



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 features some interesting views from a lawyer on the introduction of Early Conciliation as well as an article on a fascinating 4 year race discrimination case that could probably have been avoided if someone had thought of using mediation!

Marc Reid

### Employment lawyers and the introduction of Early Conciliation

Government's far reaching changes on dealing with employment disputes have featured heavily in our recent newsletters. This Law Society Gazette article (click [here](#)) presents an interesting perspective from an employment lawyer (a sector heavily impacted by these changes). He makes a critical point that now lawyers must consider the full range of options for their clients rather than simply in-house resolution or litigation. Of course it makes sense from a client service perspective but it has also become a commercial necessity given that the changes have drastically reduced claims and hence casework for lawyers.



### Latest mediation statistics — good news or bad?

Every couple of years leading mediation organisation CEDR carries out an Audit of the civil and commercial mediation market. The results for the 2014 Audit were published in May and my recent blog tried to look beneath the headline numbers and work out what the Audit may (or may not!) be telling us about the state of the mediation marketplace. For instance, is the 9% annual growth in the total number of mediations positive or a cause for concern? To find out my view on this click [here](#) to read the blog.



### MOCK MEDIATION BREAKFAST October 21st, Reading

Join us for this rare opportunity to see workplace mediation in action. We have created this event so you can experience a live mock mediation based on a real case study. Breakfast included! For more details and to book your place visit our [Eventbrite](#) page. FREE ENTRY for News and Views letter subscribers—simply use the promotional code MMB068.

## Neighbours timeout in basketball dispute

Three teenagers in Ireland thought practising basketball at home would secure them a place on the court... not in court. However their neighbour brought a noise pollution case against them as reported in the Irish Independent (click [here](#)). The family are now hoping that mediation can resolve the issues between the neighbours. I'm forced to ask the question why is this option only now being considered? This emphasises the need to utilise mediation much earlier when a conflict arises.



## Four year legal battle—was it worth it?

This article from the CIPD People Management magazine (click [here](#)) features a race discrimination claim that went to Employment Tribunal and subsequently to appeal. The claims were rejected after four years and tens of thousands of pounds in costs. I agree firmly with the conclusion of the authors from Penningtons Manches. They emphasise the need to stand back from the case and consider all the various options. Clearly in this case there were major relationship issues behind the allegations and workplace mediation could have been a far more effective, quicker and less costly solution for those involved.

*'Conflict Management Skills for HR Professionals' Wargrave, 25th November. One day workshop giving HR the tools, skills and framework to address and resolve employee conflicts. For more information click [here](#).*

## ACAS Annual Report published

I found no press articles about the latest ACAS Annual Report (2013/14) released in July (click [here](#)). Perhaps because Early Conciliation has featured so prominently in the press recently there is little new information in the report to make it newsworthy. However, it was interesting to note a couple of statistics relating to mediation. ACAS runs a charged for mediation service and it showed a reasonable 12% rise up to 256 in cases started in the year. Yet this still represents a tiny fraction compared to the tens of thousands of conciliation cases handled by ACAS. Also interestingly ACAS trained over 300 new mediators during the same period. It may be simplistic to compare the 2 numbers but my guess is that the supply of mediators is growing faster than the supply of cases!

Website: [www.mediation4.co.uk](http://www.mediation4.co.uk)

## Mediation and Mindfulness

HR Magazine featured an article by Tania Coke, Mediation Consultant at Consensio, which considers the relationship between mediation and mindfulness (click [here](#)). Whilst her points are well made and I concur with her conclusion that each one of us can help transform conflict, the comparison nonetheless leaves me uneasy. One of the major barriers to broad acceptance of mediation is a widely held perception that it sits in the 'soft and fluffy' side of HR. Reality is quite the opposite and I constantly stress the clear business rationale for mediation. Linking mediation with mindfulness as Tania does risks reinforcing some of the preconceptions that exist. There is far more difference between mediation and meditation than simply an extra 't'!