

Research Paper

Conflict Resolution and Mediation at Bradford MDC A Case Study

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PREFACE

This report is one in a series of papers exploring innovative approaches to conflict management in the workplace. It follows two earlier papers on conflict resolution strategies, one in the public sector and the other in a private sector organisation (see Acas Research Papers 01/11 and 05/12).

Acas is grateful to Bradford Metropolitan District Council for its participation in the study, and to Dr Richard Saundry, from the Lancashire Business School for his work.

1. INTRODUCTION

According to the government, the UK's system of dispute resolution *'is not working as originally intended and is often not a positive experience for either employer or employee'* (BIS, 2011b:3). There is little argument that recent years have seen growing concern over the issue of workplace conflict and individual employment disputes. The government's recent consultation on 'Resolving Workplace Disputes' cites research claiming that employees in the UK spend an average of 1.8 days per week dealing with conflict at a total annual cost to the UK economy (in 2008) of £24 billion (BIS, 2011a:19). Moreover in 2010/11, 218,000 claims were submitted to employment tribunals compared to 86,181 in 2004/5 (Ministry of Justice, 2011). Consequently, there has been increased focus on the ability of organisations to develop new and innovative approaches to the management of conflict.

Much of the policy debate in this area has revolved around the promotion of workplace mediation and the potential of in-house mediation schemes to change the 'culture' of conflict management (BIS, 2011b). There is a growing body of evidence that mediation provides a relatively quick, cost-effective and successful way of resolving individual employment disputes that might otherwise become enmeshed in long, complex conventional procedures and/or escalate into litigation. In this way, mediation is seen as having clear advantages over conventional discipline and grievance procedures (Sergeant, 2005; CIPD, 2008; Johnston, 2008; Harris et al., 2008; Latreille, 2010, 2011). Recent Acas research into the impact of workplace mediation has also pointed to its potential to act as a conduit for broad changes in employment relations and conflict management. Saundry et al.'s (2011) case-study of the introduction of mediation at an NHS organisation focussed on the way in which high-trust relationships between key actors within conflict resolution could be built, in particularly between managers and trade union representatives.

However, there are clear barriers to its adoption. Research undertaken by Acas found that just 5% of private sector businesses had used mediation, falling to just 4% in small and medium sized enterprises (SMEs) (Williams, 2011) for which the perceived costs of mediation are seen as a significant disincentive (Harris et al., 2008; Johnston, 2008). Furthermore, the relevance of mediation beyond interpersonal disputes and particular its applicability to disciplinary disputes has also been questioned (Saundry et al., 2010).

This suggests that we perhaps need to look beyond mediation alone as a means of developing increased 'conflict competence' within organisations. For example, Lipsky et al., (2003) have argued that organisations should seek to develop integrated conflict management systems (ICMS) which combine different interest based (i.e. mediation) and rights based (i.e. grievance procedures) processes.

This report explores the case of an organisation, Bradford Metropolitan District Council (MDC) that has introduced a range of approaches in order to try to reshape the way in which conflict is managed and disputes handled. Specifically, it examines three specific initiatives: the introduction of an in-house mediation scheme; the development of an agreement between management and unions that established an Industrial Relations Framework aimed at encouraging the informal resolution of both collective and individual disputes; and a Pilot scheme

which established a network of twelve 'Resolution Officers' in the Council's Department of Culture, Tourism and Sport (DCTS).

The report is structured as follows. Firstly, we describe the methods used to conduct the research and then outline the background to the study, describing the employment and industrial relations context. We then set out the historical background of dispute resolution within Bradford MDC – identifying the key barriers to informal resolution. We then explore in greater detail the impact of the initiatives outlined above. Finally, we conclude, highlighting the insights gained in relation to policy and practice.

2. METHODOLOGY

This research is based on an exploratory case-study within Bradford MDC and had three main elements:

- Examination of documentation regarding existing policies for dealing with individual employment disputes and relevant collective agreements.
- In-depth interviews with key informants including operational managers from DCTS, HR practitioners and trade union representatives.
- Detailed interviews with Resolution Officers.

