



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 I look at the latest figures from the biennial CEDR audit of the mediation market and highlight a couple of articles which show the desperate need for greater mediation in medical cases. There's also an update on the impact of the abolition of tribunal fees, so hopefully something of interest to you all.

**Marc Reid**

### Results of latest mediation market audit published



Every two years the pre-eminent mediation provider CEDR has carried out a survey of the UK mediation market. They have recently published results of the latest survey (click [here](#)). Whilst the survey has its drawbacks it is the only regularly repeated market survey and as such provides worthwhile data. Key points to note are that the mediation market continues to grow; about 20% more cases were recorded in 2018 compared to 2016 and the figures show a doubling of the market since 2010. This is encouraging but my concern around the data is which mediation market it represents. It is supposed to include workplace mediation but my perception is that it focuses heavily on commercial mediation. There are several sections which relate to lawyers and lawyers are not involved in workplace mediation. So as a view of the commercial mediation marketplace I believe the audit is of great value. I'm still waiting though for a reliable survey of the workplace mediation market; perhaps I need to start one!

### New in-house mediation service for Suffolk County Council

As someone who has set up an internal mediation scheme in a large organisation I'm always interested to see how others go about it. Suffolk County Council have just introduced a new mediation service (click [here](#)), training 12 staff to mediate cases enabling employee conflicts to be dealt with early. There are some great examples of best practice in the way Suffolk have set up their scheme. For instance, ensuring it is part of a wider wellbeing strategy, using scheme co-ordinators, accessing external independent mediation where necessary and raising manager awareness and support. I hope the council provide an update in due course on how the scheme is progressing. Successful case studies are valuable tools for others who are seeking to set up a similar service.

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

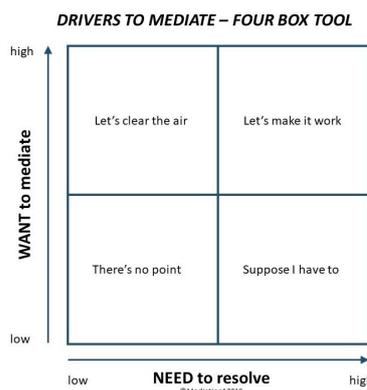
**Tel: 07870 444444**

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## Mediation for medical conflicts

There are many uses for mediation but one particular form that has hit the headlines recently is mediation of disagreements between medical staff and relatives of a patient. The issue was painfully highlighted in the case of Charlie Gard and now his parents want the law changed to ensure mediation is used early in the case (click [here](#)). Their call aligns with the thinking of NHS Resolution (the NHS litigation service) which also recognises that mediation needs to play a bigger role in addressing conflicts between medical staff and patients (click [here](#)). Despite this very few cases are mediated at the moment as this BBC article indicates. This has to change. Not only does it make moral sense but as NHS Resolution indicates, it makes absolute financial sense too.

## Analysing the drivers to mediate



My latest blog (click [here](#)) proposes a tool to help analyse the potential for a positive outcome in a mediation. The blog introduces a four box model comparing participants NEED to resolve the conflict and their WANT to mediate. An experienced mediator will have a natural 'feel' for the potential for a positive outcome but for someone less experienced this framework offers a simple approach to analyse the situation. The blog is an excerpt from a longer paper on the four box tool which is available to download from the mediation4 website.

Last few places available for our 'DIY MEDIATION MASTERCLASS' on 14th November in Reading. Early Bird price of £199 but only if you book before 22nd September. See [www.diymediation.com](http://www.diymediation.com) for more info.

## Abolition of tribunal fees, what has been the impact?



It is just over a year since the shock decision by the Supreme Court that tribunal fees were unlawful and the subsequent removal of all fees. Unsurprisingly this has led to an increase in claims as reported by People Management (click [here](#)). The figures from June indicated claims had more than doubled over the previous year, though they had not returned to their 'pre fee' levels. As a consequence the system has struggled to cope with the increased demand and waiting times for cases to be heard have increased considerably. Has it impacted mediation? I've certainly not noticed any significant difference, but maybe others have?

## Use of social media in workplace bullying cases

This PM article by a senior solicitor (click [here](#)) examines the legal perspective on bullying and harassment claims where social media is involved. The article focuses on the legal aspects of ensuring employers gather evidence etc but for me the real danger of social media is the potential to escalate a conflict rapidly. Something that starts off as a private disagreement immediately becomes spread far and wide once put onto social media. Not only that but any comment is open to misinterpretation. Misunderstanding and miscommunication lie at the heart of many conflicts so addressing this early in the process is essential. So by all means gather evidence but helping the people to communicate and resolve the issue would be more beneficial.

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