

Research Paper

An evaluation of the impact of the internal workplace mediation training service

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Disclaimer

This report contains the views of the authors and does not represent the views of the Acas Council. Any errors or inaccuracies are the responsibility of the authors alone.

FOREWORD

Conflict at work is a costly business. It can happen in any workplace. Differences between individuals at work can lead to grievances, absences, reduced or lost production and ultimately the loss of valuable employees. Mediation helps people sort out their differences as quickly as possible, minimising distress and cost. Many organisations turn to Acas for help to develop mediation schemes that meet their needs and to train their employees in mediation skills. The Certificate in Internal Workplace Mediation (CIWM) has been developed by Acas in response to this demand and provides a course which we believe delivers a sound foundation for and therefore the key to successful mediating.

The regular feedback we receive at the end of CIWM courses from delegates' shows consistently high levels of satisfaction so we welcome the findings from this new research into the impact of the training. We are particularly pleased to see how valuable delegates view Acas' training when put into practice and the positive impact it has had on their work, organisations and even their personal lives.

We are proud of our mediation training and constantly review customer feedback to ensure that we deliver training of a high standard. One finding from this research was that some delegates felt that we could reconsider the balance between course content and post course portfolio work. We have taken this on board and have already adapted the course to ensure that it remains relevant for today's delegates and their workplaces.



Brian Cunningham-Thornton
Head of Good Practice Services Policy
Acas

Contents

| | |
|--|------------|
| Key messages and recommendations | 1 |
| Recommendations | 1 |
| Executive summary | 3 |
| 1 Introduction and methodology | 8 |
| 1.1 Background | 8 |
| 1.2 Response rates | 9 |
| 2 Profile of respondents | 11 |
| 2.1 Employment | 11 |
| 2.2 Mediation role | 13 |
| 3 Perceptions of the accreditation process | 16 |
| 3.1 Reasons for attending the course | 16 |
| 3.2 Perceptions of the training | 19 |
| 3.3 Recommendations for improvements to the course | 20 |
| 3.4 Preparing the portfolio and gaining accreditation | 23 |
| 4 Impact of mediation training in the workplace | 29 |
| 4.1 Impact of mediation training on the mediator's role | 31 |
| 4.2 Perceived impact of mediation training in the organisation | 34 |
| 5 Perceived barriers to and facilitators of mediation in the workplace | 42 |
| 5.1 Perceived barriers to mediation | 42 |
| 5.2 Perceived drivers and facilitators of mediation | 46 |
| 6 Conclusions | 51 |
| 7 Doosan Babcock case study | 53 |
| 8 The University of Sheffield case study | 58 |
| 9 Welsh Government case study | 63 |
| Appendix 1: Survey Questionnaire | 69 |
| Evaluation of Acas Training for the Certificate in Internal Workplace Mediation | 69 |
| Appendix 2: Acas CIWM Training Evaluation – Topic Guide A: Mediator or employee rep | 98 |
| Appendix 3: Acas CIWM Training Evaluation – Topic Guide B: Senior HR/Managers | 103 |

Key messages and recommendations

- The Certificate in Internal Workplace Mediation (CIWM) training was very well received by course participants. There was great enthusiasm for both the content of the course and the way that it had been delivered by the trainers.
- Key skills acquired on the course include a range of soft skills such as listening, questioning, reframing and engaging with individuals and issues.
- Survey participants and case study interviewees reported that skills they acquired were transferable, both to other aspects of their working life, including day-to-day interactions with colleagues, and aspects of their private life outside of the workplace.
- Around two-thirds (67 per cent) of course participants had gone on to gain accreditation, and four-fifths of course participants said that the possibility of gaining accreditation was attractive to them. However, there was some criticism of the process of gaining accreditation. Many survey participants felt that the process of completing the portfolio was too lengthy and time-consuming: almost two-thirds of those who had worked on a portfolio reported that it had been much more work than expected. Crucially, they reported that they were not prepared for this when they embarked on the process. Further, around half of participants who had worked on a portfolio said that they had not or would not be able to work on their portfolio at all in working time. Nevertheless, those that had submitted their portfolio and gained accreditation were happy with this and some expressly mentioned that the portfolio was serving as a useful reference document.
- In the year following the training, the actual time spent on mediation by the trainees was relatively low – 44 per cent said that they spent between one and five per cent of their time on this.
- The majority of survey participants and case study interviewees said that mediation was now more actively encouraged in their organisations, but there is scope for further awareness-raising and encouraging organisations to use mediation. None of the survey participants thought that mediation was being used too much in their organisation, whereas almost half said that it was used too little.

Recommendations

1. The suggestions for improvements to the process of accreditation revolved around the portfolio work. It is clear that the content and delivery of the course was received very well and that the opportunity to gain accreditation is seen as valuable, but that course participants struggled with the length and amount of time it took to complete the portfolio. Given these comments, it may be useful for Acas to devote some thought to shortening and tightening up the portfolio work under the planned new accreditation organisation.
2. Managing expectations of the portfolio work also seems to be key. It may be worth advising trainers to address the issue of the portfolio more during the actual course, so that course participants have a good idea of what it will entail before they embark upon it. Course participants should ideally be briefed on what is involved before they start the course, and crucially, how much time

they will need to spend on the portfolio, in terms of how much per week and how many weeks this will entail. It may be worth investigating whether the completion time for the portfolio could be lengthened.

3. There are perceptions of inconsistency in post-course support: Acas might therefore find it useful to seek to standardise post-course support and delivery of feedback in a timely manner, in order to support those working on their portfolio as much as possible. Consideration could even be given to additional half-day portfolio workshops during which participants could ask questions and learn from each other's experience. Online and distance support may also be a help.
4. Given the fact that many of those working on their portfolios were not able to do this in working time, it might be helpful for Acas to consider working more with organisations to try to introduce some element of study leave for these individuals. This would enable them to gain accreditation more quickly, thus allowing them to work as an accredited mediator in the organisation.
5. Organisational culture and commitment from senior managers and line managers features as an important enabler to mediation, and a barrier when it is negative. It may therefore be worth considering how the message about the benefits of mediation can be spread more widely within organisations, while acknowledging that culture change can be a long-term process.
6. Ensuring perceived impartiality of mediators is important, because it is reported to influence perceptions of trust and confidence in the mediation process. Some of the case study interviewees mentioned the difficulties caused by so many mediators having an HR background, and who may already have been involved in cases before the mediation process begins. Encouraging individuals with a range of backgrounds, not necessarily in HR, to train as mediators may be a way of resolving this. Acas may wish to consider adapting and targeting its marketing materials to attract a wider range of participants.
7. Some organisational reluctance to engage in mediation stems from fear of the outcomes and confidentiality concerns about the process. Acas may wish to consider how it can effectively spread the message about what mediation is and dispel any myths more widely within organisations, either through direct communications or working through CIWM training course participants as ambassadors.

Executive summary

Job role and background of CIWM participants

Telephone survey respondents were most commonly employed as HR managers (31 per cent), with 11 per cent worked in another HR job role and 10 per cent as an HR Business Partner or Director. Over half worked in the public sector (54 per cent) and 56 per cent worked in large organisations of over 1,000 employees.

Almost half of respondents (46 per cent) said that their organisations had between one and five people who ever acted as mediators. In terms of actual amount of time spent on mediation by survey respondents, one-fifth said that they had not spent any time at all on mediation during the past year. A further 44 per cent said that they had spent only between one and five per cent of their working time on mediation. Participants in the case studies also said that they found it hard to balance mediation duties with their normal job, which limited the number of cases in which they could participate, although in some cases, mediation work had not yet arisen in any volume. When asked about roles and activities related to dispute resolution, the most prominent activities reported by survey respondents were problem-solving (92 per cent), followed by facilitating (89 per cent), negotiating (84 per cent) and counselling (39 per cent). Respondents also reported being involved in disciplinary or grievance procedures, advising and coaching and conflict resolution.

Sixty seven per cent of survey participants had achieved CIWM accreditation since attending the training.

Perceptions of the accreditation process

Almost all respondents said that their employer had paid for the training. The most frequent reason cited by respondents for attending the course was for personal development or to enhance skills (28 per cent), closely followed by a need for mediation in the business/workplace (25 per cent) and its relevance for the respondent's current job role (16 per cent). From the case studies, reasons such as wanting to raise the profile of mediation in the workplace and wanting to improve the culture around dispute resolution were cited. One case study interviewee said that they had already had a number of dealings with Acas' mediation service, which had prompted them to think about participating in the training and raising the profile of mediation in the organisation.

Overall, the training was very well received, with 94 per cent of survey respondents stating that they were very or fairly satisfied with the course. From the case studies, there was a great deal of praise for both the content of the course, the balance of elements in the course, and the way in which the content was delivered. Many interviewees felt that the trainers were highly skilled and experienced and went out of their way to ensure that the course was a success.

These high levels of satisfaction with the training were reflected in the fact that 94 per cent of survey respondents said that they were very or quite likely to recommend Acas training to their colleagues.

Around half of survey respondents said that they could not think of any way to improve the course. Suggestions for improvements centred on:

- reducing the amount of work involved in putting together and submitting the portfolio
- giving more advance warning of what the portfolio work would entail (almost two-thirds of those that had worked on a portfolio said that it had been much more work than expected);
- making the portfolio work less repetitive
- providing more support and better feedback, including more timely feedback, to those putting together a portfolio
- making sure that the course was not too dominated by individuals from one organisation (suggestion from a case study interviewee).

A total of 79 per cent of survey respondents had submitted their portfolio and both survey respondents and case study interviewees commented that the portfolio did serve as a useful document.

Just over half of survey respondents said that they had not or were not planning on completing their portfolio during normal working hours. Only 10 per cent said that the entire portfolio had been or would be completed during normal working hours. Nevertheless, the majority of survey respondents (88 per cent) felt that their organisations had been fairly or very supportive in enabling them to work towards the accreditation.

Mediation cases undertaken and Key Performance Indicator (KPI)

Overall, the 150 respondents said that they had participated in a total of 302 cases, of which 17 were still ongoing and 285 were closed. Of the 285 closed cases, 174 were deemed to be fully resolved and 44 partially resolved. A further 43 were judged not to have been mediable, while 28 were withdrawn and 13 proceeded to a formal complaint.

Isolating the 74 individuals who have gained the CIWM accreditation, they were involved in a total of 185 cases, of which 149 have been closed (excluding 26 judged not to have been mediable). Of these 149, 99 were judged to have been fully resolved and 25 to have been partially resolved, giving a Key Performance Indicator (KPI) of **83 per cent** (124/149). The KPI is calculated as follows:

$$\text{KPI} = \frac{\text{Number of successful mediations by accredited mediators}}{\text{Number of completed cases}}$$

This means that 124 out of 149 cases in which accredited mediators participated were resolved fully or partially. In 2009, the last time the KPI was measured, it was 94 per cent. However, a total of ten cases proceeded to a formal complaint this time (compared with none in 2009), indicating that the type of case and subject matter may this time have been more difficult for mediators to handle. There is more of a focus this time on cases involving work practices, work allocation or pace of work (14 per cent of cases). While no further questions were asked about this, economic conditions may have had an impact on work practices and pace of work, with employees coming under more pressure in straitened

times. In turn this may explain the number of mediations on these topics. In addition, 12 per cent of cases focused on selection for redundancy (compared with one per cent in 2009), which is also likely to be linked to the effects of recession, and likely to be a difficult subject on which to mediate.

Impact of mediation training on the mediator's role

Almost all survey respondents felt that the course has given them a clear framework or structure to work with, had led to a better understanding of the process and had more generally led to greater confidence in managing mediation. Further, the overwhelming majority said that the skills they had acquired on the course were very or quite useful. When asked which skills in particular the respondents valued as very useful, the main skills cited were reframing (whereby the facts of a case are placed in a different, impartial frame, in order to change its emotional setting or its perception by the parties), impartiality, and acknowledging differences in viewpoints between the different parties to mediation.

When asked about other specific skills gained for mediation, 98 per cent of survey respondents cited identifying when internal workplace mediation is appropriate, 100 per cent cited understanding the mediation process, 99 per cent cited gaining confidence in mediation skills and being able to manage the mediation process, and 98 per cent cited enhancing communication skills, such as listening, questioning, persuading and negotiating.

Interviewees in the case studies reported improvements in their overall mediation skills, coupled with an increased confidence in how to deal with cases.

Perceived impact of mediation training in the organisation

In terms of relations between managers and employees, 29 per cent of survey respondents identified improvements as a result of the training. Some of the case study participants also reported that the training had enabled colleagues to work together much more effectively.

A total of 60 per cent of survey respondents said that the training had had an impact on mediation in their organisation: 27 per cent said that the impact had been significant, while 43 per cent said that there had been some impact or a minor impact.

When asked for their views on the frequency of use of mediation, 49 per cent said that it was used whenever necessary, but 47 per cent also said that it was used too little. Nobody said that it was used too much. Those that had said that mediation was used too little (70 individuals) were asked what steps they thought could be taken to increase the use of mediation. The most commonly-cited action was to increase awareness through promotion and communication (cited by 47 per cent of respondents). A further 17 per cent said that a formal mediation policy would increase the use of mediation, while 10 per cent said that increasing the number of mediators would help.

Overall, over four-fifths of survey respondents agreed that mediation is now encouraged in their organisation. When asked about how aware staff were of mediation in their organisation, over half said that they were very or fairly aware.

From the case studies, interviewees at the Welsh Government reported that, following the training, there is now a much more structured approach to mediation in the workplace.

In terms of opportunities to undertake mediations in their organisation since completing the training, three-fifths of survey respondents said that they were satisfied, although 15 per cent said that they were dissatisfied, largely because the cases had not arisen, or there was no mediation policy in place.

Impact of the training on other aspects of the individual's role

The skills that individuals had acquired on the course were reported as transferable to other aspects of their role at work. Almost a quarter of survey respondents said that they used these skills on a day-to-day basis, and one-fifth said that they used them in the management of staff, including situations such as training, coaching and meetings. Fifteen per cent said that they used these skills in disciplinary, grievance situations and conflict resolution. Specific skills mentioned included:

- listening and empathising
- an overall improvement in interactions and communication
- being able to apply mediation skills to other types of situations in the workplace
- being able to use the skills to improve communication and interaction in their personal life

Perceived barriers to mediation

When asked about the main barriers to successful mediation, a quarter of survey respondents cited a lack of trust/confidence in the process, almost two-fifths cited a lack of understanding of the process and 12 per cent cited resistance to participating in mediation.

Specific comments from survey participants and case study interviewees revolved around:

- a perceived lack of impartiality from the mediator
- a lack of support from the organisation, or issues related to organisational culture
- unrealistic expectations from the parties
- lack of a proper framework or structure
- a lack of understanding about mediation among the individuals concerned, which in turn may lead to an unwillingness to participate
- lack of competent mediators
- issues to do with time, for example the process taking longer than anticipated.

Perceived drivers and facilitators of mediation

The most commonly-cited success factor for mediation from the survey participants was a willingness of both parties to engage in the process, cited by just over a quarter of respondents, followed by a structured process/framework and listening (both 19 per cent) and having the necessary skills/being competent (14 per cent).

Specific comments revolved around these issues as well as the importance of all parties having an open mind and the competence and skills of the mediator.

1 Introduction and methodology

1.1 Background

Acas carries out a comprehensive review of its services in order to improve efficiency and effectiveness. This includes evaluating the impact of the Internal Workplace Mediation Training (leading to the CIWM accreditation). The training for the Certificate in Internal Workplace Mediation (CIWM) aims to equip mediators with better conflict management and interpersonal skills for day-to-day relationship management and provides accreditation for current and future workplace mediators, subject to the completion of a portfolio.

The course covers five units and takes place over five days, sometimes in a one week period but occasionally split into two blocks - one of two days and one of three days. The five-day course covers:

- the nature of workplace conflict
- when workplace mediation is and is not appropriate
- the skills, strategies, behaviours and knowledge needed to be an effective workplace mediator
- the management and evaluation of the mediation process.

The CIWM training is provided on open access courses for individuals, either those funded by organisations wishing to train up workplace mediators or those attending under their own volition for personal or career development. It is also offered as an in-house course for those organisations looking to set up or improve internal workplace mediation protocols and train up teams of mediators.

The Institute for Employment Studies (IES) was commissioned by Acas to conduct a programme of research to evaluate the CIWM training. The research took the form of a telephone survey with mediators who had attended any CIWM training course between April 2012 and March 2013, and case studies of three organisations, of which two had participated in Acas' in-house training.

The overall aim of the project is to examine the longer-term effectiveness of the mediation course for the trainees and to gain an insight into the effectiveness of the in-house training for organisations. The research has the following objectives:

- To provide the key performance indicator (KPI). The KPI for this service is the percentage of successful mediations by (accredited) mediators trained by Acas one year after training was completed.
- To provide insights into the perceptions of the accreditation process.
- To provide hard measures and perceptions of the use of mediation in the workplace.
- To examine barriers and facilitators to successful mediation in the workplace.
- To examine the wider effects of mediation training on their job/role, for example, in terms of 'soft skills'.

- To provide an insight into organisations' views of the effectiveness of Acas in-house mediation training.

1.2 Methodology

A pre-notification letter was sent to all individuals who had attended a CIWM training course between April 2012 and March 2013. This detailed the rationale for the study and gave the opportunity for opting out of the consultation.

Telephone interviews were conducted with 150 individuals. All those who had attended the course during this period were eligible to take part in the survey, regardless of whether they had subsequently submitted a portfolio for assessment or received full accreditation.

The fieldwork was conducted between 24 October and 20 November 2013, using a semi-structured questionnaire. Responses to open questions were collected verbatim and categorised prior to analysis. Full tabulations of the results of the survey, with subgroup analyses, have been provided under separate cover.

In addition to the survey, qualitative interviews were carried out with senior managers in three organisations, Doosan Babcock, the University of Sheffield and Welsh Government, to get views from the organisations' standpoint. Two of the organisations had commissioned Acas to carry out in-house training.

1.3 Response rates

Table 1.1 shows the breakdown of response outcomes for all those course participants approached to take part in the survey. The base of 297 excludes those who declined to be contacted for the survey.

It should be noted that percentages are rounded and do not always sum to 100.

Table 1.1: Response analysis

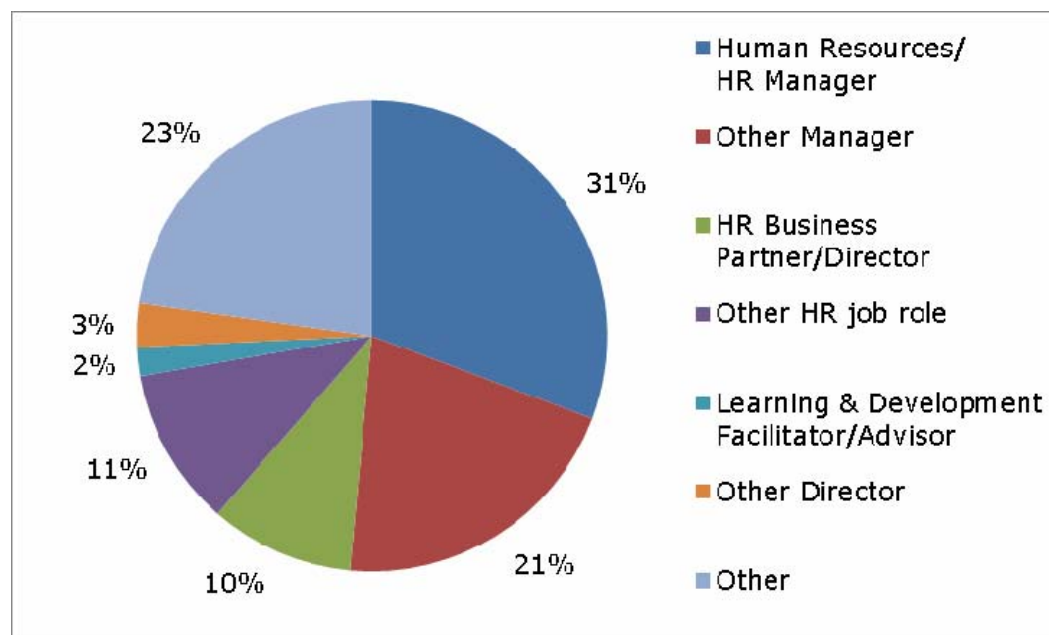
| | No. of contacts | Per cent |
|--|------------------------|-----------------|
| No contact made (TOTAL): | 104: | 35: |
| • answer phone* | 5 | 2 |
| • no answer* | 33 | 11 |
| • number unobtainable/unrecognised | 13 | 4 |
| • respondent left organisation/department | 29 | 10 |
| • respondent on leave (e.g. maternity/sickness*) | 10 | 3 |
| • target respondent unavailable at all attempts* | 10 | 3 |
| • incorrect number - name not recognised | 4 | 1 |
| Contact made (TOTAL): | 193: | 65: |
| • refused | 25 | 8 |
| • requested call back, then not available* | 18 | 6 |
| • interviewed | 150 | 51 |
| Response rate on contacted sample | | 78 |
| Total number of contacts | 297 | 100 |
| * contacted a minimum of 10 times. | | |

2 Profile of respondents

2.1 Employment

Respondents were most commonly employed as HR managers (31 per cent). A total of 11 per cent worked in another HR job role and 10 per cent as an HR Business Partner or Director. For details, see Chart 2.1 below.