First, existing documentation regarding individual dispute resolution was examined. This included policies and procedures relating to grievance, discipline and mediation and in addition, the Industrial Relations Framework was also examined.

Second, interviews were conducted with key organisational actors. These included three members of the HR department who either had close involvement with the DCTS Pilot or dispute resolution within DCTS as a whole. The co-ordinator of the mediation scheme (and sole mediator) was also interviewed. In addition, three senior managers who had been on the DCTS Pilot steering group were interviewed as were the two officials representing the largest trade unions (UNISON and GMB). The purpose of these interviews was to explore the evolution of dispute resolution within Bradford MDC (including the introduction of mediation and the IR Framework) and then to discuss the impact of the DCTS Pilot within this context.

Finally, seven managers who were trained as Resolution Officers were interviewed. These interviews focussed on their views as to how the training had impacted on their own attitudes and practice but also their views as to broader changes in the way in which conflict was managed within the organisation.

In total, 16 interviews were conducted amounting to over twelve hours of interview data. The majority of the interviews were conducted in person in the respondent's workplace. However for logistical reasons, three interviews were conducted by telephone. All respondents were assured anonymity, and interviews were transcribed and returned to respondents for approval and amendment.

3. BACKGROUND

Bradford Council is a large metropolitan council responsible for the provision of a wide range of public services, such as social services, education, housing, highways, planning, libraries, street cleaning and environmental protection. It was formed in 1974 following a major national re-organisation of the local government system and is one of 36 MDCs in the UK.

In 2010, the Council employed 9566 staff (excluding schools and education) employed within eight departments, as outlined in Table 1. Since that time, there has been some re-organisation. In particular: the original Department of Culture, Tourism and Sport (DCTS) no longer exists having been subject to restructure in 2010 with different elements incorporated into the Department of Environment and Neighbourhoods and a new Department of Regeneration and Culture.

Table 1: Employment by department (2008-2010)

	2008	2009	2010
Adult and Community Services	1958	2006	1981
Children and Young People	1756	1765	1925
Corporate Services	385	972	979
Culture, Tourism and Sport	885	856	819
Chief Executives Department	22	203	208
Environment and Neighbourhoods	835	2712	2840
Performance and Communication	0	86	97
Regeneration	722	724	717
Total	6563	9324	9566

In terms of workplace demographics, almost two-thirds of the Council workforce was made up of women, although as can be seen from table 2 (below) this varied markedly between different departments. In addition just over one-fifth of staff came from ethnic minorities.

Table 2: Employment by gender and ethnicity (2010)

	Female Employees	Ethnic Minority Employees*
	%	%
Adult and Community Services	83.8	20.8
Children and young people	73.0	25.2
Corporate services	62.3	17.3
Culture, Tourism and Sport	52.1	12.3
Chief Executives Department	61.2	13.4
Environment and neighbourhoods	61.9	23.4
Performance and communication	56.7	31.8
Regeneration	36.3	18.5
Total	65.9	21.1

* defined as non-white – hence Eastern European and other white minority groups are not included in this definition

Ninety-one per cent of the Council's workforce (in 2010) worked in established posts with only nine per cent on temporary contracts. However, the Council employed a significant amount of casual staff (i.e. agency workers) amounting to 1,713 in 2010. The average age of Council staff is 44, a figure that has remained fairly stable in recent years. Just over three per cent of Council employees were disabled.

In light of the severe restrictions announced as part of the Comprehensive Spending Review in 2010, the Council announced a series of measures to reduce spending and increase efficiency. It should be noted that these followed earlier attempts to cut costs with around 500 posts lost through a recruitment freeze initiated in November 2009. In November 2010, Section 188 Notices (of potential redundancy) were issued to all staff alongside invitations for voluntary redundancy and reduced working hours. In addition senior management was restructured and all non-essential spend was curtailed.

The structure of industrial relations within the Council is typical of that found elsewhere within local government in the UK. Traditionally, it has been heavily regulated through collective agreements and formalised processes and procedures. The workforce is highly unionised although density varies between departments. The three largest trade unions are UNISON, GMB and UNITE – all of which are recognised for collective bargaining purposes.

