



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 articles from many different areas in which mediation is proving beneficial - from small business to hospitals. There are also cautionary tales, one of a court case involving neighbours who didn't use mediation and the other from a classic work of literature.

**Marc Reid**

### ET figures and ACAS Early Conciliation update

Early Conciliation was introduced on 6 April to provide an opportunity to resolve workplace disputes without the need to make a claim to an Employment Tribunal (ET). ACAS has recently released a report (click [here](#)) with first quarter results which together with the latest figures (click [here](#)) from the Ministry of Justice (showing the number of single claims to ETs has fallen 70% in a year) indicate a shift away from tribunal towards early settlement. Clearly the introduction of fees to the tribunal system has affected the number of claims. However, these Early Conciliation figures are promising, showing a trend towards earlier settlement. Of course, it would be even better if disputes were resolved even earlier by the use of mediation.

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

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### Government push has had little impact on family mediation

Legal Aid Quarterly statistics (click [here](#) for article) show that three months on from the April 2014 introduction of compulsory Mediation and Assessment Meetings (MIAMs) the number of publicly funded family mediations have only showed the slightest increase (0.2%). However, numbers of private mediations have risen considerably, and even estimated to have doubled since 2011, a positive sign that people see mediation as valuable and are prepared to pay for it themselves. The adoption of compulsory MIAMs is heading in the right direction and recent changes allowing free MIAMS even if only one of the participants is receiving legal aid (previously it had to be both).



## Row over driveway gates ends up in High Court

Neighbours in Formby, Merseyside are pursuing a lengthy court case about their shared driveway gate and whether it should be left open or shut (click [here](#)). Commenting on the ruinous dispute with its legal costs heading for six figures, the judge said “Sensible neighbours would have sat round a table and worked out either a regime for closing the gates at agreed hours or the installation of remotely operated electric gates, which might have cost £5,000”. How did this conflict get to this stage? Has nobody in Formby heard of mediation for cases such as this? Cases which are not what you would call open and shut!



## FSB welcomes regional mediation body in Greater Manchester

The Department of Business, Innovation and Skills pilot project in Manchester to enable small business to access mediation has now been followed by the creation of the Manchester Mediation Network (click [here](#)). This has been set up to work with businesses to prevent workplace disputes escalating and has support from Federation of Small Businesses and the Professional Mediators Association. It is still too early to assess the impact of these initiatives as a key way to help small business use mediation but if nothing else it is heartening to see the importance of mediation to small business being acknowledged.

*‘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](#).*

## Mediation for Hospitals

A mediation strategy in hospitals which avoids recourse to police and courts is enjoying success with both parents and doctors. This article (click [here](#)) shows that the principles of mediation can be applied in specialised fields such as hospitals where it could have real benefits. Think back to the Summer and the experience of five year old Aysha King whose parents, against a hospital’s advice, took him abroad for what they believed would be life saving treatment. Wouldn’t communication around the shared goal of Aysha’s well being have been a better approach? Embedding conflict resolution skills in front line staff when dealing with difficult situations is surely a step forward rather than purely following prescriptive processes and rules.

## And now for some Shakespeare

My most recent blog (click [here](#)), inspired by acting the role of Shylock in the Merchant of Venice is called “A Pound of Flesh”. In the blog I argue how conflict resolution themes can be drawn from Shakespeare’s work. The Merchant of Venice highlights important issues relevant to mediation such as finding out what’s going on under the surface of a conflict situation; clarifying people’s underlying needs and ultimately the drastic consequences of taking an all or nothing approach. Shylock is a great example of a man destroyed by conflict and thereby is a poster boy for mediation (as well as a great role to play)!