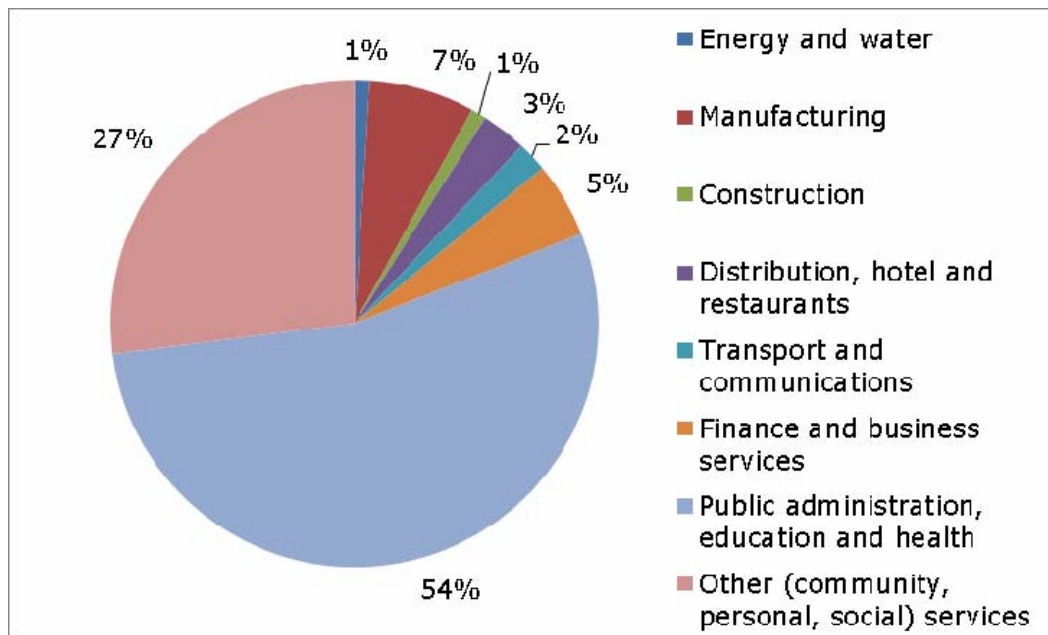
Chart 2.1: Job roles of respondents



Base: all respondents (150)

In terms of sector, the majority of respondents worked in the public sector (54 per cent), followed by other service sectors (27 per cent), manufacturing (7 per cent) and finance/business services (5 per cent). See Chart 2.2 below.

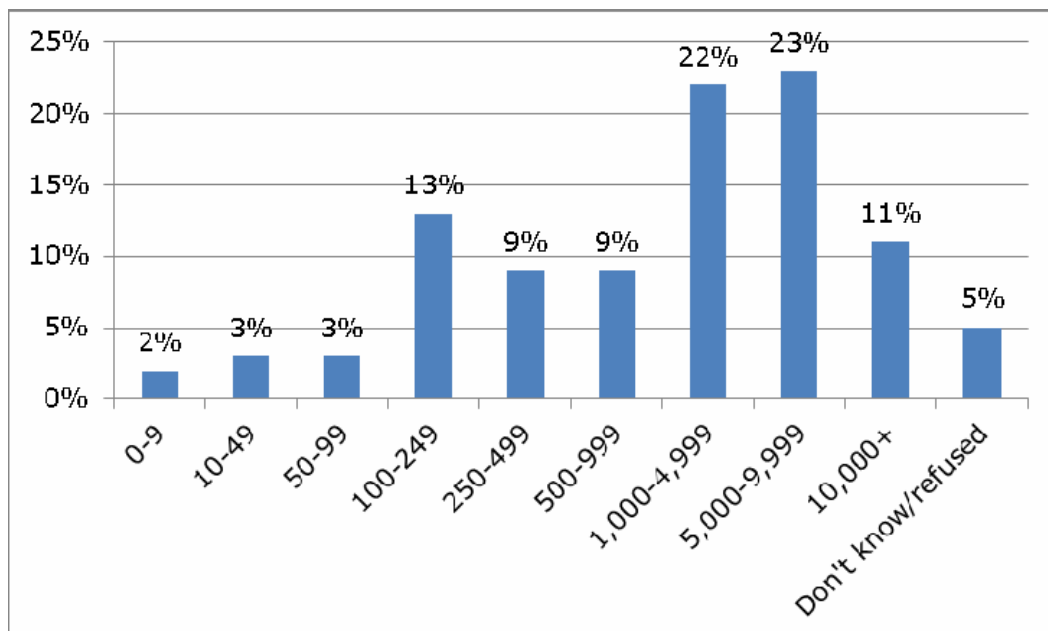
Chart 2.2: Employment sector



Base: all respondents (150)

In terms of size of organisation, the greatest proportion of respondents worked in organisations with more than 1,000 employees (56 per cent). See Chart 2.3 below.

Chart 2.3: Organisational size



Base: all respondents (150)

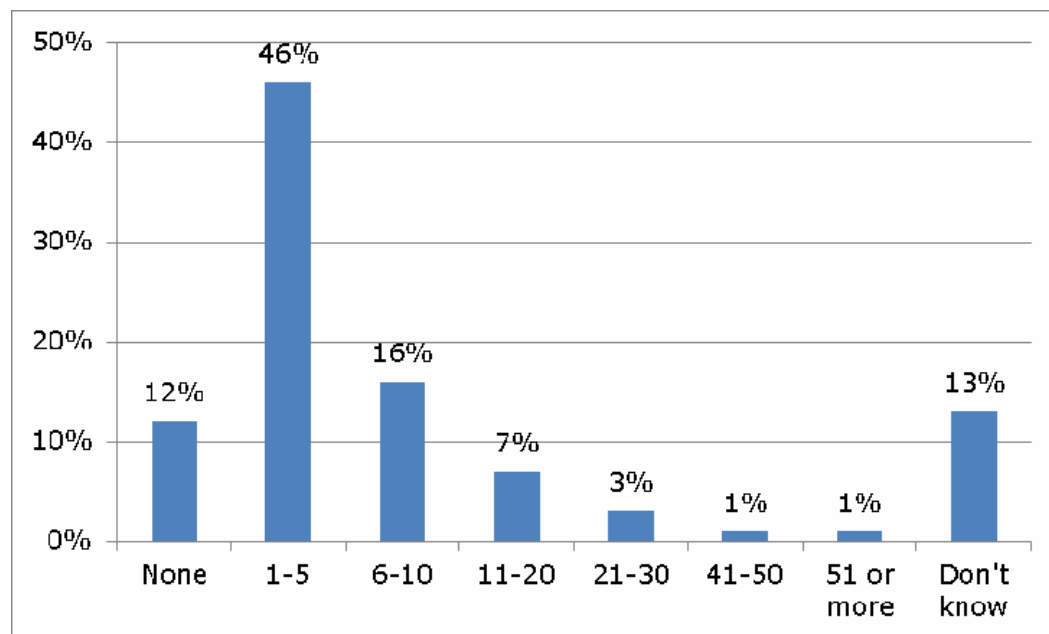
Regarding the age and gender split of the respondents, 51 per cent were aged between 35 and 49, 36 per cent between 50 and 64 and 13 per cent between 18 and 34 years. The gender split was 74 per cent female, 26 per cent male.

2.2 Mediation role

A total of 46 per cent of respondents said that their organisation had between one and five people acting as mediators, followed by 16 per cent which said that their organisation had between six and ten. For details, see Chart 2.4 below.

As to be expected, the survey showed that the larger the organisation, the more likely they are to have at least one mediator (33 per cent of organisations with 1-99 employees have no mediators, falling to 24 per cent in organisations with 100-499 employees and only six per cent in organisations with 500+ staff). On the other hand, 16 per cent working in organisations with 500+ staff reported that they did not know about the number of mediators, compared to only 3 per cent in organisations with 100-499 employees and zero per cent in organisations with 1-99 employees. This might suggest a lack of transparency regarding mediation activities in large companies.

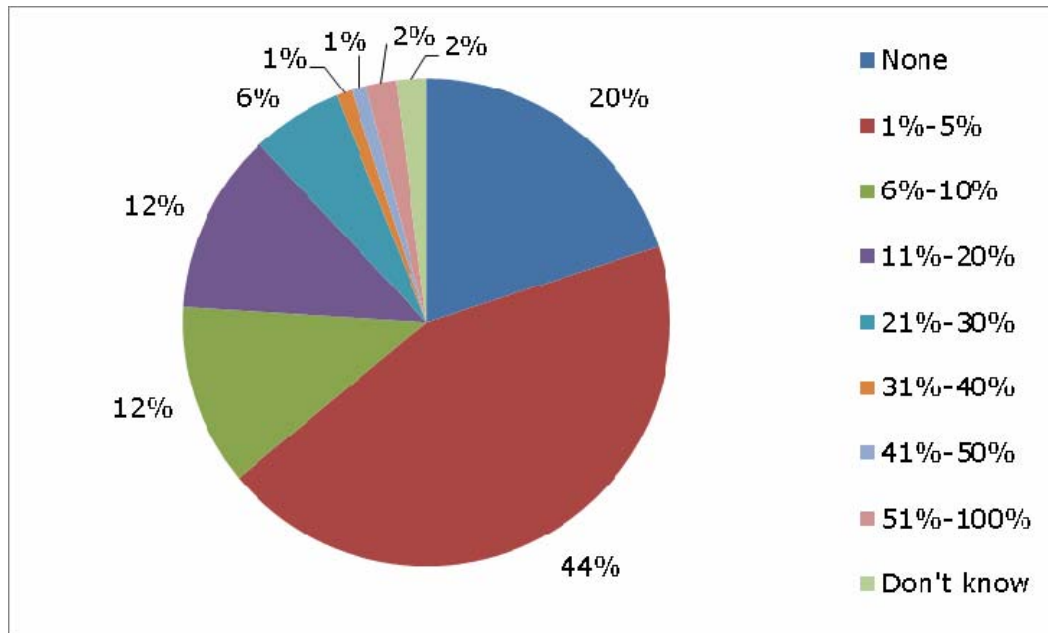
Chart 2.4: Number of mediators in organisation



Base: all respondents (150)

The actual amount of time spent on mediation appears to be relatively small. A considerable proportion of survey respondents (20 per cent) said that they had not spent any time on mediation during the past year. A further 44 per cent said that they had spent between one and five per cent of their working time on mediation, followed by 12 per cent spending between six and 10 per cent of their working time on mediation. For details, see Chart 2.5 below.

Chart 2.5: Proportion of working time spent in a mediation role in the past year



Base: all respondents (150)

This finding is borne out by the case studies, where it was clear that mediators all had day jobs and were having to fit their mediation duties around this.

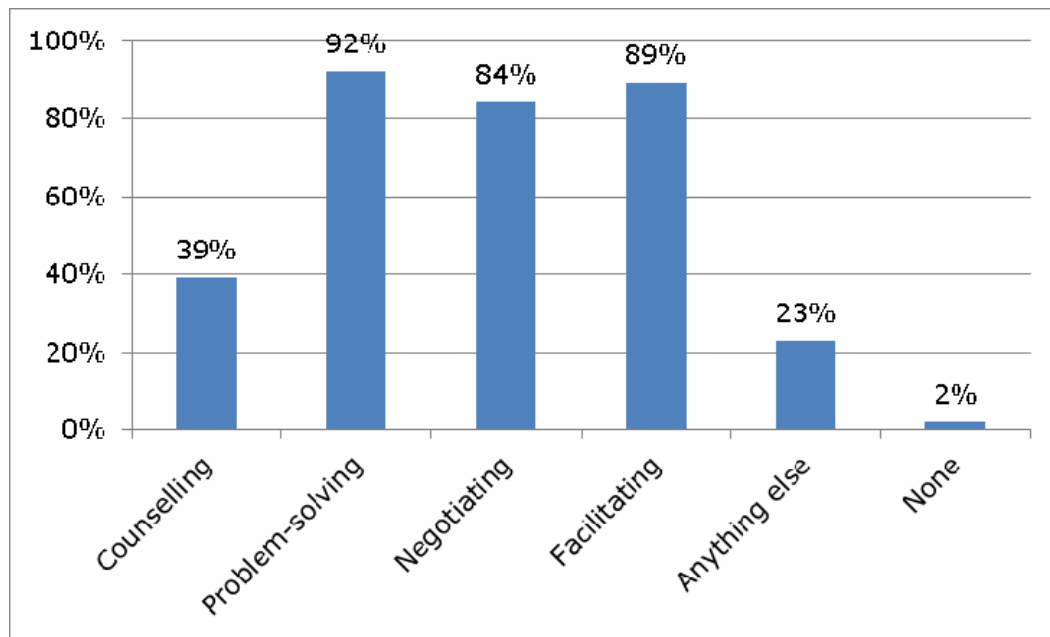
'The main barrier for me is the day job, as sometimes this takes precedence. If mediators were full-time, they would be able to devote much more time to raising awareness of mediation.'

HR case management team member, Welsh Government

Case study participants also said that, to some extent, there had not been a great deal of volume in terms of grievances going to mediation, which had also limited their involvement in mediation. They were unsure about whether this was because the organisation was effective in resolving employment relations problems at an early stage, or whether the profile of mediation in the organisation was not as high as it should be.

When asked about roles and activities related to dispute resolution, the most prominent activities reported were problem-solving (92 per cent), followed by facilitating (89 per cent), negotiating (84 per cent) and counselling (39 per cent). See Chart 2.6 below.

Chart 2.6: Role in dispute resolution



Base: all respondents (150)

When asked about any additional activities, being involved in disciplinary or grievance procedures (25 per cent), advising and coaching (17 per cent) and conflict resolution (9 per cent) were mentioned.

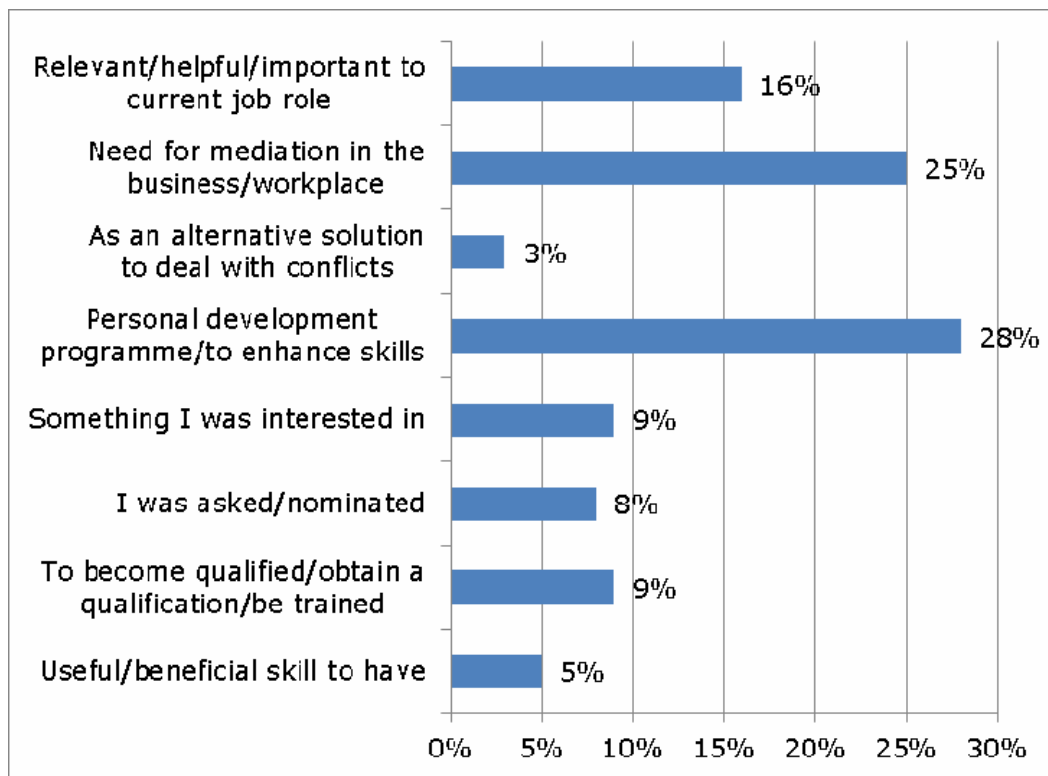
3 Perceptions of the accreditation process

3.1 Reasons for attending the course

Almost all respondents said that their employer had paid for the training (98 per cent). However, the findings suggest some differences linked to participants' job roles and organisation size. While organisations paid for training for HR managers and other managers (both 100 per cent), those respondents who did not have these job roles were more likely to pay for themselves (9 per cent). Further, while almost all medium-sized and larger organisations paid for the training (100 per cent of respondents in organisations with 100-499 employees and 99 per cent in 500+ firms), only 83 per cent of employers in organisations with 1-99 staff paid for the training.

The most frequent reason cited by respondents for attending the course was for personal development or to enhance skills (28 per cent), closely followed by a need for mediation in the business/workplace (25 per cent) and its relevance for the respondent's current job role (16 per cent). For details, see Chart 3.1 below.

Chart 3.1: Reasons for attending the course



Base: all respondents (150)

Many survey respondents specifically mentioned that they were interested in the course because it was a good opportunity to **enhance their own skills and professional development**.

'Because it was good development opportunity.'

'To get a better insight of mediation to develop more skills.'

'As an extension to my current role, the next step up to my role.'

'I thought it would be a good opportunity to develop my skills. I think that I've always thought if you could nip this in the bud, you stop things from escalating.'

A number of individuals cited having a **personal interest** in mediation, with the course allowing them to follow this and gain accreditation.

'I've always wanted to do mediation, wanted accreditation/a certificate to show it.'

'It's something I was interested in; the organisation had a strategic direction to provide it.'

'Personal interest and there were skills that could be taken from the course and used in the workplace.'

'I have got an interest in trying to resolve issues in an organisation.'

'It's always been something I was interested: in ideal opportunity, good skill to have.'

Some respondents said that they attended the course in response to **specific developments at their workplace**, feeling a need to be better equipped to deal with them.

'Just because we have had a couple of incidents where staff have had a clash, I just wanted the type of skills to handle such situations.'

Some cited the need to be able to **deal with conflict situations in a more informal manner**.

'We recognised where we can try and resolve things informally [we] needed to have people trained.'

'The amount of time I spend in informal resolution [and] a high amount of grievances. I was looking at [the course] online and thought it would be good.'

Others felt the need to attend, or were nominated to attend because it was part of a **greater focus on mediation** in their workplace.

'Because we were introducing our in-house mediation service.'

'We wanted to put [mediation] into company policy to offer another resolution of conflict.'

'The organisation offered it: they needed mediators.'

'We wanted to consider mediation as an alternative - as workplace policy.'

'Because, as an organisation we identified that mediation would be a useful technique and a useful facility for the organisation. Acas provided a trustworthy course, given Acas's role in mediation.'

'We decided to start a mediation service to have accredited mediators.'

Some respondents also cited a desire to be in a position to **train others in mediation skills**.

'Because it was recognised we need someone who was qualified and be able to train others to do it and it was my personal development.'

From the case studies, one key impetus for sending individuals on the training was to raise the profile of mediation within the organisation. In one case, this coincided with a reorganisation of case management processes.

'People didn't really know that mediation was available to be used. It didn't have a high profile.'

Senior manager, Welsh government

At the other case study organisation, the University of Sheffield, the impetus for training mediators in general was to try to make the culture around workplace relationships more positive. The overarching principle is that of valuing staff and encouraging them to perform as well as they can; mediation can play a key part in this.

'We wanted to be positive with relationships at work, and mediation can be useful in preventing issues turning into formal grievances. More widely, we thought that using mediation skills in general would be positive for the University's culture – we want people to use mediation skills and listening skills to try and find a joint solution to issues. Mediation encourages an approach that deals with people more on an individual, case by case basis.'

HR Manager, The University of Sheffield

At the third case study organisation, Doosan Babcock, the organisation had already had exposure to Acas through using Acas' mediation services. This prompted a wish to attend the course and try to raise the profile of mediation within the organisation.

'We've used Acas successfully in the past and this sparked my interest in wondering whether we could use internal mediation as a way of resolving disputes.'

HR Director, Doosan Babcock

3.2 Perceptions of the training

Respondents were asked to rate their satisfaction levels with the CIWM course from 1 to 5, where 1 is very dissatisfied and 5 is very satisfied. Overall, the training was very well received, with 94 per cent of participants stating that they were very or fairly satisfied with the course (giving it a score of 4 or 5).