Individual employment disputes within the Council are managed through a range of procedures in relation to discipline, grievance, capability, absence and bullying and harassment. While operational managers have responsibility for dealing with disciplinary and grievance issues, each department has a dedicated HR advisor based at a central location, who provides advice and guidance when requested. Over the past ten years, there have been three main initiatives aimed at improving dispute resolution within the Council. First, in 2002, the Employee Advisory and Mediation Service (EAMS) was introduced. Second, the Industrial Relations Framework was agreed between unions and management in 2008. This aimed to provide a basis for constructive employment relations and a more informal approach to conflict resolution. Finally, the Council established a conflict resolution Pilot scheme within the Department of Culture, Tourism and Sport (DCTS) in which twelve 'Resolution Officers' were trained. The nature and impact of these measures is examined in detail below.

4. 'THE WAY THINGS WERE' – FORMALITY AND CONFLICT MANAGEMENT

Traditionally, the handling of individual employment disputes within Bradford MDC relied on the detailed and complex procedures that governed disciplinary and grievance issues. Provisions extended significantly beyond statutory requirements and guidance with the Acas Code of Practice on Discipline and Grievance. For example, hearings within these procedures were adversarial with cross-examination of witness evidence. In addition appeals could be made beyond management to council members. According to one management respondent:

'...over the years, we'd built up this bureaucracy, huge paper chain, lengthy grievance procedure which seemed to lose sight of actually trying to achieve solutions...So there was discontent from managers because they were endlessly investigating things and it was taking a long time; discontent from the individuals who had lodged them because they lost of sight of... well they weren't getting an answer, really.'

There was the potential to resolve issues informally but that very much depended on the nature of the workplace relationships between union representatives and managers – in the majority of cases a formal route was followed. This was explained by a union officer:

'I'd find myself sometimes doing things informally and resolving things that way but the majority of the other times where I didn't have that kind of relationship I would have to go into the formal procedures straightaway albeit grievance or complaints procedure. And it's your formal complaint and that generates an investigatory process which takes up an awful lot of time.'

However, this was not straightforward as different parts of the Council were seen to have different approaches. This was partly due to the nature, and history of relationships within that department but was also linked to the type of work conducted. For example, in areas of social services that were subject to high levels of external regulation and public scrutiny, disputes tended to be handled formally:

'There was never historically any intention or intent to try and resolve things informally. So consequently the whole of the department gets backed up with investigating grievances and complaints. That was just the kind of, what's the phrase I'm looking for? Well it was just the way that department operated.' (Union respondent)

In other areas, particularly those with a high proportion of manual staff, conflict may have been commonplace but there were close relationships between unions and management which tended to help resolve issues at an earlier stage. Furthermore, the nature of relations between managers and employees tended to be more robust and informal:

'...we spent years working with the unions to build a really good relationship and to try and get them to understand that we had a job to do and a service to deliver and if they weren't here performing we couldn't do

that, so we built a really good kind of union relationship and I think it's still there today.' (Management respondent)

However, where such relationships were absent, mutual distrust often led to an adversarial approach. A number of management respondents felt that in the past trade union representatives had tended to pursue formal remedies:

'...it tended to go from nought to a hundred on the Richter scale of disputes very, very quickly... I would be, for example, called up by the union to be told that a member of staff was taking out a grievance...there's been no kind of heads up in advance of that, or any discussion or any attempt to resolve the matter; it was simply a case of moving straight in to a formal process.' (Management respondent)

From the union perspective, however, any preference for formality arose from a lack of trust in management. In particular, representatives would be very reluctant to become involved in any kind of informal discussion regarding a grievance or a disciplinary case believing that anything said could be used against them in the future. Union respondents explained that in this atmosphere, representatives tended to look for procedural flaws and where possible use these to advance their member's case. Of course, this was perfectly legitimate, however, managers responded to this by sticking rigidly to procedure to avoid decisions being appealed or their approach being criticised. One respondent commented that:

