



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. In this edition we look at a couple of articles highlighting recent Tribunal changes with more to come, as well as the great news that a mediation pilot in the NHS is being taken forward. I've also looked at a controversial article which suggests a hostile mediator may be more successful!

Marc Reid

Employment Tribunals. What's happened and what's coming?

Changes brought in by the Government in recent years have led to a massive drop in cases going to Employment Tribunal. This article (click [here](#)) from People Management debates whether the fall is due to the introduction of fees or the increase in the qualifying period for an unfair dismissal claim from 1 year to 2 years. Not even mentioned in the article is the introduction of ACAS Early Conciliation which has also contributed to the drop in numbers. Whatever the cause, the increased difficulty in taking a case to Tribunal should encourage employers and employees to resolve issues within the workplace. There will be even greater incentive to do this in 2017 when for the first time Tribunal decisions will be published online. Another People Management article from December (click [here](#)) highlights that companies need to consider carefully the potential reputational damage of going to Tribunal now that decisions will be freely available.

Successful pilot leads to new NHS mediation service



It's always good to hear that mediation has had a positive impact, especially in such a critical area as

healthcare. In this Law Gazette article (click [here](#)) it is reported that the NHS Litigation Authority has set up a mediation service following the success of a pilot. Despite the best efforts of our excellent health service staff mistakes do happen. Resulting disputes cause further pain and heartache as well as incurring cost for the cash-strapped NHS. Enabling the affected families and the healthcare professionals to talk about what has happened, to explain and if appropriate to apologise is an altogether better outcome and an excellent use of mediation.

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

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Nasty mediator, better results?!

Harvard Business Review

Harvard Business Review printed a fascinating article (click [here](#)) on research which suggests that a mediator who antagonises participants can actually achieve better results! The logic is that participants unite against the common enemy of the mediator. I agree to some extent in that it helps considerably if participants can find something they can agree upon. For instance I once had a case where the participants quickly realised their boss had been playing them off against each other and that their issue was more with him than with each other! But I can't agree that the mediator should intentionally annoy participants. So despite the research I shan't be turning into Mr Nasty in the near future.

Irritating colleagues cause third of employees to quit jobs

The BBC quotes research carried out on behalf of Samsung (click [here](#)) on what annoys people at work. As you might expect, IT issues and office temperature were frustrations for most people. What I found surprising though was that almost a third of those asked said they had left a job because of an irritating colleague. It's incredible given the amount of effort we put into finding a good job that we are prepared to leave because we can't get on with someone else. It's a loss for employees but for employers as well. I wonder how many of those employees were offered mediation with their irritating colleague before they quit? Not many I suspect. Had this happened they may not have left at all. It would have been worth a try at least!

Website: www.mediation4.co.uk

Listening rather than hearing

Psychology Today published an excellent article (click [here](#)) on the value of good listening skills. A key aim for the mediator and the mediation process is to help participants listen to each other. Once they start listening, they can begin to communicate and generate better understanding. As the article points out, listening well is very difficult. There are so many distractions around us. So a lot of the time we are not listening to hear what is being said, but are waiting to respond, thinking instead about what we are going to say. Learning some simple techniques can greatly improve your listening, and therefore your communication skills. This article has some good suggestions and there are plenty more in our training at www.diymediation.com.

HR views on workplace conflict. Survey results

I was delighted to present a guest lecture on workplace conflict to business students at the University of Bath

at the end of last year. To add some interest I carried out research via Linked In amongst the HR profession about their and their organisation's approach to workplace conflict. I was very grateful for the excellent response and after the lecture, published the results in my latest blog (click [here](#)). The survey highlighted to me that the HR profession do recognise the significant negative impact workplace conflict can have and their role in mitigating it, but more skills to resolve conflict are needed.