Split by job role, levels of satisfaction were lower among HR managers (57 per cent gave it a score of 5), compared with those in other job roles (74 per cent gave it a score of 5). Overall, 91 per cent of HR managers said that they were very satisfied or satisfied, compared with 100 per cent of other managers and 94% of those in other job roles. Satisfaction levels were also higher among those working for medium sized organisations (100-499 employees) and large organisations (500+ employees) than those working in small organisations of up to 99 employees. There was also a difference depending on whether accreditation was gained: of those that gained accreditation, 69 per cent were very satisfied, compared with 43 per cent of those who did not gain accreditation. This suggests that trainees who put most effort into engaging with the training and completing a portfolio gained most benefits from the learning activity. For details, see Table 3.1 below.

Table 3.1: Satisfaction with the CIWM training course

| | Role in organisation | | | Number of employees UK-wide | | | Submitted portfolio | | Gained accreditation | |
|-------------------|----------------------|---------------|-------|-----------------------------|---------|------|---------------------|---------------|----------------------|------------|
| | HR manager | Other manager | Other | 1-99 | 100-499 | 500+ | Submitted | Not submitted | Gained | Not gained |
| Very satisfied | 57% | 50% | 74% | 42% | 73% | 59% | 60% | 59% | 69% | 43% |
| Satisfied | 35% | 50% | 21% | 42% | 21% | 36% | 32% | 38% | 24% | 49% |
| Neutral | 9% | 0 | 6% | 17% | 6% | 4% | 6% | 3% | 7% | 5% |
| Dissatisfied | 0 | 0 | 0 | 0 | 0 | 1% | 1% | 0 | 0 | 3% |
| Very dissatisfied | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Sample base | 46 | 32 | 34 | 12 | 33 | 98 | 111 | 39 | 74 | 37 |

From the case studies, there was a great deal of praise for both the content of the course and the way in which it was delivered. Many interviewees felt that the trainers were highly skilled and experienced and went out of their way to ensure that the course was effective. Overall, case study interviewees found the course to be very well structured, starting with an introduction and information on mediation, then going into role playing.

'The way it flowed, for me, was spot-on.'

HR case management team member, Welsh Government

'It was really good, a really enjoyable day.'

Departmental manager, The University of Sheffield

'If anything, I probably already had quite a positive view of Acas. The course was professional, the support I got was professional and so that view hasn't wavered.'

HR Director, Doosan Babcock

There was also a lot of praise for the facilitators, in terms of their engagement, knowledge and expertise, and provision of feedback and advice after the course.

'Even after the training, you had the feeling that you had someone to turn to. For me, that's a golden service.'

HR case management team member, Welsh Government

'I thought the trainers were fantastic – they were very generous with their time and sharing of their own experiences. The pace was good, and it was a good atmosphere – you could stop, question and challenge at any point. It was really well-run and valuable.'

HR Manager, The University of Sheffield

These high levels of satisfaction with the training were reflected in the fact that 94 per cent of survey respondents said that they were very or quite likely to recommend Acas training to their colleagues. Only around 6 per cent said that they would not do so. Again, there is a difference between those that have gained accreditation, where 97 per cent said that they would recommend the training, and those participants that have not, of whom 86 per cent would recommend it.

3.3 Recommendations for improvements to the course

Survey respondents also had some views on how the training could be further improved. When asked about anything that they wish the course had covered that it did not already cover, respondents generally felt that most important issues were covered (49 per cent said that they could not think of any way to improve the course and 3 per cent said that they thought the course was good). However, 21 per cent said that they could think of some improvements and a further 21 per cent specifically cited portfolio issues. For details, see Table 3.2 below.

Table 3.2: Suggestions for improvement in format and content

| | Per cent |
|--|-----------------|
| Portfolio issues | 21 |
| Course was good | 3 |
| Improvements can be made to the course | 21 |
| More role plays | 2 |
| Other | 5 |
| Nothing | 49 |

Base: all respondents (150)

The portfolio

Those survey respondents who had not gained accreditation more frequently said that they would have liked the course to have covered material on how to complete the portfolio more thoroughly (32 per cent, compared with 11 per cent of those with accreditation).

Some respondents felt that the handling of the portfolios could be further improved through informing participants in more detail about the workload requirements and processes linked to it

'Advising the participants about length of the portfolio and the quality of portfolio.'

'The length of portfolio should be told to students before the start of the course.'

Length of course and repetition of content

Some telephone survey participants felt that there was too much repetition of the course content, and that the course in general could have been shorter.

'I think it would be helpful if it was shorter and if the requirements of the portfolio was reduced as well.'

'I would prefer to do the whole course in one week.' (this participant had attended a split course)

'It was quite time consuming I would rather just do the course instead of the portfolio.'

'I think it could be delivered in less time. A maximum of four days.'

One felt that the course was not practical enough and too long for their purposes.

'More concentration on the practical side of this and less concentration on the portfolio. I would like to take my team to mediation, but would steer away from Acas due to the sheer amount of work involved in the portfolio. I would prefer short courses with more practical activity.'

These types of comments were echoed by the case study organisation interviewees, who also found that the portfolio requirements were lengthy and repetitive. Nevertheless, one case study interviewee complained about the amount of work that was entailed in completing the portfolio, but subsequently recognised the value of this.

"Quite a few of us have done the training and I think it has improved the way we work together".

HR Manager, The University of Sheffield

Another case study interviewee said that she had underestimated the work involved, although maintained that it had been explained to her in detail beforehand. Nevertheless, she also stressed that the work had been worth it and was very positive about the resulting accreditation.

'Although it was a lot of work, I enjoyed the portfolio and the achievement of actually gaining the accreditation at the end of it ... when you come out the other side, you've put in all the hard work and you've achieved the portfolio and the formal accreditation, you're then a great defender of mediation – it's not as simple as people think it is.'

HR Director, Doosan Babcock

Acas may not wish to deter potential participants by stressing the amount of time involved in completing the portfolio, but it may be helpful to give a flavour of how many chunks or small units of time would be required to prospective learners. This may help manage their expectations about time commitments to gain accreditation beyond the face-to-face training itself.

Further comments from the case studies included suggestions that if mediation gets quite heated, there might be value in having specific training around this, particularly if a woman was mediating on her own, amongst a group of men. One case study respondent said that the training touched a little on this, but it was felt that more would be useful. This interviewee also felt that slightly more emphasis on legal aspects and when it is appropriate to stop mediation might also be helpful.

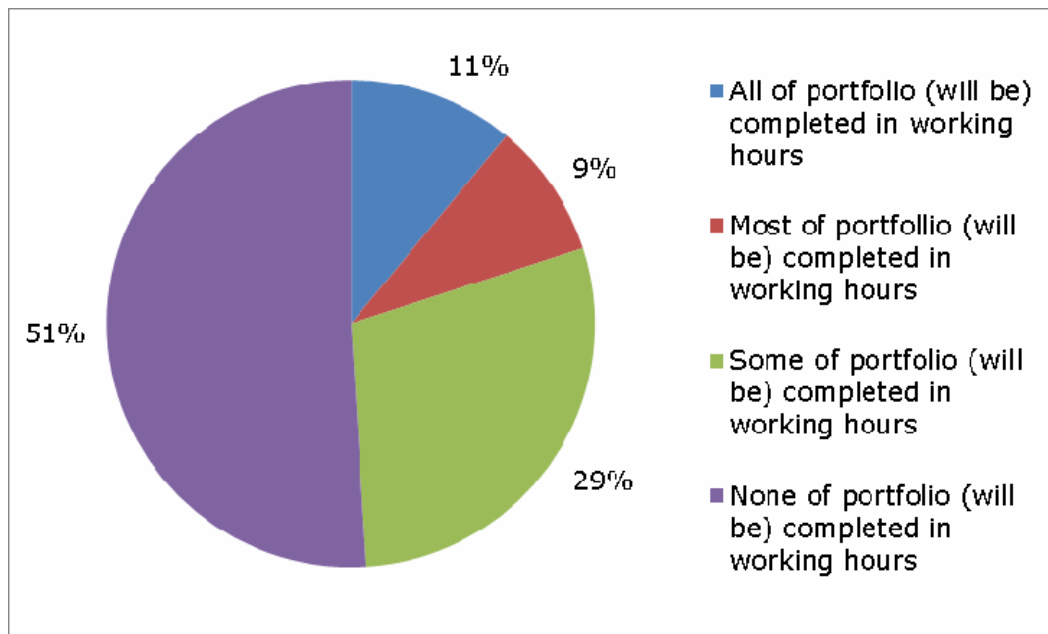
Another case study interviewee felt that, if possible, it might be better not to have a big contingent from one organisation, as this can lead to the training running a little along the lines of the experiences of that organisation.

3.4 Preparing the portfolio and gaining accreditation

A total of 96 per cent of survey respondents said that they had worked on their portfolio after the course, and a majority, 79 per cent, reported that they had submitted their portfolio.

When asked how much of the portfolio had been completed or was expected to be completed during normal working hours, 51 per cent said that they had not or were not planning on completing their portfolio during normal working hours. Those working in smaller organisations (1-99 employees) were less likely to complete their portfolio during working hours (61 per cent). Overall, 29 per cent said that some of the portfolio had been or would be completed during working hours, and only 9 per cent said that most of it had been or would be. Only 10 per cent said that the entire portfolio had been or would be completed during normal working hours. For details, see Chart 3.2 below.

Chart 3.2: Completion of portfolio during normal working hours



Base: Those who have worked on a portfolio (141)

When asked whether the amount of work needed to put the portfolio together was in line with what they had expected, 63 per cent reported that the work was much more than expected and 18 per cent said it was slightly more than expected. However, 17 per cent said that the level of work required was about what they had expected. No respondents said that the work was less than expected, and only two respondents said that they did not know what to expect. Respondents frequently felt that putting together the portfolio was more time consuming than expected, see Table 3.3.

Table 3.3: How do you feel about the amount of work that you've had to do to put your portfolio together- was it about what you were expecting, or was it more or less than what you expected?

| | No. of respondents | Per cent |
|----------------------------------|--------------------|----------|
| Much more work than expected | 89 | 63 |
| Slightly more work than expected | 26 | 18 |
| About the same as expected | 24 | 17 |
| Slightly less work than expected | 0 | 0 |
| Much less work than expected | 0 | 0 |
| Didn't know what to expect | 2 | 1 |

Base: Those who have worked on a portfolio (141)

When asked what specifically had taken longer than expected, 25 per cent of respondents said that it was too repetitive. The other responses were split more or less evenly between writing up the portfolio, the amount of research and evidence needed, the fact that it was too lengthy, too detailed, an excessive amount of work, or fact that the entire portfolio took longer than expected. For details, see Table 3.4 below.

Table 3.4: What took longer than expected?

| | No. of respondents | Per cent |
|--------------------------|--------------------|----------|
| Too lengthy | 16 | 11 |
| Too detailed | 19 | 13 |
| Too repetitive | 35 | 25 |
| Excessive amount of work | 17 | 12 |
| The entire portfolio | 15 | 11 |
| Research/evidence needed | 14 | 10 |
| Writing up the portfolio | 15 | 11 |
| Other | 18 | 13 |

Base: Those who have worked on a portfolio (141)

Most of the additional comments from survey respondents centred on the **write-up**, which turned out to be much longer than they had anticipated:

'All of it. It took a long time, was very repetitive, difficult to focus on what was required or not, and how much detail was needed. And very long winded.'

'Basically you had to write and define every single aspect. I was led to believe it would be 30 pages but ended up doing 100 pages. Using a hand book.'

'The whole thing was 40,000 words. In the course there was insufficient information on the length of the portfolio. If I had realised, I would not have taken on the course. As a consequence I have not completed the portfolio and not got the accreditation yet.'

'It's just writing it up, ended up with about 20,000 words. Very time consuming. Didn't realise there would be a portfolio of that level.'

'Although I was prepared for it to be a significant piece of work, I think it exceeded even my understanding of how much work was needed.'

According to one respondent, the tutors on the course also felt that there was too much work involved in completing the portfolio:

'Tutors were embarrassed they were giving too much work. When we raised this issue to the tutors they knew that this was too much.'

There were also many comments made about the **repetition** required in the portfolio, which many felt to be too much.

'Significant amount of repetition. The same questions were asked in different sections and you had to write them all fully due to the way the portfolio was marked.'

'Sheer number of questions to answer in portfolio, duplication of questions.'

'Repetitive, very difficult to decide to continue to answer questions or say to refer to the answer already answered.'

However, one respondent, although complaining about the time it took to enter certain details, also praised the portfolio:

'The portfolio was really good, it helped me link it to the organisation I work for.'

Some respondents also spoke about the **level of content detail** needed in the portfolio, and the need to structure it in a specific way.

'Because of the contextual element rather than the volume. The fact that they wanted it done in a particular way, extremely formalised in a particular manner.'

'The course was intense enough but then to do the portfolio, felt like a dissertation for a Masters, a bit excessive for that sort of course. It was not made clear the amount of work involved, everything was brilliant but the portfolio was too much.'

There was also a view among some respondents that it was difficult to **find the time** to work on the portfolio as they had their day job to do as well.

'I think the issue is finding the time to be able to do it, along with the day job.'

'It was the busiest time of the year for me and I found it hard to complete the portfolio.'

There were also some comments about **timescales**, given the amount of work involved:

'Time scales; soon as I enrolled, I was told I would have six months and then all of a sudden we were told it needs to be handed in in four weeks.'

'The portfolio took longer, there was a lot more to it than I expected. Also, the word count was a lot, the portfolio was demanding and had to do it within the time frame.'

'On the course we were told they needed short answers like bullet points, fortunately I had [written] a reasonable amount, but even so, some of that needed expanding, and I know other people did bullet points and they had major work to do. We thought we were misled about the amount of work needed.'

There were also some comments related to **not receiving as much support** as they would have liked from tutors and feedback taking too long.

'Seventy one pages ongoing too many detailed questions a lot of research to undertake, not enough support about getting information, time scale - taking too long to get feedback.'

Nevertheless, just over half (51 per cent) of respondents who had worked on a portfolio found putting the portfolio together neither easy nor difficult with only around 22 per cent finding it difficult and roughly the same amount (26 per cent) finding it to be an easy task.

Among those that have not yet submitted their portfolio, the vast majority (79 per cent) had not done so due to a lack of time for completing the work. Only around 5 per cent said that they were in need for more guidance in completing the portfolio.

Among those that had not worked on or submitted their portfolio (39 individuals) the vast majority (79 per cent, or 31 individuals) said that they had not done so due to a lack of time. Two individuals said that it was too much work and two said that they needed more guidance. Nobody said that the standard was too high or that it was no longer relevant to their job.

Overall, of those that had submitted their portfolio, just over two-thirds of the survey respondents (67 per cent) had gained CIWM accreditation.

When all survey participants were asked how important it was to them that the course led to an accreditation, 80 per cent said that it was very or quite important, with 14 per cent saying that it was not very important, 5 per cent that it was not important at all, and 1 per cent did not know.

HR managers were more likely than other managers to feel that this was important (83 per cent compared with 78 per cent). Those who had submitted their portfolio were more likely to view this as important (86 per cent, compared

with 62 per cent of those who had not), and 96 per cent of those who had gain accreditation viewed this as important, compared with 68 per cent of those who had not.

Of those that had not yet gained CIWM accreditation (37 individuals), when asked why this was, just over half (54 per cent, or 20 individuals) said that this was due to not having received feedback from assessors. It is not known, however, how long they had been waiting for feedback. Seven individuals said that they did not have enough time to complete the work required, and four said that they needed to make corrections/additions.

Of those that had submitted their portfolio, the majority (85 per cent) said that they had received fairly or very good feedback from their assessor. However, some respondents felt discouraged by slow feedback:

'My biggest criticism is the length of time between handing in the portfolio and getting the feedback; it took a month.'

'I think if I had had feedback, I would be more confident in doing the mediation.'

'The individual follow-up of the portfolio was not good, the response and guidance was not helpful, it took a long time to give feedback, and when I got feedback it felt like a box ticking exercise. It felt a bit mechanistic and the feedback that I got never ticked that box properly. Should have been more about quality as well as quantity.'

One case study respondent said, however, that she had had good experience with the feedback, which was timely and relevant, both from Acas and from the independent verifier.

'The internal evaluators at Acas were exceptionally thorough. The feedback was fine for me – I just wanted to know what I needed to do to achieve the quality to gain the qualification. The independent verifier gave me some very specific feedback and then it was approved and I got the certificate.'

HR Director, Doosan Babcock

The majority of respondents (88 per cent of all 150 survey respondents) felt that their organisations had been fairly or very supportive in enabling them to work towards the accreditation. For details, see Table 3.5 below.

Table 3.5: How supportive do you feel your organisation has been in enabling you to work towards this accreditation?

| | No. of respondents | Per cent |
|---------------------------------------|---------------------------|-----------------|
| Not at all supportive | 7 | 5 |
| Not very supportive | 7 | 5 |
| Fairly supportive | 43 | 29 |
| Very supportive | 89 | 59 |
| Don't know | 1 | 1 |
| Not applicable/organisation not aware | 3 | 2 |

Base: all respondents (150)

Those in an HR role were more likely to say that their organisation had been fairly or very supportive (91 per cent) than other managers (88 per cent).

4 Impact of mediation training in the workplace

Mediation cases undertaken since completion of CIWM training

Survey respondents were asked how many cases they had participated in as a mediator following the CIWM training course, by outcome. As Table 4.1 shows, the most frequent response was that the individual had not been involved in any cases. Otherwise, respondents were most frequently involved in one or two cases which either were fully or partially resolved or are still ongoing. Very few had been involved in four or more cases. In total, most cases (174) were fully resolved, followed by 44 partially resolved cases.

Table 4.1: Number of cases participated in as a mediator

| Outcome of case | Total number of cases |
|--|-----------------------|
| Fully resolved i.e. all issues were resolved | 174 |
| Partially resolved | 44 |
| Not mediable | 43 |
| Withdrawn (no agreement reached between parties) | 28 |
| Proceeded to formal complaint | 13 |
| Are ongoing | 17 |

Base: all respondents (150)

Overall, the 150 respondents said that they had participated in a total of 302 cases, of which 17 are still ongoing and 285 were closed. Of the 285 closed cases, 174 were deemed to be fully resolved and 44 partially resolved. A further 43 were judged not to have been mediable, while 28 were withdrawn and 13 proceeded to a formal complaint.

Key Performance Indicator (KPI)

If we look solely at the 74 individuals who have gained the CIWM accreditation, they were involved in a total of 185 cases, of which 149 have been closed (excluding 26 judged not to have been mediable). Of these 149, 99 were judged to have been fully resolved and 25 to have been partially resolved, giving a Key Performance Indicator (KPI) of **83 per cent** (124/149). The KPI is calculated as follows:

$$\text{KPI} = \frac{\text{Number of successful mediations by accredited mediators}}{\text{Number of completed cases}}$$

This means that 124 out of 149 cases in which accredited mediators participated in were resolved fully or partially. In 2009, the KPI was 94 per cent. However, a total of 10 cases dealt with by accredited mediators proceeded to a formal complaint this time (compared with none in 2009), indicating that the type of case and subject matter may this time have been more difficult for mediators to handle. Looking at Table 4.2 below, there is a focus on cases involving work practices, work allocation or pace of work (14 per cent of cases). While no further

survey questions were posed on this topic, it may be that the economic conditions have had an impact on work practices and pace of work, with employees coming under more pressure in straitened times, in turn increasing the number of cases on this topic. In addition, 12 per cent of cases focused on selection for redundancy (compared with one per cent in 2009), which is also likely to be caused by recession, and a difficult subject on which to mediate.

When asked to what extent mediation played a role in resolving the most recent mediation case that was fully or partially resolved, a significant majority (82 per cent) said felt that mediation was a major factor and 17 per cent said that it was a minor factor. Only one per cent said that mediation was not a factor at all.

When asked about the main focus in mediated cases, 'Relations with supervisors or line managers' were most frequently the main topic. Other themes mentioned were in the field of inter-personal relationships, such as personality clashes or relationship conflicts, bullying at work, issues around work practices, work allocation and pace of work, promotion or career development and internal transfers.

Table 4.2: Main focus of mediation cases

| Focus of the case | Number of cases | Per centage of total cases |
|---|------------------------|-----------------------------------|
| Relations with supervisors or line managers | 160 | 46 |
| Bullying at work | 42 | 12 |
| Work practices or work allocation or pace of work | 49 | 14 |
| Promotion or career development or internal transfers | 14 | 4 |
| Performance appraisal | 21 | 6 |
| Discrimination on various grounds | 14 | 4 |
| Working time | 9 | 3 |
| Use of disciplinary sanctions | 6 | 2 |
| Pay and conditions | 3 | 1 |
| Selection for redundancy | 3 | 1 |
| Physical working conditions or health and safety | 2 | 1 |
| Sexual harassment | 2 | 1 |
| Racial harassment | 3 | 1 |
| Other | 18 | 5 |

Base: where cases have been mediated (96)

4.1 Impact of mediation training on the mediator's role

Survey respondents were asked whether the training had enabled them to acquire a range of skills relevant to mediation (see Table 4.3). Almost all of the respondents (98 per cent) felt that the course has given them a clear framework or structure to work with, led to a better understanding of the process (95 per cent) and had more generally led to greater confidence in managing mediation (91 per cent).