'every manager in this organisation will know of a grievance that went horribly wrong and that ended up in say an employment tribunal and things and there's a lot of fear about if they dabble in some sort of informal they might get it wrong and then the complaint will turn against them'. (Mediator)

At a more fundamental level, it undermined the motivation of managers to deal with emerging issues before they escalated into disputes. Not only were managers concerned about making mistakes but they also believed that addressing issues or behaviours would simply mean being tied up in long and complex formal processes. According to one manager, *'we would want to pursue it but you just didn't have the energy to do it.'*

One of the underlying problems was the lack of emphasis on training in terms of conflict resolution. It was argued that staff were often promoted into managerial roles due to their professional or technical expertise and expected to be able to deal with disciplinary and grievance issues. While some had a natural aptitude for people management, others felt very exposed by their lack of knowledge and experience. This was brought into stark relief when dealing with trade union representatives:

'I think the difficulty in resolving issues when they're on a formal footing like that is that the union teams are very, very adept at how to handle a grievance or a disciplinary scenario. They know all the formal processes and they're operating them on a daily basis, whereas for managers encountering those scenarios you might get, if you're lucky, a sort of half day training course on handling a grievance or a disciplinary and you

might if you're lucky see ten screens of a power point that give you salient points.' (Operational Manager)

The relationship between HR practitioners and trade unions was also seen to be important in determining the way in which conflict was managed and disputes handled. Where HR staff and union representatives did not deal with each other on a regular basis, there tended to be a lack of trust and formal approaches predominated. In contrast, good relationships underpinned informal processes of resolution. A number of respondents argued that this had been more likely under previous systems where departments had their own personnel or HR function. HR practitioners explained that being located within a department meant that constructive relations with trade union representatives were more likely to be developed which in turn helped to underpin informal resolution. One reported that:

'...we had quite a good working relationship with some of the local stewards in there so if there was an issue that had been brought to one of the stewards attention by an employee or one of their members they wouldn't necessarily accept that as being that's what's gone on they would quite often pick the phone up to myself or my colleague...they gave us an opportunity to try and resolve it informally if we could...'

However, the centralisation of the HR function and a reduction in the level of dedicated resource devoted to handling individual employment disputes had, according to a number of respondents, created a degree of distance between HR practitioners, union representatives and operational managers. Trade union representatives were left to deal with managers who they often did not know. While some managers had good relations with trade union representatives, others had little experience or saw trade unions as a hindrance (as discussed above). The result was an erosion of those processes that had helped informal resolution.

While managers found these changes challenging, trade union representatives believed that greater responsibility being placed on relatively inexperienced management meant that they were more likely to win cases as a result of procedural irregularity.

'There were failings in procedure on the part of management. We had a better understanding...Managers, they're not HR advisers so they might see the policy but until they actually needed to use it and things brought to their attention. So procedurally we had quite a lot of wins.' (Trade union respondent)

Unfortunately, however, this tended to reinforce formal approaches – managers would be more likely to shy away from addressing issues or adopt a safety first approach in order to avoid a challenge from the union. Moreover, 'wins' by either side further undermined trust and made informal resolution less likely.

Overall, therefore, a combination of complex procedures, adversarial management-union relations, a lack of people management experience and the centralisation of the HR function combined to embed a culture of formality and conflict.

5. THE ROLE OF MEDIATION AT BRADFORD MDC

In response to the perceived problems caused by lengthy and costly disputes, the Employee Advisory and Mediation Service (EAMS) at Bradford MDC was initially established in November 2002. As such it was one of the first workplace mediation schemes in the UK. EAMS emerged from an existing community mediation service which largely dealt with neighbour disputes amongst council tenants. Initially, twelve mediators were trained drawn from a wide range of jobs and grades – ‘from a head-teacher to a dog warden’. There was also an informal agreement that trained mediators would be given time-off from normal duties to perform the role.

The rationale for the scheme was to reduce the significant costs involved in employee grievances and other employment disputes. According to one respondent:

‘...it was about these things were just going on and on and on for months and months, people off sick, all that kind of stuff but also the cost to the organisation. So they were some of the drivers and obviously on the positive side it’s about trying to offer, to say to people that you shouldn’t have to suffer from issues such as harassment, discrimination and that in the workplace and we’re going to try and support people through those processes.’

