



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 an article on how the BBC is using mediation as one of the measures to address bullying, as well as some worrying developments that are negatively impacting on family mediation. My favourite is yet another great 'bad neighbours' story with an amusing twist!

Marc Reid

BBC uses mediation to address bullying culture

The BBC has been in the news itself recently, particularly with the executive payoffs story.  What I find just as interesting though are the criticisms levelled at the corporation regarding bullying. Tony Hall, the new Director General, is implementing the recommendations of a recent report into bullying. One of the actions is greater use of mediation at an early stage. Some argue that mediation should not be used for bullying; my view is to look behind the 'bullying' label and focus on the behaviours that are causing the accusations. The BBC is taking a balanced approach, using a range of measures to address the bullying culture. This includes mediation but also using formal disciplinary processes to address unacceptable behaviour. The article (click [here](#))* claims complaints were taking 90 days to settle so a new approach is clearly needed. Using mediation for some claims should reduce this significantly.

Early intervention in work conflict can protect employees

A news story from Australia highlights the case of Alex who feels he owes his life to mediation (click [here](#)). He managed to insult a fellow worker, a martial arts expert, when he told him he didn't know what he was talking about! Fortunately the manager was alert to the situation and identified the potential for conflict and intervened. Whilst the manager's approach described in the article is not strictly mediation, the intervention was thankfully effective. The article considers when mediation can be used in the workplace. Interestingly the Australian complaints system often refers disputes to mediation achieving over 80% success rate. I like the useful tips at the end on boosting chances of mediation success.

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

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Does industry knowledge help?

Or to put it more fully... is industry knowledge a help or hindrance for a workplace mediator? This was the question I considered in a recent blog (click [here](#)). The natural response is that it must be and certainly in the field of commercial mediation, referrers often look for mediators with specific knowledge. However, one of the greatest challenges for a mediator is remaining impartial and not making assumptions. Having knowledge of the industry can enhance that feeling that you 'know the answer'. My blog discusses three key aspects of mediation where having industry knowledge definitely adds value: saving time, effective reality testing and building trust and rapport. So what's my conclusion? I guess you will just need to read the blog to find out!

Changes impact family mediation

When the Government introduced curbs on legal aid for divorce cases in April this year, it maintained funding for mediation. The intention was that more couples would consider mediation rather than going through court. However, figures quoted in this Telegraph article (click [here](#)) clearly show that the opposite has happened. There has been a dramatic drop in couples approaching and using mediation services. Instead they are trying to represent themselves in court, putting more pressure on an already overstretched judicial system. The cause? Couples often go to mediation on referral from solicitors but due to the cuts, they are not approaching the solicitors. We can only hope the Government acts quickly to rectify this unfortunate unintended consequence.



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Moon or mediation?!

This is another of those brilliant 'did it **Mail**Online have to come to this' stories. The Mail (click [here](#)) features the story of two millionaires in dispute over ownership of a 10 foot strip of land between their houses. They have been in dispute for six years during which time trees have been planted and chopped down, a greenhouse burnt down and accusations of taking photos whilst hiding in the bushes. Finally the police referred the neighbours to mediation after the dispute hit a new low when one of them 'mooned' at the other and it was caught on camera! Clearly the frustration had got too much for him. Let's just hope that mediation helps them get to the 'bottom of it'...!

Mediation for discrimination case?

This FT article gives two lawyers responses to a potential discrimination scenario (click [here](#)). It is a classic case of an initially innocuous situation where jokey banter has potentially serious consequences. The HR manager is concerned as the label 'religious discrimination' has been applied to the situation, with potential negative people and financial implications if it escalates. I like the advice given which is sensible and avoids overreaction to the trigger of the 'd' word! They suggest using workplace mediation to address the situation before it escalates, saving the organisation a lot of time and money and helping the employees continue working together. It is a good reminder that we shouldn't jump immediately down the formal process route but look at all the options available.