Table 4.3: Skills acquired through training

| | Per cent |
|---|----------|
| Given a clear framework or structure to work with | 98 |
| Led to a better understanding of the process | 95 |
| Led to greater confidence in managing mediation | 91 |
| Improved questioning skills | 87 |
| Provided a different perspective on conflict/seeing conflict more clearly | 86 |
| Given you more confidence in general | 84 |
| Improved listening skills | 80 |
| Led to more objectivity/impartiality | 79 |
| Provided accreditation/qualification | 63 |
| Altered the way you talk to people | 59 |
| Role playing | 50 |

Base: all respondents (150)

Survey participants were also asked about the usefulness of the skills and knowledge gained on the course, for them and the organisation they work for. The overwhelming majority (92 per cent) said that these were very or quite useful. Only 1 per cent said that they were not very useful and 7 per cent were neutral.

When asked which skills in particular the respondents valued as very useful, the main skills cited were reframing (46 per cent), maintaining impartiality (43 per cent), and acknowledging differences (39 per cent). All skills listed scored a high majority in terms of being judged either very or quite useful. See Table 4.4 below.

Table 4.4: How useful have each of the following skills from the course been to you (%)

| | Very useful | Quite useful | Neutral | Not very useful | Not at all useful | Don't know |
|---------------------------|--------------------|---------------------|----------------|------------------------|--------------------------|-------------------|
| Reframing | 46 | 36 | 15 | 1 | 1 | 1 |
| Maintaining impartiality | 43 | 29 | 22 | 4 | 1 | 1 |
| Acknowledging differences | 39 | 45 | 12 | 3 | 1 | 1 |
| Showing empathy | 37 | 33 | 25 | 3 | 1 | 1 |
| Summarising | 36 | 39 | 22 | 1 | 1 | 1 |
| Building rapport | 34 | 37 | 23 | 4 | 1 | 1 |
| Listening skills | 34 | 39 | 22 | 3 | 1 | 1 |
| Questioning techniques | 33 | 43 | 19 | 3 | 1 | 1 |
| Reflecting | 33 | 39 | 20 | 3 | 3 | 1 |
| Communication skills | 31 | 38 | 28 | 2 | 1 | 1 |

Base: all respondents (150)

When asked to what extent they agreed or disagreed that the skills or knowledge they had acquired as a result of the CIWM training had helped them to steer their most recent case towards successful resolution, the overwhelming majority strongly agreed (59 per cent) or agreed (38 per cent) (based on 87 individual respondents).

Those respondents who had been involved in cases that had not been fully or partially resolved (25 individuals) were asked to what extent mediation had been used in dealing with that particular dispute. Two individuals said that mediation had been a major factor, 16 said that it had been a minor factor and six said that it had not been a factor at all (one said that it was not applicable). When asked why the case had not been resolved, nine said that the parties either would not change, didn't see the point or were intractable, and four said that one of the parties did not want mediation. Specific reasons included the fact that communication between the parties had broken down, that an impasse had been reached, or that one of the parties had left the organisation.

When respondents were asked whether the skills that they had acquired from the course had been of any help to them even though their most recent case had not been fully or partially resolved 47 per cent, (51 individuals) agreed that they had.

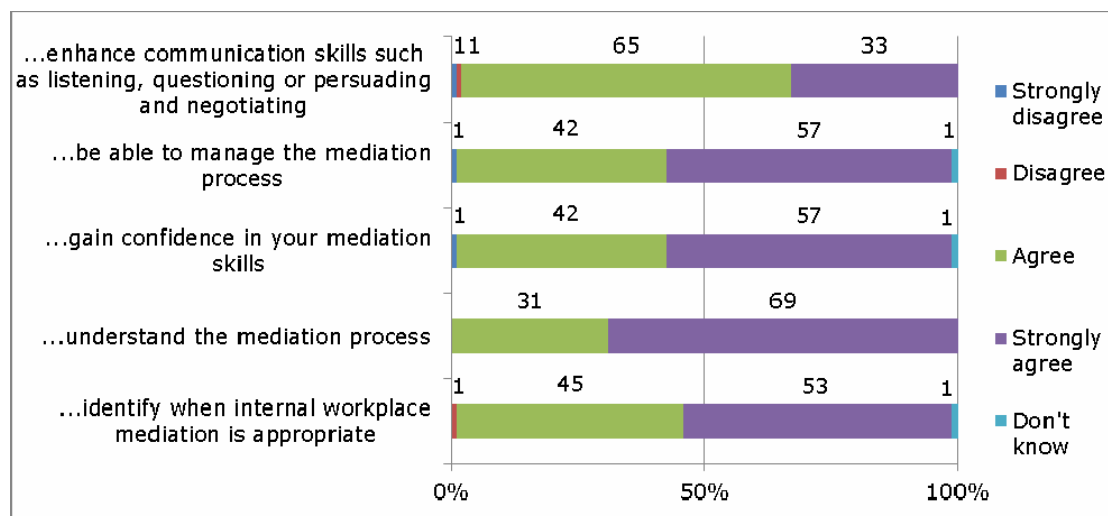
All survey respondents (150) were also asked to what extent they agreed or disagreed that the course had enabled them to understand the causes and effects of workplace conflict. A total of 97 per cent agreed that it had (55 per cent strongly agreed).

Respondents were also asked to what extent they felt that the course had improved particular areas of their skills and knowledge. Specifically they were asked to what extent they agreed or disagreed that the course enabled them to:

- (a) identify when internal workplace mediation is appropriate
- (b) understand the mediation process
- (c) gain confidence in their mediation skills
- (d) be able to manage the mediation process
- (e) enhance their communication skills, such as listening, questioning, persuading and negotiating.

Agreement levels here were extremely high for all five of the topics mentioned above: 98 per cent in the case of identifying when internal workplace mediation is appropriate; 100 per cent in the case of understanding the mediation process; 99 per cent in the case of gaining confidence in mediation skills and being able to manage the mediation process; and 98 per cent in the case of enhancing communication skills, such as listening, questioning, persuading and negotiating. See Chart 4.1 below.

Chart 4.1: Agreement with statements regarding the impact of the training



Base: all respondents (150)

Respondents were also asked whether they had used the skills or knowledge gained on the course in the case of line manager training, group facilitation or conflict coaching – respondents could pick more than one option. Forty one per cent of respondents said that they had used these skills in line manager training, 52 per cent during group facilitation, and 41 per cent in conflict coaching.

From the case studies, those who had attended the training reported improvements in their mediation skills, coupled with an increased confidence in how to deal with cases.

'I feel really confident in my mediation skills. When people come to me for advice, I can now usually deal with an issue before it even goes to mediation. I'm sure that others who have been on the training feel like that too. Going on the course heightens your awareness and skills in dealing with people on a day-to-day basis.'

HR case management team member, Welsh Government

In the Welsh Government, those who participated in the mediation training have been building their confidence in the mediation role, principally through co-mediation. This is reported to be working well, as it gives individuals the opportunity to gain more experience and enables the co-mediators to bounce ideas off each other and share the role, working together.

At the University of Sheffield, the feeling was that the training had been very useful in terms of working with different colleagues in the organisation and having the opportunity to build up relationships between managers and trade union representatives. It has also given people questioning skills and the ability to steer people through a process during a conversation.

'I now been more able to identify what I can deal with in house and what needs to be sent externally. I can now say 'enough is enough, this has to go to the next level'.'

Departmental manager, The University of Sheffield

One interviewee spoke of reframing as a very successful technique, and would have liked to have had more on this in the training. However, she said that she had since used this technique to good effect.

'In one mediation, I found myself saying all the things that I remember the trainer saying in the training. The technique of dealing with real heat in a situation is very useful.'

HR Manager, The University of Sheffield

Another case study interviewee, from Doosan Babcock, felt that she has honed her skills considerably, for example in areas such as active listening and questioning skills. She also noted that since attending the course, she has been thinking more about choice of language and how certain words can trigger a negative response.

4.2 Perceived impact of mediation training in the organisation

Relations between managers and employees

When asked to describe the relations between managers and employees in their organisation at the present time, 57 per cent said that relations were good and 13 per cent said that they were very good. A total of 17 per cent said that they were neither good nor poor and only 5 per cent said that they were poor or very poor. When asked whether relations had changed as a result of themselves or colleagues attending the CIWM training, 29 per cent said that they thought that

relations had improved as a result of the training. Nobody said that the training had made matters worse and 47 per cent said that it had made no difference.

Some of the case study participants also reported that the training had enabled colleagues to work together much more effectively.

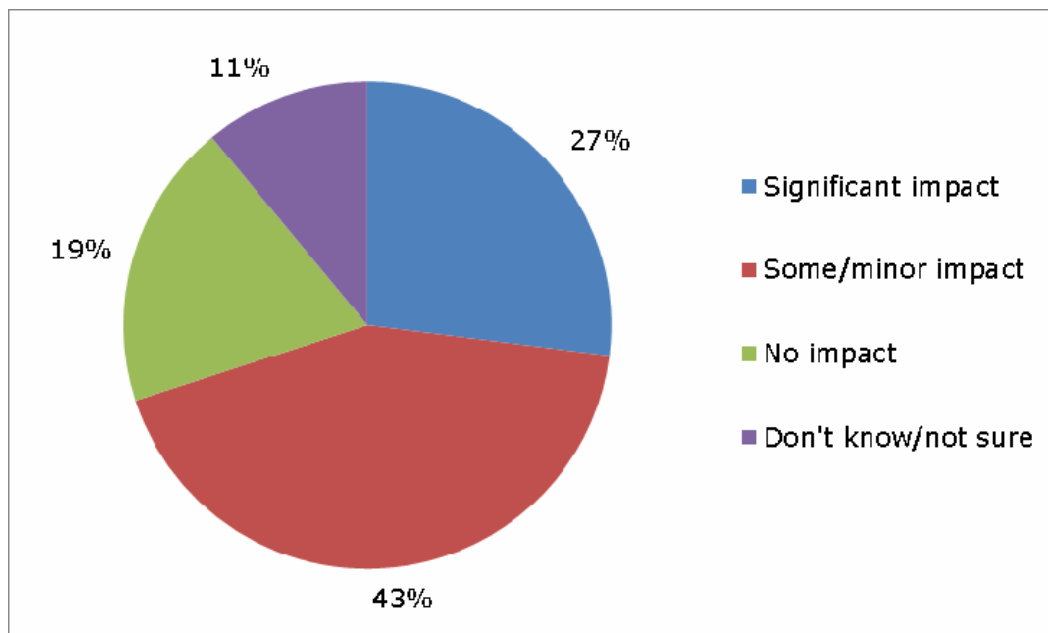
'Quite a few of us have done the training and I think it has improved the way we work together'.

HR Manager, The University of Sheffield

Changes to the role or impact of mediation

Survey participants were also asked whether they thought that the CIWM training had had any impact on the role of mediation in their organisation. Overall, 60 per cent said that it had had an impact: 27 per cent said that the impact had been significant, while 43 per cent said that there had been some impact or a minor impact. For details, see Chart 4.2 below.

Chart 4.2: To what extent did the training have an impact on mediation in the organisation



Base: all respondents (150)

When asked what, if anything, had encouraged the use of mediation in the organisation, 75 per cent of survey respondents said that it was a desire or need to reduce the incidence of formal resolution of cases. Forty nine per cent said that it was prompted by the introduction of a formal mediation scheme or procedures and 44 per cent said it was due to the internal promotion of or support for mediation by senior management. A further 25 per cent said that it was due to legislative changes.

In terms of the frequency of use of mediation, 49 per cent said that it was used whenever necessary, but 47 per cent also said that it was used too little. Nobody

said that it was used too much. The percentage of those saying that it was used too little increased with company size, from 17 per cent in companies of 1-99 employees, to 30 per cent in companies of 100-499 employees and 54 per cent in companies with 500+ employees.

Those that had said that mediation was used too little (70 individuals) were asked what steps they thought could be taken to increase the use of mediation. The most commonly-cited action was to increase awareness through promotion and communication (cited by 47 per cent of respondents). A further 17 per cent said that a formal mediation policy would increase the use of mediation, while 10 per cent said that increasing the number of mediators would help.

When asked whether mediation forms part of the written procedures of their organisation, 59 per cent said that it was, and 41 per cent said that it was not. From the case studies, mediation is now written into the Welsh Government's grievance and dignity at work policies. The organisation also tries to promote mediation throughout its operations, through its network of mediators and other means such as newsletters.

Impact on awareness and encouragement of mediation in the organisation

When asked how much they agreed or disagreed that mediation is now encouraged in their organisation, overall, 83 per cent of respondents agreed and 12 per cent disagreed. For details, see Table 4.5 below.

Table 4.5: Encouragement of mediation

| | Per cent |
|-----------------------|-----------------|
| Strongly disagree (1) | 2 |
| Disagree (2) | 10 |
| Agree (3) | 45 |
| Strongly agree (4) | 38 |
| Don't know | 5 |

Base: all respondents (150)

When asked about how aware staff were of mediation in their organisation, 54 per cent said that they were very or fairly aware. Thirty seven per cent said that they were not very aware and seven per cent were not aware at all.

From the case studies, interviewees at the Welsh Government reported that, following the training, there is now a much more structured approach to mediation in the workplace. The trained mediators meet every six months, or as the need arises, to discuss cases and the way forward, including keeping up the momentum of awareness of mediation. There is also a marked emphasis on using mediation as a first resort.

'We want to make sure that mediation is part of our culture and a first port of call, rather than a recommendation from a grievance procedure.'

HR case management team member, Welsh Government

Interviewees at the Welsh Government also spoke of a culture change in terms of dispute resolution, although the increased use and profile of mediation did coincide with the centralisation of dispute resolution functions. This makes it difficult to attribute differences in attitudes to dispute resolution solely to an increased use of mediation.

'There has been a massive impact on dispute resolution, although this is at least in part due to centralising the management of cases. However, there has definitely been a shift in culture.'

HR case management team member, Welsh Government

At Doosan Babcock, it was felt that it was too early to make any assessment of cultural change, but employee and trade union representatives were reported to be interested in the idea of mediation and there was a willingness in the HR function to build on the progress made to date, by writing in mediation to existing policies and procedures and possibly also drawing up a separate mediation policy.

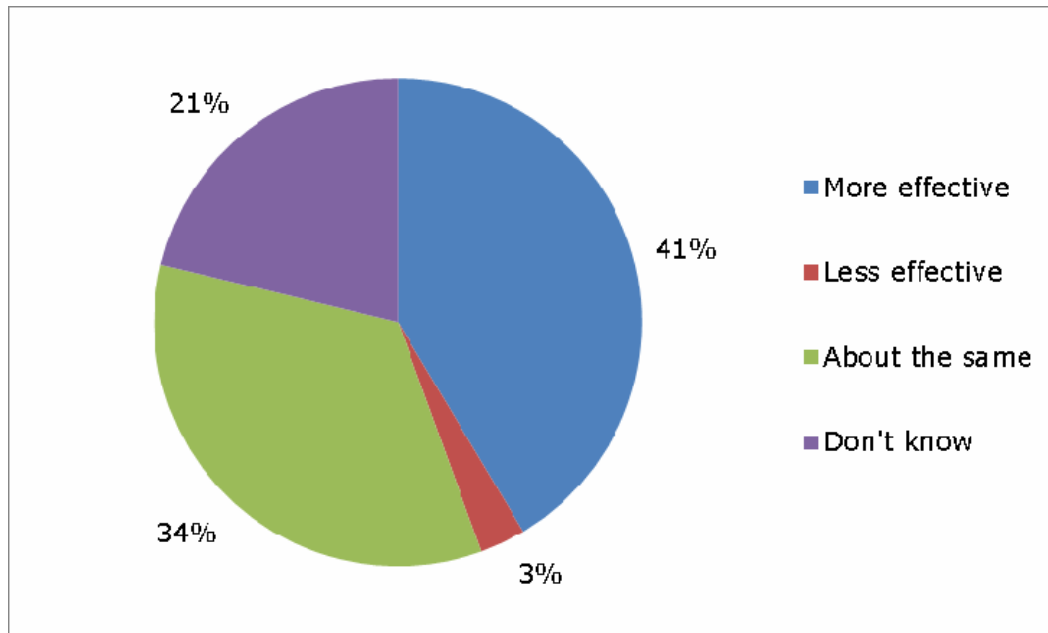
Impact on the use of mediation

Respondents were asked whether, in the case of an employee having a grievance, a mediator would be asked to be involved. Overall, 11 per cent said that this would always be the case, 9 per cent said that it would usually be the case, 62 per cent sometimes and 13 per cent never (5 per cent said that they did not know). Those in an HR role were more likely to say that a mediator is always (17 per cent) or usually (15 per cent) involved.

When asked whether a mediator would be asked to be involved in a disciplinary action short of a dismissal, the figures were lower, as may be expected. A total of 45 per cent that a mediator would never be asked to be involved, 41 per cent said sometimes, while 3 per cent said usually and 4 per cent said always (7 per cent said that they did not know).

When asked how mediation compared with other ways of resolving disputes (such as informal interventions or formal grievance procedures), 41 per cent said that it was more effective, while 34 per cent said that it was about the same. Only 3 per cent said that it was less effective, and 21 per cent did not know. For details, see Chart 4.3 below.

Chart 4.3: Effectiveness of mediation compared to other ways of resolving disputes



Base: all respondents (150)

Survey respondents were also asked how satisfied or dissatisfied they were with the opportunities they had had in undertaking mediations in their organisation since completing the training. A total of 61 per cent said that they were satisfied, although 15 per cent said that they were dissatisfied. Those in large organisations of 500+ employees were more likely to say that they were satisfied or very satisfied. This is most likely to be due to the fact that more opportunities for mediation will arise in larger organisations.

The 22 individuals who said that they were not satisfied with the opportunities that they had had for mediation were asked why this was the case. A total of seven individuals said that they had not had the opportunity to mediate, three said that they had not had many cases to mediate, and a further three said that there was no mediation policy in place. Nine individuals gave other reasons, such as a change of management, meaning that less focus is given to mediation, the organisation not valuing mediation skills, lack of awareness of a mediation service due to poor advertising, or the fact that mediation is not integrated into organisational procedures and is therefore thought of too late. Some also said that they had not yet gained accreditation so were not in a position to use mediation.

When asked how satisfied or dissatisfied they were with the skills and knowledge that they had gained on the course, 83 per cent said that they were satisfied. This rose to 100 per cent in the case of those from smaller companies of 1-99 employees and shows the particular value of this training to individuals from smaller and potentially less sophisticated organisations. Of the ten individuals who said that they were dissatisfied, the reason cited by eight of them was the fact that they had not had an opportunity to use these skills.

Impact of the training on other aspects of the individual's role

Those that said that they were satisfied with the skills and knowledge that they had gained on the course were then asked in what ways and in which situations they had been able to use the skills and knowledge, other than in undertaking mediations. They were asked to cite as many things as they liked. Twenty four per cent said that they used the skills and knowledge gained on the course on a day-to-day basis, and 20 per cent said that they used them in the management of staff, including situations such as training, coaching and meetings. Fifteen per cent said that they used these skills in disciplinary, grievance situations and conflict resolution. For details, see Table 4.6 below.

Table 4.6: Use of skills and knowledge gained from the course, other than in mediation

| Situation | Number | Per cent |
|--|--------|----------|
| On a day to day basis | 30 | 24 |
| Disciplinary grievances/conflict resolutions | 19 | 15 |
| Management of staff incl. training, coaching, meetings | 25 | 20 |
| Negotiations | 6 | 5 |
| Advising managers | 3 | 2 |
| Most things in general | 13 | 10 |
| Facilitations | 6 | 5 |
| Other | 18 | 15 |
| No reason | 8 | 6 |
| Don't know | 1 | 1 |

Base: 124 respondents

Although many of those interviewed in the telephone survey had had limited experience of mediation, many were able to pinpoint how the skills and knowledge that they had gained on the course had helped them in other aspects of their role.

Many spoke of improved soft skills such as **listening and empathising**, and seeing the bigger picture, all of which could be used in day-to-day interactions with colleagues.

'I tend to listen more than before.'

'I use [the skills] in everyday exchanges, with discussions with the people that you support, makes you more aware of how you may tailor things and how they might be better received.'

'I think [I use the skills] in dealing with difficult people and situations in your day-to-day work. Also, when dealing with some conflicts with more

local management teams, and the ability to resolve them with mediation techniques that you would have not thought about before.'

'In discussion in management and other people, on a one-to-one basis. Issues such as reframing and questioning.'

Some did not specify particular situations in which the new skills had helped, but spoke of an **overall improvement in interactions and communication**.

'On a day-to day-basis, having general conversations.'

Some spoke specifically of applying mediation skills to **other types of situations** in the workplace.