It is important to note that the service was deliberately established to provide advice in addition to mediation. This slightly broader remit means when a case is referred to EAMS, the co-ordinator will meet the individual who has raised the issue. However, this meeting is not simply to discuss mediation but will also explore any other available options. This provides an opportunity for individuals to talk in confidence about their situation and how it is affecting them. The co-ordinator helps the employee to make an informed choice as to the next steps and where they can access further advice on their situation. As can be seen from table 3 (below), most cases do not proceed to mediation and are resolved at this stage. Where it is decided to proceed to mediation, the co-ordinator will contact the relevant parties, and where they are agreeable, will hold individual meetings before convening a joint mediation meeting.

Initially, the views of stakeholders regarding the introduction of EAMS were mixed. While trade unions welcomed the introduction of the service they did not become actively involved as mediators and viewed it as something quite separate to their normal representative role. Amongst managers there was perhaps more scepticism. In particular, there were concerns that mediation would simply be used either by employees who objected to being managed or managers who were reluctant to address difficult issues. In an attempt to overcome such concerns, the mediation service was promoted as ‘informal resolution of employee complaints’ with the service co-ordinator conducting training sessions across the Council:

‘...we sent out an email advertising this and for one email I got 150 people interested, so that kept me going for a year...a lot of managers were struggling with grievances and things so were keen to find out, or had had bad experiences themselves. So what I found is, doing that training, it’s

only like half a day, built up relationships, and then a few weeks later you'd get referrals.'

In addition, EAMS was advertised to employees in a range of ways, from the Council's newspaper to stickers on the back of toilet doors and through e-mail. There was general agreement amongst respondents that awareness of EAMS had increased but it was felt that there was still some resistance from a minority of managers who saw referring a case to mediation as '*as a sign of weakness*' and a challenge to their authority. Moreover within our sample, a minority of management respondents, while generally supportive of mediation, felt that it was sometimes used as an alternative to taking firm and necessary action. Table 3 presents evidence on the operation of EAMS.

Table 3: Use of the Employee Advisory and Mediation Service

Year	No. of Clients	Joint Meetings	Cases resulting in formal grievance
2003/4	80	5 (22 clients)	2
2004/5	59	5 (12 clients)	3
2005/6	55	8 (30 clients)	5
2006/7	60	4 (9 clients)	1
2007/8	75	7 (*)	3
2008/9	104	26 (52 clients)	0
2009/10	130	36 (clients)	1
2010/11	148	37 (74 clients)	1

* - no figure available for number of clients in 2007/8

The pattern of use of the mediation service shows a slight fall in the two years after its launch but a steady rise to a high point of 148 cases handled in 2010/11. In its early days, EAMS was not specifically linked to or located within a functional area, such as HR or occupational health. As a result, there was little strategic link between mediation and the broader approaches of the organisation towards conflict management. For example, mediation was not specifically integrated into other employment relations processes and as a consequence awareness of the service was constrained. More recently, this has now begun to change with mediation included within discussions over revisions to grievance and disciplinary procedures.

Furthermore, the service co-ordinator is now located within the occupational health service. As a result, EAMS is now routinely used for long-term sickness absence cases related to workplace stress where there is no medical resolution. This has significantly increased the number of referrals in the last 2-3 years:

'...if anybody goes through occupational health as a result of being off work because of stress or as a result of any workplace conflict or workplace issues, then part of the intervention that the employee health and well-being unit would suggest ... is to go through mediation and put that in as a route to try and resolve the issues, whether it's somebody feeling stressed about work or there are workplace relationships issues in there...'
(Management respondent)

While EAMS has been used to deal with underlying issues of long-term absence in recent years, the bulk of its referrals relate to employee complaints and grievances. Straightforward disciplinary issues were generally not seen as suitable for mediation. Nonetheless in cases of alleged bullying and discrimination the dividing lines between grievance and discipline were often blurred. In particular it was suggested that where an inter-personal dispute had led, or could lead, to misconduct, mediation may play a role in averting this. For example, where an employee complained that they have been subject to mistreatment, an investigation would normally take place. But often it would be impossible to prove misconduct, especially where suspicion fell on a group of employees. Here, using a formal procedural route would prove little but would probably destroy relationships as innocent staff would feel that they were being treated unfairly. In such situations mediation offered a viable and effective way forward.

