the article certainly adds more weight to the argument that both employers and employees should see tribunals as an absolute last resort and resolution through techniques such as mediation are clearly preferable.

Want to share a thought or make an enquiry? We'll be glad to hear from you:

Tel: 07870 444444

Email: enquiry@mediation4.co.uk

“Don’t give up the day job...”

That’s the title of my first website blog (click [here](#) to link to the blog) and was the first piece of advice



given to me when I suggested setting up my own mediation business! Nevertheless, I took the plunge and my blog takes a look at initial impressions of the mediation marketplace and some of the apparent contradictions. The positive signs are there in that there is an obvious need for mediation, the business case is clear, and the Government is pushing it. Despite this there is negativity amongst mediation practitioners. Read the full blog to see my perspective on this interesting debate.

Some Facts and Figures

The following are taken from the CIPD’s Conflict Management [survey report](#) (3/11).

- Nearly 50% of organisations responding said they had increased use of grievance and disciplinary processes over 2 years
- An average of 22.3 grievances per organisation per year were reported (on an average employee base of 2067)
- Average HR / management time taken up on grievances was 14.4 days (compared to 9 days in the 2007 survey)
- 82.8% of public sector and 47.9% of private sector organisations used mediation
- 46.6% quoted ‘no clear business case’ as reason for not using mediation (*clearly the cost benefits of mediation have not been communicated!*)

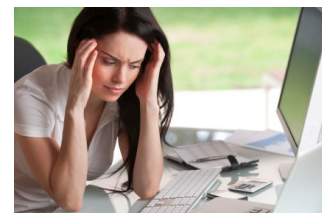
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It is the ‘needs’ that matter

It is rare that neighbour disputes end up at the Court of Appeal but the case of Faidi vs Eliot did just that in February 2012. The case was brought by the downstairs neighbour, complaining of excessive noise, when the upstairs neighbour had installed wood flooring. The court examined leases, points of construction, licences to carry out works etc. What it could not do, and which mediation could have done, was look at the real needs of the participants. Lord Justice Jackson recognised this and spoke out in favour of using mediation, which would have saved over £100K in legal costs and reached a more satisfactory outcome. Simon Carne, a consultant and mediator, comments on the case in his [blog](#).

It’s tough out there

A Financial Times article (click [here](#) to see the full article)



highlights the issue of workplace bullying

and ill treatment. It is a frightening statistic that nearly half the British workforce experience unreasonable workplace behaviour within any two-year period. The article offers some sensible advice on how to go about dealing with such issues with the emphasis being on improving communication rather than relying heavily on policies and procedures which won’t get to the root of the issue. In many cases misunderstanding and miscommunication are the problem rather than intentional bullying.