



This is 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 has a couple of articles relating to some significant changes brought in by the Government that will affect how companies resolve employee conflict, particularly in relation to fees for Employment Tribunals. Do read the 'hedge' story; it will have you shaking your head in disbelief!

Marc Reid

Employment Tribunal fees come into force

29th July 2013 could be an important day in the move towards greater use of workplace mediation. That is the date the Government introduced changes to how workplace disputes are dealt with. This article from the CIPD (click [here](#)) highlights the major changes concerning Settlement Agreements, Pre Claim Conciliation and Employment Tribunal fees. All are designed to limit the amount of disputes ending up in a tribunal. The ET fees for claimants in particular represent a major shift. In terms of mediation I see this as a positive move. Fees will encourage employees to give greater consideration to what alternatives there might be before jumping down the Employment Tribunal route. Trying mediation does not rule out the ET option but could resolve the issues in a much speedier and potentially more satisfactory way.



Changes could increase use of mediation in business disputes

Commercial mediation has received a boost thanks to the Jackson reforms, changes introduced in April that are designed to ensure greater control over litigation costs in civil cases. This article (click [here](#)) quotes a survey of 1800 lawyers and accountants, 70% of whom agreed that the reforms would lead to increased use of mediation to resolve commercial disputes. The discussion has highlighted the issue of the cost of taking a dispute to court. Mediation offers companies the chance to resolve their dispute at significantly lower cost to that of a court case. Importantly it also gives both parties the opportunity to decide the outcome themselves rather than relying on a judge.

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

Six more of the best!

Back in February this year I wrote a blog which featured six of the best free online mediation resources. There was such a good response to the blog that I recently wrote a follow up featuring another six resources which are equally as good! (click here for [blog](#)). The six selected include www.mediate.com which is an absolute goldmine of articles and in depth information about mediation. There are also two outstanding video interview websites, one from the US, Conflict Specialists Show and one from the UK Mediator Academy. And for those who like stats, there is the 5th Annual Mediation Audit from CEDR. Let me know of any others you find!



Is it about the hedge...?

This is yet another story where you think 'did it really need to go that far?'. The Telegraph featured this case (click [here](#) for text and video) about Dr Pelling and his 22 ft hedge, his neighbour Dr Hodgson and the ineffective behaviour of Newham council. Dr Pelling had refused to trim his hedge which Dr Hodgson claimed was blocking her light. The case even went to the High Court. In mediation we try to get beneath the surface issues and identify the interests that are driving the position. Listen to Dr Pelling on the video and see what you think. It sounds to me as though what really bothers him is the unfair treatment by the council, as he sees it, in how they apply their rules — sadly it is his neighbour who is bearing the awful consequences of this.

Website: www.mediation4.co.uk

ACAS Early Conciliation Service

Another Government initiative to reduce Employment Tribunal claims is the ACAS Early Conciliation Service and test research has indicated positive results (click [here](#) for article). ACAS already offer a very similar service called Pre Claim Conciliation. The new service to be introduced next year differs in that anyone wanting to raise an ET claim will need to go through Early Conciliation as opposed to just those cases thought suitable by the ACAS helpline. I fully support any effort to resolve workplace disputes before tribunal and ACAS does valuable work in this respect. However, the best time to resolve issues is before they ever get escalated to someone considering an ET claim. This is where workplace mediation can play a vital role.

Is the conversation really difficult?

One of the areas of their job that managers like least is having the 'difficult conversation' with a team member. CEDR research found that 35% of managers would rather parachute jump for the first time than address a problem with their team. This article from the FT (click [here](#)) highlights some reasons why managers struggle with these kind of situations. It is an area we cover in the Conflict Competence training we offer for managers. The good news is that once you have a framework and know how to go about it, having the conversation becomes a whole lot easier. Click [here](#) if you'd like more info on our conflict competence training.