'In coaching managers, in working with my own team, in dealing with issues that are conflict issues that don't require mediation. Also, I have used similar techniques from mediation in other situations.'

'Some of the skills can be applied in various situations where we advise.'

'Generally in dealing with personal situations and collective bargaining. So, pretty much across the board.'

Others spoke of being able to use the skills to improve communication and interaction in their **personal life**.

'It becomes a tool that you use in the work place or out of work: transferable skills.'

'Just helpful in normal life.'

When asked about the most significant impact that the course had had on them, the survey participants spoke of impacts such as increased **confidence**, increased **awareness of mediation** as a tool, understanding the **importance of communication**.

'The fact that I know I feel confident in solving issues in the mediation process and now benefiting the other parties.'

'Makes you realise people are different: communication is important - make sure people understand what you are saying.'

'Just opening my eyes to see mediation as an option rather than going down the other routes.'

'It's given me a different way of looking at things, given me the tools to be able to do it with more accuracy and impartiality.'

Others said that the course had given them the **tools** and a **structure and framework** within which to carry out mediation.

'It's about giving me some tools to deal with conflict in the organisation more effectively.'

'[It has] given me another toolbox to use.'

'Extra tool to use, a structure to the process.'

Some also spoke of gaining a **better understanding of the value and the limitations of mediation** as a process.

'That I actually understand what mediation can and cannot achieve.'

'Better understanding of mediation and how it works, how to manage it and recognise situations.'

Others spoke about gaining **insights into techniques** of how to conduct mediations.

'I think it's learning that silence is fine ... and reframing the statements, making the individuals understand their perspectives.'

'To take a step back and allow people to reach conclusions.'

'Being able to get two people in a room and getting them to talk to each other.'

One respondent spoke about the fact that they, as the only person who had attended the course, now had a **unique role** in the organisation.

'I'm the only person who did the course; whenever mediation is required, they come to me. It has given me a unique skill in the business.'

From the case studies, interviewees reported a range of similar benefits of the mediation training, both in terms of their role at work and their private life.

'I use mediation skills a lot in the job I do now, dealing with staff on an informal basis, on a day-to-day basis. Things like asking questions about why people are feeling a particular way or behaving in a particular way. It helps me to make a line manager realise that maybe they haven't taken all the steps necessary to resolve a situation, or maybe there's a different way to approach it. The training has made me pose more questions, rather than taking things people say at face value. This is useful in general, in addition to in mediation situations.'

HR case management team member, Welsh Government

'I use the skills on a daily basis in the job that I do, in interactions with colleagues, involvement in concerns between employees and line managers, and any involvement in an informal way where you have to think about your mediation and facilitation skills ... getting people to air their issues and think about how to move forward. The principles of mediation can be used every day.'

HR Director, Doosan Babcock

5 Perceived barriers to and facilitators of mediation in the workplace

5.1 Perceived barriers to mediation

When asked about the main barriers to successful mediation, the most commonly-cited barrier (cited by 25 per cent of respondents) was a lack of trust/confidence in the process, followed by a lack of understanding of the process (18 per cent) and resistance to participating in mediation (12 per cent). For details, see table 5.1 below.

Table 5.1: perceived barriers to successful mediation outcome

| Perceived barrier | Percentage of respondents |
|---|---------------------------|
| Non-cooperation/inability to compromise | 9 |
| Don't want to participate in mediation | 12 |
| Don't want an outcome or don't want to resolve it | 8 |
| Lack of understanding of the process | 18 |
| Poor listening skills | 7 |
| Lack of trust/confidence in the process | 25 |
| Issues with the mediator | 7 |
| Time issues | 4 |
| Expectations | 2 |
| Organisational issues | 2 |

Base: all respondents (150). Other = 13%; don't know = 3%. Respondents could give more than one answer.

Specific comments from survey respondents exemplified a range of perceived barriers.

Lack of trust and commitment

There were many comments relating to a lack of trust in the process of mediation and the absence of commitment. This in turn means that the parties do not fully engage in the process and do not have a positive attitude that would enable them to display flexibility and compromise in order to find a solution. In some cases, it was reported that the parties did not actually want to find a solution to the problem. The lack of trust and buy-in to the process can often be linked with a fear of what the outcome might be.

'Both parties not buying into it and not respecting each other's views.'

'Getting people to buy into the process itself. If the person in question has another agenda. Sometimes, they just want a forum to air their differences but had no intention of reaching a resolution.'

'Total entrenchment from one party; parties being there when they do not want to be, this will be when management make people do that. Also, because of the organisation you get staff with long service who have got entrenched opinions and ways of doing things.'

'If one party doesn't really fully commit to the process.'

'Lack of commitment to the process. Not engaging in the flexibility that would assist in the mediation.'

A perceived lack of impartiality

Some respondents reported that if the mediator is not impartial, this would hamper the process, as it is important that both parties feel that their position and views are considered impartially and that there is no bias in any of the mediator's recommendations.

'Another barrier is the mediator needing to be completely impartial.'

'If one party feels that the mediator is taking sides if they don't want to resolve the situation.'

'My role as a personnel officer: employees having to see me and [trusting that I will not put] things on files. [Needing] to gain trust as a mediator rather than a personnel officer.'

The issue of impartiality also come out quite strongly in the case studies, where the majority of trained mediators tended to have an HR background and sometimes even prior involvement in the case, making it difficult for them to participate as impartial mediators.

Impartiality is especially important if the balance of power between the two parties is unequal – in the case, for example of one party being in a more senior position in the organisation.

'Power balance - where one may have more power than the other and then both individuals can struggle to have trust in the process.'

From the case studies, a related potential barrier is a lack of mediators who are not already involved in a case in some way. This is linked to the geographical problems, as there may be trained mediators in some areas, but they are already involved in a particular case, and so are not ideal as mediators.

'Very often, our mediators can't mediate in particular areas as they've been involved in providing advice in cases.'

HR case management team member, Welsh Government

Lack of support from the organisation and organisational culture

There were a range of comments revolving around perceptions that the organisation was not as supportive as it could be of mediation as a way of solving problems, and that line managers may look on the process as a quick way of resolving issues rather than dealing with them themselves.

'Less support from the business, and fear on behalf of the participants.'

'I think people not understanding what the role of mediation is, thinking it is something when it is not. Also, managers wanting to pass it on to mediators rather than fixing it themselves.'

Some of these issues also emerged from the case studies. For one organisation, another main potential barrier to overcome is changing the culture and attitude, particularly of line managers, some of whom may have tried informally, decided that mediation will not work and have given up, moving the matter into a formal procedure instead.

'We have a long way to go in terms of educating our line managers. We check all the grievance cases that come through to see if they are suitable for mediation, and nine times out of ten they're not as they've gone too far.'

HR case management team member, Welsh Government

At another case study organisation the University of Sheffield, although mediation is viewed as very important by HR, in individual departments the responsibility for mediation is held by individual managers, who may all have different attitudes towards mediation. This could potentially be a barrier to achieving successful and consistent mediation outcomes.

Negative attitudes

There were many comments around negative attitudes towards mediation, from participants and sometimes managers too, usually centred around the view that mediation was unlikely to work. Linked to this was a perception that it was important to address issues as early as possible in order to prevent them from becoming entrenched.

'Parties not wanting to take part in the mediation process. The issue of mediation not solving the problem.'

'The attitude of the participants, they take a very entrenched position. Depends on how long the situation has been going on, the earlier the better.'

'People not willing to participate if the problem has been going on for too long.'

Lack of understanding of the process

There were a range of comments around the participants either not understanding the process of mediation, or failing to implement it properly.

'Ignorance about the process by the individuals and management.'

'It's people not understanding the process.'

From one of the case studies, lack of understanding about what mediation is was cited as a key barrier, as this can lead to some people having a negative reaction to the suggestion of mediation, fearing that it is not voluntary.

'There's an education issue here, about the stigma that mediation brings with it for some people ... it's important that, for every mediation that you do, that people understand what mediation is and what mediation isn't.'

HR Director, Doosan Babcock

Another potential issue is that mediation is, of course, voluntary, and so sometimes individuals drop out, which means that issues proceed down the grievance route.

Unrealistic expectations

Some cited the fact that the parties to mediation could have unrealistic expectations of the process as a cure-all, and then be disappointed when mediation fails to resolve all issues, or using mediation as a means to get their own way.

'Expectation is not always realistic.'

'Mediation not being the tool for expectation of the parties, they just want some kind of vindication rather than a win-win solution.'

There was also a comment about the role of trade unions and the fact that they could sometimes be a hindrance in terms of their understanding of and attitude to mediation.

'Trade unions could be a barrier, the understanding of what mediation and what it can offer, the myths can sometimes hinder the process of mediation ... they worry it's a formal process, that any agreement would be held against them. They question the confidentiality.'

Lack of good procedures and competent mediators

Some respondents felt that the absence of a solid mediation process was a barrier to a successful mediation. Further, it was felt that the mediators needed to be fully competent in what they were doing, otherwise the process will not work properly. Issues around lack of communication between the parties, a lack of listening and the emergence of anger and other emotions were mentioned. If the mediator is skilled, they will be able to deal with all these issues and drive the process forward in a constructive way.

'Hidden agendas, poor process.'

'When the mediator is not competent and parties who are intransigent.'

'Mediator does not control meeting.'

Issues around time

There were some comments relating to the length of time and effort it took to engage in the mediation process. Participants were reported either not to realise this, or to be unwilling to commit the time necessary to try to resolve an issue through mediation.

'Time, seeing it as a priority; finding the time to conduct the mediation and accepting that it should be a priority.'

Another issue related to time emerged from the case studies, where interviewees in both organisations reported that it could be difficult to fit their duties as mediators around their day jobs.

Geographical barriers

From one of the case studies, another barrier cited was geographical – at the Welsh Government, most of the mediators are located in South Wales, but when disputes arise in other parts of the country, it can be difficult to provide mediators in these areas.

5.2 Perceived drivers and facilitators of mediation

Survey participants were also asked what they believed were the main factors that enabled a successful mediation outcome. Most factors mentioned were the opposites of those cited under the main barriers to successful mediation. The most commonly-cited factor was a willingness of both parties to engage in the process (27 per cent), followed by a structured process/framework and listening (both 19 per cent) and having the necessary skills/being competent (14 per cent). For details, see Table 5.2 below.

Table 5.2: Success factors for mediation

| | Per cent |
|---|----------|
| Willingness of both parties to engage in process | 27 |
| Acting fairly/impartially | 11 |
| Listening to both parties | 19 |
| Having confidence | 5 |
| Both parties understanding each others' point of view | 9 |
| Building trust/honesty/transparency | 8 |
| Following a structured process/framework | 19 |
| Having the skills/being competent | 14 |
| Showing understanding/patience/empathy | 7 |
| Good planning/preparation/well organised | 5 |
| Confidentiality | 2 |
| Finding successful solutions/outcomes | 10 |
| Being objective | 2 |
| Both parties finding own solutions | 3 |
| Providing a safe environment | 5 |

Base: all respondents (150)

Willingness of the parties to engage

This is core to the process of mediation and without this element mediation is unlikely to be a success. Many of the factors below constitute ways in which to achieve this, on the part of the mediator and other involved parties, such as the organisation and the structure surrounding the mediation process. However, a basic willingness from both parties to engage with the process of mediation in an open and honest way was deemed to be crucial by many survey respondents. Without this, it is unlikely that the process will move forward.

'Buy-in by both parties, commitment for the parties, in an attempt to look for a successful outcome.'

'The main factor is the people involved being willing to understand and be open and honest with everyone. To understand others point of view, and have an open mind when coming into the process. Also, have the desire to reach a solution.'

From the case studies, interviewees at the Welsh Government said that, overall, it can be difficult to pinpoint exactly what counts as a success in terms of mediation. In some cases, just getting the participants into the same room can be termed a success. Overall, any intervention that improves the situation in some way is viewed as a success, even if the matter is then passed onto a formal grievance, as this may have unlocked some issues that will enable the matter to be progressed successfully.

'I wouldn't see mediation as a failure if it didn't resolve everything – just that the matter needs to be progressed to the next stage. It may well have crystallised their thoughts about how they felt and what they wanted.'

Senior manager, Welsh Government

This was echoed by interviewees at the University of Sheffield.

'It would be interesting to know whether mediation has helped, even though it may not have solved everything. In a recent mediation case, I counted it as a real success that one person's change in body language took her a little bit closer to the other person. It was a tiny movement, but from that point, we moved to an agreement.'

HR Manager, The University of Sheffield

Structured process

The importance of a well-structured, transparent and readily understood process was cited by many survey respondents. It was felt that this helps both parties to feel comfortable and engenders trust and real engagement, increasing the possibility of a positive outcome. Good preparation on the part of all those involved was also thought to be very important.

'Setting the objectives, getting the environment right, working through the issues.'

'A structured process, being able to recognise when it is appropriate to use it.'

'Clear one to one meetings, time spent with each party, careful consideration following the structure.'

'Good preparation in meetings, setting ground rules, getting both parties to set ground rules themselves.'

The structure of the process can also help in terms of managing expectations.

'The positions and interest need to be clarified and a structure put in place and a clear guidance to what mediation can achieve so that expectations are managed.'

Good preparation was also cited by one study interviewee as a key enabler. Good preparation will ensure that everyone has realistic expectations and is aware of the key issues that need to be addressed.

'Preparation – ensuring that the individual parties involved don't turn up not knowing what's involved, and that they don't feel that they have to go through it. Talking to them beforehand, to draw out the key issues, will always help.'

HR Director, Doosan Babcock

This case study interviewee also stressed that mediators need to be aware of not rushing too much, as everyone has a different time for reaching the next stage or coming to a resolution.

Communication and listening skills

Survey participants made a range of comments around the importance of communication and listening skills, coupled with an open mind. Individuals felt that these kinds of skills and behaviours were central to a successful mediation outcome.

'Two parties willing and open to the idea, looking to resolve the issue.'

'Openness, willingness to listen to each other.'

Mediator skills

The skills of the mediator themselves emerge as central to the success of a mediation. These include understanding the situation, listening, enabling the participants to talk openly about the situation and to each other, and keeping focus rather than getting sidetracked on either of the parties' agendas.

'Getting people to talk openly about the issues to each other.'

'Understanding what the issues are, giving opportunities, not interfering, keeping the parties focused on resolving [the situation].'

'Listening, being able to put an objective approach, and draw the parties to reach a solution.'

'Encouraging communication between parties, and helping them to understand what they are trying to achieve.'

The impartiality of the mediator was also cited as a core competence by both survey participants and case study organisations, and one that was essential in bringing the two parties together.

'Impartiality, listening to both sides, trying to come to a common resolution.'

'The facilitation skills and mediator themselves, help the parties feel comfortable and the skills that they use, such as being impartial.'

The mediator also needs to have the skills to win the trust and confidence of the parties, an issue that is linked to impartiality, but also the ability to engage and empathise with the parties.

'The parties involved achieve a win-win situation, take on board all matters and trust and bond with the mediator.'

Another key skill of the mediator was deemed to be the ability to steer the discussion and enable those involved to devise their own solutions to a problem,

which they were much more likely to accept and adhere to than a solution proposed by the mediator.

'Individuals coming up with resolutions.'

'Getting two people in a room together talking and listening; agree a way to move forward.'

6 Conclusions

From this research, it is clear that many organisations want to engage with mediation as a way of resolving workplace issues and improving employment relations in their organisation. There was widespread praise for the CIWM course, both in terms of content and delivery. Participants felt that they had learned a useful set of skills, including a range of soft skills that they could deploy in their wider role in the workplace as well as in their private lives outside work. There were some criticisms of the intensity and length of the work required to complete the portfolio, although it should be noted that over two-thirds of the survey participants had gained the accreditation and around 80 per cent said that gaining accreditation was attractive to them.

The Key Performance Indicator (KPI) for this evaluation (the number of successful mediations carried out by accredited mediators, divided by the number of completed cases) is 83 per cent, which is lower than the 94 per cent achieved by the previous evaluation in 2009. However, this figure may reflect a number of differences between the two evaluations. Firstly, this time, 10 cases proceeded to a formal complaint (compared with none during the previous evaluation), indicating that the type of case and subject matter may this time have been more difficult for mediators to handle. There is more of a focus this time on cases involving work practices, work allocation or pace of work (14 per cent of cases). While no further questions were asked about this, economic conditions may have had an impact on work practices and pace of work, with employees coming under more pressure. In turn this may explain the number of mediation on these topics. In addition, 12 per cent of cases focused on selection for redundancy (compared with one per cent in 2009), which is also likely to be linked to the effects of recession, and likely to be a difficult subject on which to mediate. This difference in the KPI should therefore not be seen as any reflection on the content of the CIWM course.

Overall, despite positive experiences on the course, mediation seems to remain relatively low-profile in many organisations, with 44 per cent of survey respondents stating that they had spent only between one and five per cent of their time on mediation in the year following the course. Reasons for this ranged from there not being a high number of cases suitable for mediation in the organisation, to a lack of a mediation policy in place, or lack of general awareness of the availability of mediation in the workplace.

Trust also plays a key role in the mediation process, and it is therefore of extreme importance that mediators are seen to be impartial. Latreille (2010¹) explores the issue of trust in the mediation process, noting that lack of trust is often based on misconceptions about the nature of mediation: "lack of understanding sometimes involved unreasonable expectations about what mediation was about or might deliver, with referred parties sometimes reported as seeing it as about

¹ Latreille, P (2010): Mediation at work: of success, failure and fragility. Acas research paper 06/10: http://www.acas.org.uk/media/pdf/1/4/Mediation_at_work_of_success-failure_and_fragility-accessible-version-may-2012.pdf

apportioning blame. On occasions some staff were even reported as viewing it as a punishment or necessarily the result of a complaint. Misunderstandings may of course underpin a lack of trust by employees in the process of mediation ... such lack of trust is perceived as more problematic in organisations where the most recent mediation did not resolve the issues compared with those where full resolution was effected" (p.12).

One issue that emerged quite strongly from both our survey and case study work is that many of the trained mediators tend to have an HR background and therefore are either not perceived as being impartial, or have actually already been involved in a dispute in some capacity and so cannot then be involved as a mediator. The provision of a greater number of trained mediators who work outside the HR function is therefore key.

There is therefore clearly scope for further awareness-raising and publicising of the availability of mediation in organisations. One relevant issue here may be the positioning or labelling of mediation within an organisation. It is important that employees understand what mediation is, what it can and cannot do and what it involves. The timing of mediation may also play a part: if organisations are keen to resolve issues informally, they may use mediation too late in the process, as mediation can often be seen a formal process. More emphasis on using mediation as early as possible in a dispute could help with this. Awareness-raising activities should include both general managers and line managers.

7 Doosan Babcock case study

7.1 Background

Doosan Babcock is a global engineering company headquartered in South Korea, employing over 5,000 staff worldwide. Around 3,000 of its staff are based in the UK. The UK part of the business is headquartered in Crawley, with a main office in Renfrew, Scotland. The interviewee is the HR Director for the UK.

Doosan Babcock recognises trade unions for collective bargaining purposes and is covered by the national collective agreement for manual workers in the engineering construction industry, signed by Unite and the GMB. This agreement has a dispute resolution procedure that includes arbitration, but not mediation. The company generally employs around 25% of those covered by the agreement in the UK.

The interviewee is the only formally trained mediator in the company at present.

7.2 Before the training

The types of disputes that Doosan Babcock tends to experience revolve around issues between managers and direct reports over differences of opinion, or relationships between departments, and situations that arise when working relationships have broken down, due to factors such as work pressure. There are also industrial relations disputes between trade union representatives and company representatives, which may be suitable for mediation in terms of resolving differences of opinion.

Disputes at Doosan Babcock have generally been resolved using informal facilitation. If there were concerns that this might escalate, the organisation would tend to involve Acas.

“We’ve used Acas successfully in the past and this sparked my interest in wondering whether we could use internal mediation as a way of resolving disputes”.

UK HR Director

The interviewee has used Acas mediators on a number of occasions, usually revolving around disputes. This sparked her interest in using mediation as a way of resolving disputes in the organisation. Overall, the company is looking at how to use mediation more formally in the organisation.

7.3 The training

The interviewee attended the CIWM course in February 2013; it was her decision to attend the course. Her justification for attending the course was that mediation was something that she wanted to look at from a company perspective, but also something that could give her skills throughout her role in the organisation. She attended the five days over the course of two weeks, sandwiched either side of a demanding work travel schedule.

She looked at other training offers from other providers, but had talked extensively with an Acas facilitator about the CIWM course and the accreditation process, to which she was particularly drawn.

"[The accreditation] was a real focus for me, as I didn't see that there was any point in attending a mediation course and then not get a formal accreditation that is recognised".

UK HR Director

She had quite a good idea of what the course would involve before she attended, due to discussions with Acas representatives on the phone, and was aware of the work that would be needed on the portfolio, although she felt that she underestimated the reality of this.

"I was aware of the portfolio work, but I underestimated, even though it was made explicitly clear, how much work is involved in the portfolio".

