



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 several studies which focus on workplace conflict in different ways. We also feature the possible use of compulsory consideration of mediation in civil claims and a reflection of the first year of MIAMs in family mediation. Plus there's another extraordinary neighbour dispute!

**Marc Reid**

### Major ACAS study into mediation

ACAS has published a study examining an attempt to develop a systematic approach in the management of conflict within an NHS Foundation Trust (click [here](#)). This is probably the most comprehensive study into conflict being treated as a strategic issue and in a systematic way and major success was achieved. The key element to come out of the study is the value of an integrated and systematic approach, promoting early intervention and including use of mediation. This study provides a great deal of qualitative and quantitative data on the value of mediation, for example three quarters of people involved in mediations said they would recommend mediation to a friend or colleague.



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

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### Compulsory consideration of mediation for small civil claims

The President of the Supreme Court wants to extend the concept of compulsory mediation to smaller civil cases (click [here](#)).

Lord Neuberger, in a speech entitled 'a view from on high', praised mediation for being quicker, cheaper, less stressful and less time-consuming than litigation. He also said potential outcomes were more flexible and more likely to leave both parties emerging as 'winners'. However, he added that more data was needed on mediation to fully identify what types of cases are likely to mediate successfully.

It makes sense from an economic point of view to have a compulsory consideration of mediation before litigation especially set against the backdrop of what Lord Neuberger calls an 'almost perfect storm of financial difficulties' that could deprive ordinary people from access to justice.

Let's not forget this could save people a lot of the stress associated to litigation as well!

## Settlement agreements and relationship breakdown

Personnel Today reports on an XpertHR survey (click [here](#)) into the use of settlement agreements to terminate employment contracts. The survey finds only a minority of employers use them rou-



tinely although most of those surveyed have used them at one time or another in the past year and 70% said that the most common reason for their use was relationship breakdown. I question how many breakdowns were really irreconcilable? Could mediation have been used to repair the relationship, save the cost of settlement plus all the additional costs of recruitment and training replacement?

## More warring neighbours...this one has wheels.

This article (click [here](#)) relates how a company director from Huddersfield, sprayed water from a hose into his neighbour's open-top Audi as part of a dispute over parking in their cul-de-sac. The damage caused resulted in a £1,000 repair bill. Hoyle was found guilty of one charge of harassment without violence and two counts of criminal damage. Relations had clearly broken down between the two neighbours who had initially been friendly until "things soured for some reason." This is yet another example of a minor incident escalating into a court dispute and a criminal record for one neighbour. How much time has been taken up by the police in dealing with this? How much has it cost in court time? The sooner we get minor civil issues referred to mediation by default the better.

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

## How are MIAMs working?

One year on from the introduction of compulsory MIAMs (Mediation Information and Assessment Meeting) for separating couples, Jane Robey, CEO of National Family Mediation reflects on how it is working (click [here](#)). The key point in here for me is that, although the message seems to be getting across that if you're separating you need to attend a MIAM before you can go to court, the perception from most participants is still that it is something they have to do rather than seeing it as a valuable process in itself. It seems that participants only rarely understand how family mediation could be a good thing in its own right; a positive way to settle future arrangements for their property, their finance and their children. In other words this is heading in the right direction but more work is needed.

## 4 key lessons from CIPD

My latest blog (click [here](#)) examines two recent CIPD reports which look at the issue of workplace conflict from the angle of employer and that of the employee. Despite different perspectives, there is a good correlation in the conclusions regarding overall direction for handling workplace conflict in the future.

“...four in ten UK employees report some form of interpersonal conflict at work in the last year...”

1. Legislation supports the direction rather than providing the solution
2. Different resolution processes suit different conflict types
3. Greater awareness of mediation is needed
4. Skills development for HR and Line Management is critical