UK HR Director

Nevertheless, she also stressed that the work had been worth it and was very positive about the resulting accreditation.

"Although it was a lot of work, I enjoyed the portfolio and the achievement of actually gaining the accreditation at the end of it ... when you come out the other side, you've put in all the hard work and you've achieved the portfolio and the formal accreditation, you're then a great defender of mediation – it's not as simple as people think it is".

UK HR Director

The interviewee worked quite quickly on her portfolio and submitted it in good time. She had a good experience with the feedback, which was timely and relevant, both from Acas and from the independent verifier. The length of the portfolio was 22,000 words.

"The internal evaluators at Acas were exceptionally thorough. The feedback was fine for me – I just wanted to know what I needed to do to achieve the quality to gain the qualification. The independent verifier gave me some very specific feedback and then it was approved and I got the certificate."

UK HR Director

She did not receive any support from her organisation in terms of time off to work on the portfolio, but conceded that it would have been difficult to take time off formally in the role that she carries out.

Overall, she found the course interesting and particularly appreciated the role playing and the fact that people had a chance to talk about their own experiences, which consolidates learning. She thought that the content was good and pitched at the right level, and that the balance was also good, including information sessions, followed by role play and then assessments. The exercises used were simple enough to understand and easy to follow. The use of videos

was good, and it was useful to have the inclusion of neighbourhood mediation, for a wider context.

She thought that, in terms of improvements, it might have been better not to have such a big contingent from one organisation, as this can lead to the session running a little along the lines of the experiences of that organisation.

7.4 After the training

The interviewee has since undertaken two formal mediations, both of which have been successful in terms of reaching a joint agreement. These mediations were based on issues brought to HR team members. Further, she has been able to raise the profile of mediation within her organisation on an informal basis. She has also spoken to employee and trade union representatives about the course: there has been a positive response from employee and trade union representatives, who are keen to try anything that can help to resolve issues before they escalate.

The HR team is aware that they have access to mediation, and so they can consider this for issues that arise. However, she is the only person internally who is formally trained as a mediation and so this limits the number of mediations that can be carried out, although the organisation would also bring in Acas to carry out mediation.

She also spoke of the difficulties of maintaining an impartial profile, as her high-profile role as HR director in the organisation makes it difficult for her to be seen as impartial. Therefore, one of the ways in which she has been developing her skills is to volunteer to mediate in other organisations.

In terms of the skills gained on the course, she noted that they are extremely useful in her general day-to-day interactions with colleagues.

"I use the skills on a daily basis in the job that I do, in interactions with colleagues, involvement in concerns between employees and line managers, and any involvement in an informal way where you have to think about your mediation and facilitation skills ... getting people to air their issues and think about how to move forward. The principles of mediation can be used every day."

UK HR Director

She feels that she has honed her skills considerably, for example in areas such as active listening and questioning skills. She also noted that since attending the course, she has been thinking more about choice of language and how certain words can trigger a negative response.

The interviewee had already had exposure to Acas before attending the course as she had used Acas's mediation services. She therefore already knew a lot about Acas.

"If anything, I probably already had quite a positive view of Acas. The course was professional, the support I got was professional and so that view hasn't wavered".

UK HR Director

7.5 Success factors for mediation

Success factors cited by the interviewee centred on getting the parties to share with each other how they feel, in a controlled environment.

"It's just about getting people to talk about their issues, to listen to each other and to try to come to an understanding. Most issues can be resolve through that".

UK HR Director

Another important aspect to mediation is preparation on the part of all parties, so that everyone has realistic expectations and is aware of the key issues that need to be addressed.

"Preparation – ensuring that the individual parties involved don't turn up not knowing what's involved, and that they don't feel that they have to go through it. Talking to them beforehand, to draw out the key issues, will always help."

UK HR Director

Other success factors cited included a need for the mediators to have a questioning attitude, to be self-aware and completely impartial. In addition, mediators need to be aware of not rushing too much, as everyone has a different time for reaching the next stage or coming to a resolution.

7.6 Barriers to mediation

The main barrier cited was a lack of understanding about what mediation is. This can then lead to some people having a negative reaction to the suggestion of mediation, fearing that it is not voluntary.

"There's an education issue here, about the stigma that mediation brings with it for some people ... it's important that, for every mediation that you do, that people understand what mediation is and what mediation isn't."

UK HR Director

It is therefore very important to remove the perceived stigma around mediation. Having internal mediators can improve this, if it is an accepted part of the process.

7.7 The future

Doosan Babcock will consider sending other individuals on the CIWM course in order to increase the number of trained mediators. In the medium term, the company would like to put a strategy into place that establishes mediation as something that would be covered by the organisation's grievance procedure and employee communications procedure. It would also look at drawing up a dedicated mediation procedure that would complement the dispute resolution procedure contained in the collective agreement.

"It's not just about sending people on the course, but about making sure that mediation is considered as part of our processes".

UK HR Director

Although the interviewee is the main champion for mediation, she has a team that she can engage and ensure that there is a budget for this. Overall, she feels that it is too soon to gauge any specific culture change in the organisation, although the company is embarking on a wider culture change programme, engaging with a process trying to reinforce its values, including open communication and transparency. Mediation therefore fits quite well into this.

She is supporting mediation in other companies and is given time by the organisation to do this. She decided that she wanted to do this, conscious of the fact that a lot of effort had gone into gaining the accreditation. This is offered on a voluntary basis, and fits in with the organisation's value of supporting SMEs and her own CPD. She has her first mediation through that route coming up during February.

The interviewee has spoken with staff about the benefits of mediation, and those that have been involved in the cases with Acas have been able to see the benefits of mediation first-hand. However, she does not think that mediation yet has a high enough profile in the organisation as things stand.

"Ideally, you would have mediators from both the company and a workforce background, and have a mediation policy in place. We don't have the formality around mediation yet, but it's still early days yet. We'd like to build a best practice approach".

UK HR Director

7.8 Interviewee

HR Director, UK

8 The University of Sheffield case study

8.1 Background

The University of Sheffield has over 6,000 staff and deals with around 25,000 students. Almost half the staff are academic employees, mainly focused on supporting the University's research activities. There are around 60 people working in human resources, split over five academic faculties: engineering, science, medicine, social science, and arts and humanities. Each of these faculties has their own HR team, run on a business partner model, with an HR manager, assistants and advisors. There is also an HR team that deals with professional services departments. The University also has an employee relations team and an organisational development team, covering leadership, management development, wellbeing, change and equality and diversity. The University tries to encourage staff to take responsibility for their own wellbeing at work, which is starting to take place.

The University sent around 20 mediators onto the CIWM course, around 18 months ago. There are around 30 mediators in the University in total, as some had participated in a previous mediation course. Some of these trained mediators have now been involved in further two-day training that will enable them to train other mediators. Most of the mediators have HR backgrounds, but there are also a couple of senior managers and trade union representatives.

Both the interviewees were approached and asked to go on the training. One participated in the full five days, while the other attended around one and a half days, as the University thought that it would be useful to be able to call on her to sit in on hearings if needed.

The University's impetus for training mediators in general, however, was to try to make the culture around workplace relationships more positive. The overarching principle is that of valuing staff and encouraging them to perform as well as they can; mediation can play a key part in this.

'We wanted to be positive with relationships at work, and mediation can be useful in preventing issues turning into formal grievances. More widely, we thought that using mediation skills in general would be positive for the University's culture – we want people to use mediation skills and listening skills to try and find a joint solution to issues. Mediation encourages an approach that deals with people more on an individual, case by case basis.'

Equality and diversity manager.

A further impetus for sending individuals on the mediation training was corporate social responsibility – the University is keen to offer mediators to other organisations such as charities. This has not yet taken place, but it is still on the agenda.

8.2 Before the training

The University did not have a specific issue or problem around dispute resolution before sending employees on the mediation training, although there was a feeling

from the interviewees that, before the training, mediation was not used as widely as it could have been. Further, the University is generally trying to devolve line manager responsibility as much as possible, and the Acas training was part of this. The University has also offered training to line managers on how to hold difficult conversations and overall, the University is looking at improving line manager training more generally.

One interviewee said that for her part, before the training, she was not really aware of what mediation was, such as the process and the skills needed.

“My own view of mediation before the training was that it was just another HR process to go through”.

Equality and diversity manager.

Nevertheless, not many disputes went to an Employment Tribunal – most were resolved through the HR function at the University as it has clear dispute resolution processes. The interviewee who completed the five days of training was only involved in cases if they got to a hearing and she was part of a panel as an independent member, on the basis of her equality background.

8.3 The training

Both interviewees praised the training very highly. They found that it was very helpful for HR managers in terms of the skills that they need to do their job. The University wanted to widen its pool of people with skills listening and probing skills, in order to take some of the workload off the operational managers.

Expectations of the course were that it was going to be difficult and intense. One interviewee said that she was really worried about the role playing, but was reassured by the approach taken.

“I worried that I wouldn’t know what to do, that I’d be embarrassed, but they handled it absolutely brilliantly. In fact, they could even have put more role-playing into the course”.

Equality and diversity manager.

The interviewee who had completed one and a half days of the training thought the training was good, if a little scary in terms of the legal aspects of it and all the difficult issues that could arise.

The overall experience of the training was very positive:

‘I thought the trainers were fantastic – they were very generous with their time and sharing of their own experiences. The pace was good, and it was a good atmosphere – you could stop, question and challenge at any point. It was really well-run and valuable.’

Equality and diversity manager

"It was really good, a really enjoyable day".

Departmental manager

One interviewee complained about the amount of work that was entailed in completing the portfolio, but subsequently recognised the value of this:

'I complained bitterly about having to do the portfolio, but it has proved to be invaluable since completing it.'

Equality and diversity manager

In terms of additional elements that the course could have covered, one interviewee, who has been involved in two mediations since the training, said that she was unsure about whether it would be acceptable to agree to change an individual's terms and conditions during the mediation. She felt that it would have been useful to have a part of the training touch upon where it is appropriate to stop in a mediation.

One interviewee spoke of reframing as a very successful technique, and would have liked to have had more on this in the training. However, she said that she had since used this technique to good effect.

"In one mediation, I found myself saying all the things that I remember the trainer saying in the training. The technique of dealing with real heat in a situation is very useful."

Equality and diversity manager

Further, there was a view that if mediation gets quite heated, there might be value in having specific training around this, particularly if a woman was mediating on her own, with men. The training touched a little on this, but it was felt that more would be useful.

The view of Acas from one interviewee had changed since the training:

"My view of Acas before the training was that they just produced guidance. I didn't really know what they did, and wasn't sure who I would get to speak to if I phoned them up. This has changed massively – I think they're great".

Equality and diversity manager

8.4 After the training

The general feeling was that the training had been very useful in terms of working with different colleagues in the business and having the opportunity to build up relationships between managers and trade union representatives. It has also given people questioning skills and the ability to steer people through a process during a conversation.

The interviewee who completed one and a half days of training felt that she has used a lot of the skills in her job generally.

"I now been more able to identify what I can deal with in house and what needs to be sent externally. I can now say 'enough is enough, this has to go to the next level'".

Departmental manager

The training has also been helpful in terms of making dispute resolution processes clearer, which helps those trying to mediate in disputes. This also helps those involved in the disputes, as they are now clearer about boundaries.

The skills gained from the course have also helped one interviewee to deal with colleagues in team meetings, to try to get an overview and to work out what is best for the team, rather than just one's own part of it.

'Quite a few of us have done the training and I think it has improved the way we work together'.

Equality and diversity manager

8.5 Success factors for mediation

In terms of the number of mediations that have taken place in the organisation, it is difficult to be precise on the outcomes, as details are not shared. However, at least five have taken place. The University does not have any criteria regarding what is a successful mediation, as no evaluation takes place. This means that mediation is not formally connected to outcomes.

'It would be interesting to know whether mediation has helped, even though it may not have solved everything. In a recent mediation case, I counted it as a real success that one person's change in body language took her a little bit closer to the other person. It was a tiny movement, but from that point, we moved to an agreement.'

Equality and diversity manager

One interviewee has been involved in two cases since the training, as a co-mediator. She finds that it is very useful to co-mediate, as the mediators can divide the tasks between them, and the mediation tends to flow naturally between the two mediators.

8.6 Barriers to successful mediation

Overall, there is a strong willingness to find solutions to disputes in the University and mediation is viewed as an important tool that should be tried. One barrier is finding the time and space to carry it out.

In HR, mediation is viewed as very important, but in departments, the responsibility is held by individual managers, who may all have different attitudes towards mediation. This could potentially be a barrier to achieving successful and consistent mediation outcomes.

8.7 The future

Overall, it is difficult to say whether there are now fewer disputes, but the view was that HR is not asked as often for comments on cases. However, the overall view from the interviewees was that there has been a culture change around mediation. Those who have participated in the training are still positive about it and want to try out the skills that they have learnt, but there do not seem to be many cases.

Although it is too early to say at present, the interviewees expected that the mediation will have longer-term effects on the University in terms of the culture around dispute resolution.

“People need to work together more, even if they are pursuing their own goals, and mediation fits in very well with that”.

Equality and diversity manager

One interviewee spoke of being much more confident in her own mediation skills. Overall, the University was judged to give good support to its mediators and makes sure that the mediators can fit it in with their workload. This is a key issue for all mediators, as they all have to fit mediation in around their main job. There was a view from the interviewees that mediation has not yet been promoted to a high enough level in the University, but there is a confidence that this will develop in the future.

8.8 Interviewees

Equality and Diversity Manager (mediator)

Departmental manager

9 Welsh Government case study

9.1 Background

The Welsh Government has around 5,800 employees and operates over a number of sites around Wales. It now has around 20 mediators, of which 19 have been trained by Acas. The majority of the mediators – around 90%-95% - have an HR background, which is deemed by the HR function to be a potential barrier to giving impartial advice in a mediation situation. The organisation currently has no mediators that have a role in any of its business areas. The Welsh Government is therefore discussing whether it needs more trained mediators that are not linked to HR. Some mediators have an occupational health and safety background, but this is also perceived to be linked to HR.

The Welsh Government had four trained mediators before it sent individuals on the Acas training, around 18 months previously. The main trigger was that the organisation felt that mediation was not used enough, even though it was built into the organisation's formal policies. Therefore, it wanted to train more mediators and raise the profile and awareness of mediation across the organisation.

“Although mediation was available, I think we were able to count on the fingers of one hand the number of mediation cases prior to the relaunch of mediation following the training”.

HR case management team member

The Welsh Government relaunched its mediation service in October 2012, centralising its case management processes, and has since dealt with around 15 mediations.

9.2 Before the training

Prior to the training, mediation was seen as something that was available, but would be offered as an option or recommended as part of the grievance procedure, as something from which the parties could possibly benefit.

Further, the fact that there were such a small number of mediators in the organisation meant that the profile of mediation was not high and it did not have a formal place in the organisation. The culture of dispute resolution also varied between locations.

“People didn't really know that mediation was available to be used. It didn't have a high profile”.

Senior manager

Although there were not a great number of disputes going to an Employment Tribunal, it was largely recognised by managers that mediation could benefit the organisation. One HR manager in particular championed mediation, realising that it could be beneficial.

The Welsh Government was also looking to centralise its case management approach, moving away from cases being dealt with in individual teams or departments. It was hoped that this would bring about a more consistent approach to dispute management, as well as to the outcomes and procedures used. Mediation became part of this in that the organisation wanted to try to keep the number of formal cases to a minimum.

9.3 The training

The Welsh Government announced that it wanted to send individuals on the course, described the process and invited people to express interest. It then chose the course participants from the volunteers. Around 16 people were trained, in two stages, with training lasting 3-4 days.

One of the interviewees, an HR case management team member, found the training to be very good and felt that it made her more aware of how she manages conflict, both in a mediation situation and in her day-to-day work. She had no prior expectations, but knew that the course would be intensive and would involve a lot of work. The other interviewee just attended a taster day rather than the entire course.

In terms of the content of the training, the participants appreciated that there was a lot of interaction and role-playing. Overall, the interviewees found the course to be very well structured, starting with an introduction and information on mediation, then going into role playing.

"The way it flowed, for me, was spot-on".

HR case management team member

This interviewee felt that the facilitators were very good, knew their field and were very engaging. They also provided feedback and advice after the course.

"Even after the training, you had the feeling that you had someone to turn to. For me, that's a golden service."

HR case management team member

However, the written work was felt to be quite demanding and drawn-out, and participants felt that it could be quite repetitive and a lot of work.

"My portfolio was like War and Peace, like some sort of Master's degree!"

HR case management team member

In terms of suggestions for improving the course, none of the interviewees could think of any concrete issues, saying that there was nothing that was not useful about the course. The view was expressed, however, that maybe the portfolio work could be less intense and repetitive. Further, one interviewee felt that it would be a good idea to have some kind of post-course support, maybe some half days where people could meet up and discuss progress and the facilitators could answer common queries and questions.

9.4 After the training

Mediation is now written into the Welsh Government's grievance and dignity at work policies. The organisation also tries to promote mediation throughout the business, through its network of mediators and other means such as newsletters.

The profile of mediation has been raised successfully in the Welsh Government since the additional mediators have been trained, and it is reported that staff are, on the whole, willing to give it a try. The HR team has received more requests for mediation since the training, and in some cases more than they can manage. The number of mediations has now increased significantly, from just one or two before the training, to 15 in the year since the training. The main ongoing issue is to maintain the momentum of awareness of mediation throughout the organisation, by means such as posters, leaflets and articles in newsletters.

Overall, it is difficult to say whether the number of grievances has fallen since the training, but as the number of mediations has increased, this means that this has potentially headed off a number of grievances. This has also resulted in a time saving, as mediation can be much quicker in resolving issues than formal grievances.

"All of the 15 mediation cases that we have dealt with over the past 12 months have been potential grievance cases, so there is a significant saving in terms of time taken to resolve these issues".

HR case management team member

Those who have participated in the mediation training have been building their confidence in the mediation role, principally through co-mediation, and this is reported to be working well. Co-mediation gives individuals the opportunity to gain more experience but also allows the co-mediators to bounce things off each other and share the role, working together.

"Since I've been trained, 18 months ago, I've only dealt with 2 cases, so it's good to build on that by being involved in co-mediation. This builds experience and confidence".

"I feel really confident in my mediation skills. When people come to me for advice, I can now usually deal with an issue before it even goes to mediation. I'm sure that others who have been on the training feel like that too. Going on the course heightens your awareness and skills in dealing with people on a day-to-day basis".

HR case management team member

It was also reported that the skills that have been learnt on the course have also come in useful in daily transactions and dealings with colleagues at work.

"I use mediation skills a lot in the job I do now, dealing with staff on an informal basis, on a day-to-day basis. Things like asking questions about why people are feeling a particular way or behaving in a particular way. It helps me to make a line manager realise that maybe they haven't taken all the steps necessary to resolve a situation, or maybe there's a different way to approach it. The training

has made me pose more questions, rather than taking things people say at face value. This is useful in general, in addition to in mediation situations”.

HR case management team member

There is now a much more structured approach to mediation in the workplace. The mediators meet every six months, or as the need arises, to discuss cases and the way forward, including keeping up the momentum of awareness of mediation. There is also a marked emphasis on using mediation as a first resort.

“We want to make sure that mediation is part of our culture and a first port of call, rather than a recommendation from a grievance procedure”.

HR case management team member

Interviewees did speak of a culture change in terms of dispute resolution, although the increased use and profile of mediation at the Welsh Government did coincide with the centralisation of dispute resolution functions, so it is difficult to say with any certainty that differences in attitudes around dispute resolution are solely due to an increased use of mediation.

“There has been a massive impact on dispute resolution, although this is at least in part due to centralising the management of cases. However, there has definitely been a shift in culture”.

HR case management team member

There has also been a positive impact on relationships between colleagues at the Welsh Government. In particular, if an agreement is reached through mediation between colleagues working in the same office, this is reported to have a definite positive impact on their working relationship. However, it is more difficult to judge the impact on those that are working remotely from each other, in different locations, as the perception of conflict may continue because they do not have that daily face-to-face interaction.

9.5 Success factors for mediation

It is difficult to pinpoint exactly what counts as a success in terms of mediation. In some cases, just getting the participants into the same room can be termed a success. Overall, any intervention that improves the situation in some way is viewed as a success, even if the matter is then passed onto a formal grievance, as this may have unlocked some issues that will enable the matter to be progressed successfully.

“I wouldn’t see mediation as a failure if it didn’t resolve everything – just that the matter needs to be progressed to the next stage. It may well have crystallised their thoughts about how they felt and what they wanted”.

Senior manager

Having a mediator who is impartial is also crucial, which is why the Welsh Government is keen to train more mediators who do not have an HR background and therefore are unlikely to have been involved in cases in an advisory capacity.

The overall feedback from the mediators is that they enjoy carrying out mediation – even if it is not successful, there is a lot to be learnt from each case.

9.6 Barriers to successful mediation

Interviewees pointed to a number of potential barriers to successful mediation. One barrier is geographical – most of the mediators are located in South Wales, but when disputes arise in other parts of the country, it can be difficult to organise mediators to take things forward in these areas.

One of the other main potential barriers to overcome is changing the culture and attitude, particularly of line managers, some of whom may have tried informally, decided that mediation will not work and have given up, moving the matter into a formal procedure instead.

“We have a long way to go in terms of educating our line managers. We check all the grievance cases that come through to see if they are suitable for mediation, and nine times out of ten they’re not as they’ve gone too far”.

HR case management team member

Another potential barrier is a lack of mediators who are not already involved in a case in some way. This is linked to the geographical problems, as there may be trained mediators in some areas, but they are already involved in a particular case, and so are not ideal as mediators.

“Very often, our mediators can’t mediate in particular areas as they’ve been involved in providing advice in cases.”

HR case management team member

Another potential issue is that mediation is, of course, voluntary, and so sometimes individuals drop out, which means that issues have to go down the grievance route in any case.

It should be noted that mediation would not be used for disciplinary issues at the Welsh Government – issues such as conflicts between individuals or clashes of personality, or compromises of dignity are deemed to be suited to mediation. Harassment and bullying are covered by the Welsh Government’s policy on dignity at work and mediation would largely be used in such cases, depending on the severity of the case: if it is a clear breach - if a colleague hits another colleague, for example then mediation would not be used.

Another potential barrier to successful mediation is the fact that the mediators all have day jobs, which limits the amount of time and energy that they can devote to mediation.

“The main barrier for me is the day job, as sometimes this takes precedence. If mediators were full-time, they would be able to devote much more time to raising awareness of mediation”.

HR case management team member

9.7 The future

The Welsh Government would like to train mediators in individual departments and in different regional areas, in order to improve the mediation service across the whole of the organisation. In particular, the organisation would like to have a better regional balance in terms of the offer of mediation.

There is also a feeling that there is still more work to be done in terms of raising the profile of mediation across the organisation. It is also looking at offering mediation in other public sector organisations on a reciprocal basis. They have already done this to some extent at the Patent Office in Newport, which has worked well.

All the mediators have day jobs at present, so mediation can only be carried out when workload allows. Recent restructuring in the Welsh Government has also increased the workload of mediators, which is a challenge.

Overall, the organisation is keen to maintain and build on its network of mediators. Many trained mediators with an HR background are now looking to move into different departments within the Welsh Government, and so the organisation is looking to use this as a basis to broaden its base of trained mediators within the organisation.

9.8 Interviewees

Member of the HR case advisory team

Senior manager

Appendix 1: Survey Questionnaire

Evaluation of Acas Training for the Certificate in Internal Workplace Mediation

Pilot Survey

ASK TO SPEAK TO NAMED CONTACT

Introduction: Good morning/afternoon. My name is I am calling from BMG, a research company based in Birmingham on behalf of Acas. You may recall receiving a letter from Acas in the last month or so regarding a research survey to be undertaken to evaluate the longer term impact of the Acas training for the Certificate in Internal Workplace Mediation. I believe that you attended this course in [DATE FROM DATABASE]...?

Would now be a convenient time to ask you some questions about the training? The interview should take between 25 and 30 minutes.

IF NOT OFFER APPOINTMENT.

SINGLE CODE

| | | |
|---|----|--|
| Yes | 1 | Continue |
| No – incorrect name | 2 | Record correct company name |
| Definite appointment | 3 | Make definite appointment/soft call back |
| Soft appointment | 4 | Make definite appointment/soft call back |
| Refusal – do not recall course/letter | 5 | Close |
| Refusal – no reason given | 6 | Close |
| Strong refusal | 7 | Close |
| Not available in deadline | 8 | Close |
| Engaged | 9 | Close |
| Fax | 10 | Close |
| No reply/answering machine | 11 | Close |
| Residential number | 12 | Close |
| Dead line | 13 | Close |
| Duplicate –already called about this survey | 14 | Close |
| Email letter again | 15 | Make definite appointment/soft call back |

IF NECESSARY:

The survey is totally confidential – your individual answers won't be revealed to anyone and no one will try and sell you anything as a result.

BMG complies with the Market Research Society's Code of Conduct and the Data Protection Act.

MERGE IN FROM DATABASE:

CONTACT NAME:

RESPONDENTS JOB TITLE:

NAME OF COMPANY:

ADDRESS (Address Line 1):

(Address Line 2):

(Address Line 3):

(Postal Town):

(County):

POST CODE: (SIX OR SEVEN DIGITS):

TELEPHONE NUMBER (INCLUDING STD):

FAX NUMBER (INCLUDING STD):

EMAIL ADDRESS:

SECTION 1: BACKGROUND INFORMATION

ASK ALL

2.1

Q1 Firstly, could I just ask what your role is in your organisation? **PROMPT AS NECESSARY. CODE ONE ONLY**

1. Human Resources/HR manager
2. Other manager
3. Other (SPECIFY)
4. Refused

ASK ALL

2.2

Q2 Approximately what proportion of your working time in the last year would you estimate has been spent in a mediating role, either undertaking mediation itself or carrying out work directly related to mediating? **PROMPT FOR AN APPROXIMATION AND WRITE IN**

%

XX Don't know YY Refused

ASK ALL

2.3

Q3 What other roles in dispute resolution do you personally play in your organisation? **READ OUT AND CODE ALL THAT APPLY**

1. Counselling
2. Problem-solving
3. Negotiating
4. Facilitating
5. Anything else (SPECIFY)
6. None
7. Don't know

2.4 removed

ASK ALL

New

Q4 What other activities do you personally undertake with regard to conflict management within your organisation? **PROBE FULLY. WRITE IN VERBATIM**

96 No other activities

97 Don't know

98 Refused

ASK ALL

2.5

Q5 How many people in your organisation ever act as mediators. For example, have mediated at all in the last year? **WRITE IN NUMBER**

number

XX Don't know

YY Refused

SECTION 2: THE TRAINING AND ACCREDITATION

ASK ALL

3.1

Q6 Now thinking about the Acas training course that you attended for the Certificate in Internal Workplace Mediation or CIWM. Firstly, did your organisation sponsor you on the course or did you pay for it entirely yourself? **CODE ONE ONLY**

1. Organisation sponsored me
2. Paid for myself

ASK ALL

3.2

Q7 Why did you go on the course? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

ASK ALL

NEW

Q8 After the course, have you worked on your portfolio at all?

1. Yes GO TO Q8
2. No GO TO Q15

WHERE WORKED ON IT (Q8/1)

3.3

Q9 Have you submitted your portfolio?

1. Yes
2. No

WHERE WORKED ON PORTFOLIO (Q8/1)

4.1

Q10 How much of your portfolio have you been able to complete during normal working hours? **PROMPT AS NECESSARY AND CODE ONE ONLY**

1. All of your portfolio (will be) completed in working hours

2. Most of your portfolio (will be) completed in working hours
3. Some of your portfolio (will be) completed in working hours
4. None of your portfolio (will be) completed in working hours

WHERE WORKED ON PORTFOLIO (Q8/1)

4.3

Q11 How do you feel about the amount of work that you've had to do to put your portfolio together – was it about what you were expecting, or was it more or less than what you expected? **PROMPT AS NECESSARY AND CODE ONE ONLY**

1. Much more work than you expected
2. Slightly more than you expected
3. About the same amount as you expected
4. Slightly less than you expected
5. Much less than you expected
6. Didn't know what to expect

WHERE WORKED ON PORTFOLIO (Q8/1)

4.4

Q12 What, if anything, took longer than you expected? **PROBE FULLY AND WRITE IN VERBATIM**

96 Nothing

97 Don't know

98 Refused

WHERE WORKED ON PORTFOLIO (Q8/1)

4.5

Q13 How would you rate the process of putting together the portfolio in terms of difficulty on a scale of 1 to 5, where 1 is very difficult and 5 is very easy? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | | |
|----------------|------------------|----------------------------|-------------|-----------|------------|
| Very difficult | Fairly difficult | Neither easy not difficult | Fairly easy | Very easy | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

WHERE DIFFICULT (Q13/1-2)

4.5

Q14 What did you find difficult about the process? **PROBE FULLY AND WRITE IN VERBATIM**

96 Nothing

97 Don't know

98 Refused

WHERE NOT WORKED ON/SUBMITTED PORTFOLIO (Q8/2 OR Q9/2)

3.8

Q15 Why have you not [TEXT INSERT WHERE Q8/2: worked on ... TEXT INSERT WHERE Q9/2: submitted ...] your portfolio? **DO NOT READ OUT. PROBE FULLY. WRITE IN AND CODE ALL THAT APPLY BELOW**

1. Haven't had time to complete the portfolio
2. Too much work required to complete it
3. Standard required is too high
4. No longer relevant to my job role
5. Personal circumstances have prevented completion of the portfolio
6. Need more guidance in completing the portfolio
7. Other (SPECIFY)
8. Don't know

SECTION 3: PROCESS OF GAINING THE CERTIFICATION

WHERE SUBMITTED PORTFOLIO (Q9/1)

3.6

Q16 Have you now gained CIWM accreditation? **CODE ONE ONLY**

1. Yes
2. No

WHERE NOT GAINED CIWM ACCREDITATION (Q16/2)

3.7

Q17 May I ask why not? **DO NOT READ OUT. PROBE FULLY. WRITE IN AND CODE ALL THAT APPLY BELOW**

1. Haven't yet received feedback from assessor
2. Standard required was too high
3. Too busy to complete the work to the required standard
4. Personal circumstances have prevented completion of the work to the required standard
5. Need more guidance in completing the work to the required standard
6. Other (SPECIFY)
7. Don't know

WHERE SUBMITTED PORTFOLIO (Q9/1) EXCEPT WHERE Q17/1 (NOT RECEIVED FEEDBACK)

3.4

Q18 How would you rate the quality of the feedback that you received from your assessor? Would you rate it as...? **READ OUT AND CODE ONE ONLY**

| | | | | | |
|-----------|-------------|-----------------------|-------------|-----------|------------|
| Very poor | Fairly poor | Neither good nor poor | Fairly good | Very good | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

WHERE POOR (Q18/1-2)

3.5

Q19 Why do you say that? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

ASK ALL

4.2

Q20 How supportive do you feel your organisation has been in enabling you to work towards this accreditation? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| Not at all supportive | Not very supportive | Fairly supportive | Very supportive | Don't know | Not applicable/ org. not aware |
|-----------------------|---------------------|-------------------|-----------------|------------|--------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

SECTION 4: MEDIATION CASES SINCE COMPLETION OF COURSE

READ OUT: I'd now like to move on to asking you about the mediation that you personally have undertaken since completing the course.

ASK ALL

5.1

Q21 In how many cases have you participated as a mediator which were...?
READ OUT AND WRITE IN NUMBER FOR EACH

| | None | 1 | 2 | 3 | 4 | 5+ (SPECIFY) |
|--|------|---|---|---|---|-----------------|
| 1 Fully resolved i.e. all issues were resolved | 0 | 1 | 2 | 3 | 4 | 5 |
| 2 Partially resolved | 0 | 1 | 2 | 3 | 4 | 5 |
| 3 Not mediable | 0 | 1 | 2 | 3 | 4 | 5 |
| 4 Withdrawn (no agreement reached between parties) | 0 | 1 | 2 | 3 | 4 | 5 |
| 5 Proceeded to formal complaint | 0 | 1 | 2 | 3 | 4 | 5 |
| 6 Are ongoing | 0 | 1 | 2 | 3 | 4 | 5 |

ASK WHERE MEDIATED ANY CASES (Q21/1-6/1+):

5.2

Q22 In how many cases of these cases has the main focus been on ...? **READ OUT AND WRITE IN NUMBER FOR EACH**

| | None | 1 | 2 | 3 | 4 | 5+ (SPECIFY) |
|---|------|---|---|---|---|-----------------|
| 1 Pay and conditions | 0 | 1 | 2 | 3 | 4 | 5 |
| 2 Promotion, career development or internal transfers | 0 | 1 | 2 | 3 | 4 | 5 |
| 3 Physical working conditions or health and safety | 0 | 1 | 2 | 3 | 4 | 5 |
| 4 Work practices, work allocation or pace of work | 0 | 1 | 2 | 3 | 4 | 5 |
| 5 Working time i.e. change to working hours, annual leave or time off work | 0 | 1 | 2 | 3 | 4 | 5 |
| 6 Performance appraisal | 0 | 1 | 2 | 3 | 4 | 5 |
| 7 Discrimination on grounds of sex, race, disability, sexual orientation religion or belief | 0 | 1 | 2 | 3 | 4 | 5 |
| 8 Sexual harassment | 0 | 1 | 2 | 3 | 4 | 5 |
| 9 Racial harassment | 0 | 1 | 2 | 3 | 4 | 5 |
| 10 Relations with supervisors or line managers e.g. regarding unfair treatment or victimisation | 0 | 1 | 2 | 3 | 4 | 5 |
| 11 Bullying at work | 0 | 1 | 2 | 3 | 4 | 5 |
| 12 Selection for redundancy | 0 | 1 | 2 | 3 | 4 | 5 |
| 13 Use of disciplinary sanctions | 0 | 1 | 2 | 3 | 4 | 5 |
| 14 Something else (SPECIFY) | 0 | 1 | 2 | 3 | 4 | 5 |

ASK ALL

5.5

Q23 In what ways, if at all, [TEXT INSERT: WHERE Q21/1/1+ OR Q21/2/2+: has the CIWM course helped you to achieve successful mediation outcomes? WHERE Q21/1/0 AND Q21/2/0: will the CIWM course help you to achieve successful mediation outcomes? **READ OUT AND CODE ALL THAT APPLY. ROTATE**

1. Improved listening skills
2. Improved questioning skills
3. Led to more objectivity/impartiality
4. Led to greater confidence in managing mediation
5. Altered the way you talk to people
6. Provided a different perspective on conflict/seeing conflict more clearly
7. The use of role plays
8. Led to a better understanding of the process
9. Given a clear framework or structure to work with
10. Provided accreditation/qualification
11. Gave you more confidence in general
12. Other (SPECIFY)
13. None
14. Don't know

ASK WHERE ANY FULLY OR PARTIALLY RESOLVED CASES (Q21/1-2/1+):

5.6

Q24 Thinking now about your most recent mediation case that was fully or partially resolved, to what extent was mediation a factor in the resolution of that particular dispute? **PROMPT AS NECESSARY AND CODE ONE ONLY**

1. A major factor
2. A minor factor
3. Not a factor at all
4. Don't know/too difficult to say
5. Not applicable

ASK WHERE ANY FULLY OR PARTIALLY RESOLVED CASES (Q21/1-2/1+):

5.8

Q25 In your view, to what extent do you agree or disagree that the skills or knowledge you acquired as a result of your CIWM training assisted in you steering this case towards successful resolution? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | |
|-------------------|----------|-------|----------------|------------|
| Strongly disagree | Disagree | Agree | Strongly agree | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK WHERE ANY CASES NOT FULLY OR PARTIALLY RESOLVED (Q21/4-5/1+):

5.9

Q26 And now thinking now about your most recent mediation case that did not reach a full or partial resolution, to what extent was mediation a factor in dealing with that particular dispute? **PROMPT AS NECESSARY AND CODE ONE ONLY**

1. A major factor
2. A minor factor
3. Not a factor at all
4. Don't know/too difficult to say
5. Not applicable

ASK WHERE ANY CASES NOT FULLY OR PARTIALLY RESOLVED (Q21/3-6/1+):

5.10

Q27 And now thinking about your most recent mediation case that did not reach a full or partial resolution, to what extent do you agree or disagree that the skills or knowledge you acquired as a result of your CIWM training assisted in or are assisting you in steering this case? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | |
|-------------------|----------|-------|----------------|------------|
| Strongly disagree | Disagree | Agree | Strongly agree | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK WHERE ANY CASES NOT FULLY OR PARTIALLY RESOLVED (Q21/4-5/1+):

5.11

Q28 Why do you think mediation did not lead to a resolution here? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

ASK ALL

5.3

Q29 Overall, what do you think are the main factors that lead to a successful mediation outcome? **PROBE FULLY AND WRITE IN VERBATIM**

96 Nothing

97 Don't know

98 Refused

ASK ALL

5.4

Q30 And what do you think are the main barriers to a successful mediation outcome? **PROBE FULLY AND WRITE IN VERBATIM**

96 Nothing

97 Don't know

98 Refused

SECTION 5: MEDIATION SKILLS

READ OUT: I'd now like to ask you about what you feel you have personally gained from taking the Acas CIWM course. This is so that Acas can evaluate how well the course is preparing people to be mediators.

ASK ALL

6.1 removed

ASK ALL

6.3

Q31 Thinking about your wider role in the organisation, how useful have the skills or knowledge gained on the course been to you? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | | |
|-------------------|-----------------|---------|--------------|-------------|------------|
| Not at all useful | Not very useful | Neutral | Quite useful | Very useful | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

ASK ALL

6.2

Q32 How useful have each of the following skills from the course been to you in your wider role in the organisation? Please rate each on a scale of 1 to 5, where 1 is not at all useful and 5 is very useful? **READ OUT AND CODE ONE ONLY. ROTATE STATEMENTS**

| | | Not at all useful | Not very useful | Neutral | Quite useful | Very useful | Don't know |
|---|------------------------|-------------------|-----------------|---------|--------------|-------------|------------|
| A | Building rapport | 1 | 2 | 3 | 4 | 5 | 6 |
| B | Showing empathy | 1 | 2 | 3 | 4 | 5 | 6 |
| C | Impartiality | 1 | 2 | 3 | 4 | 5 | 6 |
| D | Questioning techniques | 1 | 2 | 3 | 4 | 5 | 6 |
| E | Listening skills | 1 | 2 | 3 | 4 | 5 | 6 |
| F | Communication skills | 1 | 2 | 3 | 4 | 5 | 6 |

| | | Not at all useful | Not very useful | Neutral | Quite useful | Very useful | Don't know |
|---|---------------------------|-------------------|-----------------|---------|--------------|-------------|------------|
| G | Acknowledging differences | 1 | 2 | 3 | 4 | 5 | 6 |
| H | Reframing | 1 | 2 | 3 | 4 | 5 | 6 |
| I | Summarising | 1 | 2 | 3 | 4 | 5 | 6 |
| J | Reflecting | 1 | 2 | 3 | 4 | 5 | 6 |

ASK ALL

6.4 removed

ASK ALL

6.5

Q33 To what extent do you agree or disagree that the course enabled you to understand the causes and effects of workplace conflict? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| Strongly disagree | Disagree | Agree | Strongly agree | Don't know |
|-------------------|----------|-------|----------------|------------|
| 1 | 2 | 3 | 4 | 5 |

ASK ALL

6.5

Q34 And to what extent do you agree or disagree that the course enabled you to...? **READ OUT AND CODE ONE FOR EACH**

| | | Strongly disagree | Disagree | Agree | Strongly agree | Don't know |
|---|---|-------------------|----------|-------|----------------|------------|
| A | ...identify when internal workplace mediation is appropriate | 1 | 2 | 3 | 4 | 5 |
| B | ...understand the mediation process | 1 | 2 | 3 | 4 | 5 |
| C | ...gain confidence in your mediation skills | 1 | 2 | 3 | 4 | 5 |
| D | ...be able to manage the mediation process | 1 | 2 | 3 | 4 | 5 |
| E | ...enhance your communication skills such as listening, questioning, persuading and negotiating | 1 | 2 | 3 | 4 | 5 |

ASK ALL

New

Q35 Have you used the skills or knowledge gained on the course in any of the following situations? **READ OUT AND CODE ALL THAT APPLY**

1. Line manager training
2. Group facilitation
3. Conflict coaching
4. None of these
5. Unsure/difficult to say

SECTION 6: OVERALL MEASURES AND IMPROVEMENTS

ASK ALL

7.1

Q36 Overall, what is the most significant impact that the course has had on you?
PROBE FULLY AND WRITE IN VERBATIM

96 Nothing

97 Don't know

98 Refused

ASK ALL

7.2

Q37 Was there anything that you wish the CIWM had covered that it did not?
PROBE FULLY AND WRITE IN VERBATIM

96 Nothing

97 Don't know

98 Refused

ASK ALL

7.3

Q38 Do you have any other suggestions for how the course might be improved either in terms of content or format? **PROBE FULLY AND WRITE IN VERBATIM**

96 No, nothing

97 Don't know

98 Refused

ASK ALL

New

Q39 When you chose to train as a mediator, how important was it to you that the course provided accreditation? **PROMPT AS NECESSARY. CODE ONE ONLY**

| | | | | |
|----------------------|--------------------|-----------------|----------------|------------|
| Not at all important | Not very important | Quite important | Very important | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK ALL

7.4

Q40 How likely would you be to recommend Acas training to a colleague? **PROMPT AS NECESSARY. CODE ONE ONLY**

| | | | | |
|---------------|----------------|--------------|-------------|------------|
| Very unlikely | Quite unlikely | Quite likely | Very likely | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK ALL

7.5

Q41 Without taking into account the portfolio submission element of the course but considering everything else, what score would you give for your satisfaction with the CIWM course, where 1 is that you were very dissatisfied with it and 5 would mean that you are very satisfied...? **PROMPT AS NECESSARY. CODE ONE ONLY 1-5, DON'T KNOW = 6**

| | | | | | |
|-------------------|--------------------|---------|-----------------|----------------|------------|
| Very dissatisfied | Quite dissatisfied | Neutral | Quite satisfied | Very satisfied | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

SECTION 7: ORGANISATIONAL BACKGROUND/CULTURE

READ OUT: Thank you for your help so far. It would be helpful for Acas to find out a little more about the use of mediation in your organisation.

ASK ALL

8.3

Q42 How would you describe relations between managers and employees in this organisation now? **PROMPT AS NECESSARY. CODE ONE ONLY**

| | | | | | |
|-----------|------|-----------------------|------|-----------|------------|
| Very poor | Poor | Neither good nor poor | Good | Very good | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

ASK ALL

8.4

Q43 Do you feel that relations have changed, or not, as a result of people like yourself attending the Acas CIWM training? **PROMPT AS NECESSARY. CODE ONE ONLY**

1. Yes, improved
2. No – made no difference
3. No – made matters worse
4. Don't know/not sure
5. Refused

ASK ALL

8.6

Q44 To what extent, if at all, has CIWM training that people have undertaken had an impact on the role of mediation in your organisation? **PROMPT AS NECESSARY. CODE ONE ONLY**

1. Significant impact
2. Some/minor impact
3. No impact
4. Don't know/not sure

ASK ALL

8.5

Q45 Is mediation part of the written procedures of your organisation? **CODE ONE ONLY**

1. Yes
2. No

ASK ALL

8.7

Q46 How much do you agree or disagree that mediation is encouraged now in this organisation? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | |
|-------------------|----------|-------|----------------|------------|
| Strongly disagree | Disagree | Agree | Strongly agree | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK ALL

8.8

Q47 How aware are staff of mediation in your organisation? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | |
|------------------|----------------|--------------|------------|------------|
| Not at all aware | Not very aware | Fairly aware | Very aware | Don't know |
| 1 | 2 | 3 | 4 | 5 |

ASK ALL

8.9

Q48 If an employee has a grievance, is a mediator asked to be involved...? **READ OUT AND CODE ONE ONLY**

1. Always
2. Usually
3. Sometimes
4. Never
5. Don't know

ASK ALL

8.10

Q49 And if there is a disciplinary action short of a dismissal, is a mediator asked to be involved...? **READ OUT AND CODE ONE ONLY**

1. Always
2. Usually
3. Sometimes
4. Never
5. Don't know

ASK ALL

8.11

Q50 What, if anything, has encouraged the use of mediation in your organisation? **READ OUT AND CODE ALL THAT APPLY**

6. Desire or need to reduce the incidence of formal resolution of cases
7. Legislative changes
8. Internal promotion of or support for mediation from senior management
9. The introduction of a formal mediation scheme/procedures
10. Other (SPECIFY)
11. Nothing
1. Don't know

ASK ALL

8.12

Q51 In your opinion, would you say mediation is used....? **READ OUT AND CODE ONE ONLY**

1. Too much
2. Too little
3. Whenever necessary
4. Don't know

WHERE TOO LITTLE (Q51/2)

8.12

Q52 What steps do you think could be taken to increase the use of mediation?
PROBE FULLY AND WRITE IN VERBATIM

96 Nothing

97 Don't know

98 Refused

ASK ALL

8.13

Q53 How does mediation compare to other routes open to resolve disputes in this organisation? Is it ... **READ OUT AND CODE ONE ONLY**

1. More effective
2. Less effective
3. About the same
4. Don't know

ASK ALL

8.14

Q54 How satisfied or dissatisfied are you with the opportunities you have had in undertaking mediations in your organisation since completing your training?
PROMPT AS NECESSARY AND CODE ONE ONLY

| Very dissatisfied | Fairly dissatisfied | Neither satisfied nor dissatisfied | Fairly satisfied | Very satisfied | Don't know |
|-------------------|---------------------|------------------------------------|------------------|----------------|------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

WHERE DISSATISFIED (Q54/1-2)

8.15

Q55 Why do you say that? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

ASK ALL

New

Q56 How satisfied or dissatisfied are you with the opportunities you have to use the skills and knowledge you have gained from the course in your organisation since completing your training? **PROMPT AS NECESSARY AND CODE ONE ONLY**

| | | | | | |
|-------------------|---------------------|------------------------------------|------------------|----------------|------------|
| Very dissatisfied | Fairly dissatisfied | Neither satisfied nor dissatisfied | Fairly satisfied | Very satisfied | Don't know |
| 1 | 2 | 3 | 4 | 5 | 6 |

WHERE DISSATISFIED (Q56/1-2)

New

Q57 Why do you say that? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

WHERE SATISFIED (Q56/4-5)

New

Q58 In what ways and in which situations have you been able to use the skills and knowledge you have gained from the course, other than in undertaking mediations? **PROBE FULLY AND WRITE IN VERBATIM**

96 No reason

97 Don't know

98 Refused

READ OUT: And now, I'd like to ask you a few questions sentence in Methodology that percentages are rounded and do not always sum to 100 sentence in Methodology that percentages are rounded and do not always sum to 100 sentence in Methodology that percentages are rounded and do not always sum to 100 sentence in Methodology that percentages are rounded and do not always sum to 100 **about the organisation you work for.**

ASK ALL

8.1

Q59 Which of the following best describes what industry your organisation operates in? **READ OUT ALL; CODE ONE ONLY**

1. Agriculture and fishing
2. Energy and water
3. Manufacturing
4. Construction
5. Distribution, hotels and restaurants
6. Transport and communications
7. Finance and business services
8. Public administration, education and health
9. Other (community, personal, social) services
10. DO NOT READ OUT: Don't know/refused

ASK ALL

8.2

Q60 How many employees does your business currently employ across all UK sites, excluding owners and partners?

- INCLUDE FULL AND PART TIME
- INCLUDE TEMPORARIES/CASUALS, BUT NOT AGENCY STAFF
- EXCLUDE SELF-EMPLOYED
- EXCLUDE OWNERS/PARTNERS, BUT OTHER DIRECTORS COUNT AS EMPLOYEES

ENTER NUMBER (RANGE=0-99,999)_____

Don't know

X

Refused

Y

TO COMPLETE IF FIGURE GIVEN AT Q60.

INTERVIEWERS TO RE-ENTER NUMBER INTO RANGE. DO NOT ASK. SINGLE CODE ONLY

| | |
|---------------|---|
| 0-9 | 1 |
| 10-99 | 2 |
| 100-999 | 3 |
| 1,000-9,999 | 4 |
| 10,000-99,999 | 5 |

WHERE UNSURE, PROMPT FOR BANDING AS BELOW:

Which of the following bandings does your workforce size across all UK sites fall into?

1. 1-9
2. 10-49
3. 50-99
4. 100-249
5. 250-499
6. 500-999
7. 1,000-4,999
8. 5,000-9,999
9. 10,000+
10. DO NOT READ OUT: Don't know/refused

SECTION 8: CLASSIFICATION

READ OUT: And finally, a few questions about you so that we can see if people from different backgrounds have different perceptions of the course.

ASK ALL

9.1

Q61 Firstly, which of the following age bands do you fit into? **READ OUT; CODE ONE ONLY**

1. 18-34
2. 35-49
3. 50-64
4. 65+
5. DO NOT READ OUT: Refused

CODE: DO NOT ASK

9.4

Q62 Gender? **CODE ONE ONLY**

1. Male
2. Female

SECTION 9: RECONTACT

ASK ALL

10.1

Q63 Would you be willing to be involved in future research that Acas may undertake to follow up issues arising from this survey? **CODE ONE ONLY**

1. Yes
2. No
3. Unsure/refused

SECTION 10: PILOT FEEDBACK

PILOT SURVEY ONLY, ASK ALL

11.1

Q64 DELETED

Thank you for your time and help.

This interview has been conducted by BMG Research according to the Code of Conduct of the Market Research Society. Under Market Research Society rules, all information you have given me will be kept strictly confidential.

Nothing will be reported back to Acas under your name (we are only reporting back aggregated statistics).

IF RESPONDENTS NEED TO VERIFY THE GENUINE NATURE OF THE RESEARCH

Contact at Acas:

Would you like our telephone number in case you have any queries? It is 0121 333 6006 during office hours and you should ask to speak to Emma Parry or Carys Jones, the people in charge of this project. Alternatively, you can call the Market Research Society on Freephone 0500 396 999.

Thank you again.

Appendix 2: Acas CIWM Training Evaluation – Topic Guide A: Mediator or employee rep

Project Objective: to examine and evaluate the longer term effectiveness of the CIWM training for organisation and employees. Specifically, to:

- provide the Key Performance Indicator
- gather robust data on the use and effectiveness of mediation in the workplace
- identify barriers and facilitators to successful mediation in the workplace
- explore how the mediation training has affected the job or role of the individual or organisation, for example in the use of soft skills
- gain insight into the perceptions of organisations of the Acas in-house training

Introduction

Thank participant for agreeing to take part.

Introduce IES and self.

Give background to research.

Re-iterate confidentiality and how case studies will be reported.

Seek consent for recording.

Any questions?

Background information

Size and structure of organisation – number of employees on this site, and in total.

Role of respondent in the organisation - job title, management and other responsibilities, day to day roles/ tasks.

Number of mediators in the organisation – what parts of the organisation they are from; how they are chosen; background/ training

Historical context

Please could we talk a bit about what this organisation was like, and what role you played, a few years ago - before the CIWM training?

Firstly, what was it like to work here then, for an average employee?

- what were relationships like between managers and employees?
- were there any problems with communication, or harmony in general in the organisation?
- were there any disputes? If so, what type?
- how were employment problems tackled?
- overall, how successfully would you say that disputes were resolved then?
- what was the balance between formal and informal resolution of problems? E.g. reliance on disciplinary and grievance procedures, proportion of cases reaching tribunals.
- how was mediation viewed by the organisation at that stage?
- what about amongst the staff: could they access mediation? how well was mediation accepted/ utilised as a tool for dispute resolution?
- when was it most successful as a dispute resolution tool?
- and what was stopping it from being more used, or more successful, then?

What was your role then?

- what responsibilities did you have in terms of dispute resolution (formal/ less formal)?
- what other responsibilities did you have in your role?
- how much mediation were you undertaking then? (if appropriate)
- how much do you feel the organisation supported you in your mediating role? (if appropriate)

CIWM Training

Now let's talk about the Acas training course for the Certificate in Internal Workplace Mediation.

Looking back now, can you remember why the organisation asked Acas to train up mediators in the organisation?

Do you know what criteria the organisation used to select employees to train as mediators?

If you participated in the course, what expectations did you personally have of the training?

- to what extent were those expectations met?
- to what extent were they not met?

Do you have any comments about the course itself e.g. how it was set up, the teaching methods used, the level at which it was pitched, or the Acas trainers?

Has your view of Acas changed as a result of the training? How?

After the Course

Did you attend the course yourself? If so, what did you learn from the course?

- in what ways has the course been most useful for you?
- what was less useful, if anything?
- what else do you think the course could have covered that would have been useful for you?

How has the way you mediate changed as a result of the training? (if appropriate)

- in what ways has it enabled you to achieve successful mediation outcomes?
- what techniques are proving the most useful?
- what barriers, if any, have you had to overcome?

Has the Acas course been helpful in other aspects of your role, other than for mediating?

- has it changed how you communicate with or manage others?
- has it helped with team building?

Mediation Cases Since Completion of the Course

How many mediation cases were you personally involved in the year after you completed the CIWM course? (if appropriate)?

Do you know how many mediation cases there have been since the course was held?

What is considered a successful/unsuccessful mediation cases?

How do organisation/systems/processes help or hinder the outcomes?

What do you see as the longer term or broader effects of the mediation?

The Organisation Now

We talked earlier about what the organisation was like before you went on the training. How does this compare with what it is like now?

How aware are employees here that mediation is available to them? Do you think that levels of awareness have changed since the course?

Has the Acas training lead to organisational changes in how disputes have been resolved?

- Is mediation used in disciplinary issues
- Is mediation used in grievance issues
- Any areas where it would not be available?
 - in what ways does the organisation view mediation differently now from what they were before?
 - what else has changed as a result of training up mediators?
 - Have the mediators had any direct or indirect influence to any changes here? E.g. improving access to or willingness to seek mediation; preference for informal v formal resolution; including mediation in disciplinary or grievance procedures.

What do you think your organisation has gained from training up mediators on the Acas course?

- Would you say that it has achieved its original objective for sending you on the course?

Thinking about the impact of the course, do you think the presence of CIWM-trained mediators in your organisation has had any impacts, directly or indirectly, on...

- the types of dispute that tend to arise now?
- the types or numbers of dispute that go through more formal channels, or reach an employment tribunal?
- awareness of mediation amongst the workforce?
- the take up of mediation?
- the success of mediation?
- the success of dispute resolution in general in this organisation?
- what it is like to work here now, for an average employee?
- relationships in general between managers and employees?
- communication, harmony or morale in general in the organisation?

What is your role now?

- what responsibilities do you now have in terms of dispute resolution (formal/ less formal)?
- what other responsibilities do you have in your role?
- how much do you feel the organisation supports you now in your mediating role?
- how confident are you now in your mediation skills?
- what problems do you experience now, and why? e.g. cultural/ process issues, training/aptitude/knowledge gaps

What help or training do you see you might need in the future to improve your mediating skills, or success rate?

In what ways do you think that your organisation needs to develop to perhaps enhance the effectiveness of dispute resolution here? Specifically, what do you think are the barriers to successful mediation and what are the facilitators?

Closing Comments

Do you have any further comments about how the Acas course has influenced you, your team or your organisation in addressing and resolving disputes?

Is there anything else that you would like to feed back to Acas before we close?

Thank and Close

Appendix 3: Acas CIWM Training Evaluation – Topic Guide B: Senior HR/Managers

Project Objective: to examine and evaluate the longer term effectiveness of the CIWM training for individuals and for organisations. Specifically, to:

- provide the Key Performance Indicator
- elicit perceptions of the accreditation process
- gather robust data on the use and effectiveness of mediation in the workplace
- identify barriers and facilitators to successful mediation in the workplace
- explore how the mediation training has affected the job or role of the individual or organisation, for example in the use of soft skills
- gain insight into the perceptions of organisations of the Acas in-house training

Introduction

Thank participant for agreeing to take part.

Introduce IES and self.

Give background to research.

Re-iterate confidentiality and how case studies will be reported.

Seek consent for recording.

Any questions?

Background information

Size and structure of organisation – number of employees on this site, and in total.

Role of respondent in the organisation - job title, management and other responsibilities, day to day roles/ tasks.

Number of mediators:

- what parts of the organisation they are from; how they are chosen; background/ training
- Acas trained v trained elsewhere v not trained

Historical context

Please could we talk a bit about what this organisation was like, and what role you played, before Acas gave the mediation training here?

Firstly, what was this organisation like then...?

- what were relationships like between managers and employees?
- were there any issues or problems with communication, or harmony in general in the organisation?
- how were employment problems tackled?
- what impact did employment problems and the way they were handled have on the organisation or culture here?
- were there any disputes? If so, which type?
- overall, how successfully would you say that disputes were resolved then?
- what was the balance between formal and informal resolution of problems? E.g. reliance on disciplinary and grievance procedures, proportion of cases reaching tribunals.
- how was mediation viewed by the organisation at that stage?
 - was it written in to or part of formal disciplinary or grievance procedures?
 - how much did the organisation support the use of mediation?
 - was it on offer? was it in use? when was it used and why?
 - (if used) who conducted the mediation (PROBE: internal v. external mediators, background/ qualifications of mediators/ mediator agencies)?
 - how successful was it?
 - when and why was it less successful?
 - what about amongst the staff: how well was mediation accepted/ utilised by them as a tool for dispute resolution?
- were there any organisational or cultural factors here that stopped mediation from being used/ more used then?

What was your role then?

- what responsibilities did you have in terms of dispute resolution (formal/ less formal)?
- what other responsibilities did you have in your role?
- how much, if any, mediation were you personally undertaking then?

CIWM Training

Now let's talk about the Acas training course here for the Certificate in Internal Workplace Mediation. Looking back now, can you say why the organisation decided to train up mediators in the organisation?

- were there particular issues or problems with dispute resolution in general, or mediation in particular that needed addressing? (e.g. organisational/ cultural/ process issues, training/ aptitude/ knowledge gaps)

Did you consider a number of training providers, or just Acas?

- did your organisation have any prior experience or perceptions of Acas, for training or other services?
- why was Acas chosen to provide the training?
- how was the decision made to use Acas? Who decided?
- How important was accreditation in the choice to use Acas

What expectations did the organisation have of the training?

- - to what extent were those expectations met?
- - to what extent were they not met?
- - to what extent have wider organisational objectives been met by the training? PROMPT: better employment relations? more/ more effective deployment of informal dispute resolution?

Do you have any comments about the course itself e.g. how Acas communicated with you or your organisation about the objectives, set up, content or structure of the course; or how well it was run (e.g. the quality of the teaching methods or the trainers, or the level at which it was pitched)?

What about the subsequent accreditation process for the mediators – what comments do you have on the portfolio-building, assessment and gaining the CIWM accreditation?

- have the individuals you sent on the course since gained accreditation? If not, do you know why not?
- how did this accreditation process affect the staff involved?
- how did it affect or impact on the organisation?
- have you offered any support to the individuals involved to help them gain accreditation?

Which employees were offered the opportunity to take the mediation course?

How were they chosen?

What positions do they hold in the organisation?

Has your view of Acas, or the views of the organisation, changed as a result of the mediation training taking place? How?

Since the Training

We talked earlier about what the organisation was like before the training took place. How does this compare with what it is like now?

- overall, when is mediation now used in your organisation?
- when is it not used?
- At what point do you offer mediation/ (probe particularly for mediation in the case of disciplinary and grievance situations)
- are employees aware of the availability of mediation?
- have there been changes or reviews of the systems in place for mediation or the provision of mediation in the organisation, and/or are there some planned?
 - (if yes) what effects have these changes made?
 - (if yes) what challenges or issues have arisen or had to be overcome as a result of these changes to mediation policy/ procedures? PROBE FULLY
 - (if no) in what ways, if any, have dispute resolution policies or procedures shifted in the organisation since the Acas training?
- what support would have been useful to support these policy/ procedure changes? What might be useful in the near future?
- have any mediations been carried out since the training?
- if yes, what has been the outcome of these mediations, as far as you know?

What do you feel that those that attended the course learnt from the experience?

- what skills do they now have that they didn't have before?
- in what ways has the organisation benefited from training up mediators in this way?
- have there been any disadvantages of training up mediators in this way?
- what else do you think the course could have covered that might have been useful for your organisation?
- has anything else changed as a result of training up mediators?

In what ways have staff been able to consolidate what they learnt on the course?
PROBE FULLY.

Thinking about the impact of the course, do you think that the Acas CIWM training in your organisation has had any impacts, directly or indirectly, on.....

- the types of dispute that tend to arise now?
- the success of dispute resolution in general in this organisation?
- the types or numbers of dispute that go through more formal channels, or reach an employment tribunal?
- formal disciplinary or grievance procedures e.g. has mediation subsequently been included in formal procedures?
- the attitude of the organisation towards formal v informal dispute resolution?
- the attitude of the organisation to mediation in particular?
- the awareness of mediation amongst the workforce?
- the access to or take up of mediation?
- what mediation is used for?
- how mediation is used (techniques/ methods/ role of mediator)?
- the success of mediation?
- relationships in general between managers and employees?
- what it is like to work here now?
- communication, harmony or morale in general in the organisation?

How does your organisation define a 'successful' mediation?

- has this changed since the Acas course?
- how do you monitor how well mediation is working in the organisation?
- how does the success rate of mediation compare to other tools for dispute resolution?

Has the Acas course had any other benefits to the organisation other than the mediation function?

- have those who were trained benefited in any other ways than in just their mediating skills?
- has it changed the way they work more generally, or how they communicate with or manage others?
- has it helped with team building?

The course had a number of key aims – how well has it enabled your organisation to...

- understand the causes and effects of workplace conflict?
- identify when internal workplace mediation is appropriate?
- understand the mediation process?
- give people confidence in their mediation skills?
- enhance communication skills, such as listening, questioning, persuading, and negotiating?

What help or training do you see the organisation might need in the future with regard to mediation, or dispute resolution more generally?

- In what ways do you think that your organisation needs to develop to perhaps enhance the effectiveness of dispute resolution here?

Can I just confirm, what is your role now?

- what responsibilities do you now have in terms of dispute resolution (formal/less formal)?
- what other responsibilities do you have in your role?

Closing Comments

Do you have any further comments about how the Acas course has influenced you, your team or your organisation in addressing and resolving disputes?

Is there anything else that you would like to feed back to Acas before we close?

Thank and Close