In terms of the impact of the scheme, there is clear evidence that EAMS has been effective in resolving those disputes referred to it. As noted above, a significant proportion of cases do not proceed to mediation. Although it is difficult to trace the outcome of such cases, since its inception EAMS has dealt with a total of 711 clients with only 16 subsequently resulting in a formal grievance.

In addition, there was some evidence that as well as resolving specific disputes, participation in the mediation process had a positive effect on management practice in regard to conflictual situations. The co-ordinator of EAMS argued that:

'...for those individuals who have been through either training or through the process themselves what they've said is, for example you know that reframing? Oh yeah, I like that, I'm going to use that again.'

This was supported by a management respondent from the HR department who saw a marked change in the attitudes of most of those participating in mediation:

'Even if they still think they're right and they still haven't done anything right it will get them to perhaps see that there is somebody's else's point of view and that perhaps with hindsight they maybe could have handled things a little bit differently and that maybe next time they might try doing things a different way.'

Operational managers that had been involved in mediation clearly found the process beneficial. In particular, it provided a different way of looking at conflict and their role within it. One respondent explained that they had been through mediation. Prior to taking part they had been vaguely aware of the service, but never used it, however, they found the process extremely useful both in resolving a very difficult situation but also in giving them:

'...a different perspective I suppose and just some kind of ideas really perhaps how I could manage [] going forward...what I could do differently.'

Another operational manager who had been through mediation also found it to be a positive experience which impacted upon his practice:

'...I found that going to mediation was probably the softest way of getting a point across and giving the other person the chance to put their feelings

across as well. So I thought it was really good... it certainly made me more aware of the system that you could use. And I was then more willing to go into that same sort of scenario again where you could say right look we can talk this over in a nicer quieter more friendly way.'

However, EAMS also faced challenges. While it had begun with a group of trained mediators, at the time of writing, the only mediator within the service was its co-ordinator who works part-time, although a mediator working in another area could be called upon where there was a conflict of interest. The gradual reduction in the number of mediators reflected the difficulty of combining mediation with substantive roles and functions. This was explained as follows:

'People had moved, people were doing two jobs and people, a couple retired and people were just finding their day job more and more pressured so it was the facility time or time out. Some people, the more senior they were the more they were able to release themselves really, to manage their own diary and made time. The less senior, the more front line, if you worked on an information shop or something like that, you know they needed it in triplicate before they could come out to see people'.

While this did not impact on the ability of the service to respond to referrals a number of respondents felt that EAMS was under resourced. This limited its profile and the prevented its wider use within the organisation.

In general, the introduction and development of EAMS was seen as positive both in terms of resolving a significant number of the disputes referred to it and also in inculcating good practice. Nonetheless, it was accepted that much more work was needed to fully embed mediation and alternative approaches to dispute resolution within the Council.

6. BUILDING RELATIONSHIPS, REDUCING FORMALITY – THE IR FRAMEWORK

In 2008, an Industrial Relations (IR) Framework was negotiated between management and unions. This represented an attempt to develop partnership working and manage both collective and individual conflict in a less formal and more consensual manner. This was largely driven by the fact that:

'...that there were so many disciplines and grievances outstanding. So you're talking about investigations backed up for months and months on end... because everyone was using the formal process there was just so much management time and HR time being chewed up in investigations.'
(Trade union respondent)

The Framework had three main elements: firstly, it set out the terms of a partnership agreement which aimed to inculcate a new approach to industrial relations *'based upon a willingness and commitment to:*

- *Develop a culture of responsibility and trust*
- *Recognise and understand the roles and responsibilities of both parties*
- *Consult*
- *Negotiate*
- *Compromise*
- *An informal consultation and negotiation style*
- *A formalised record of both decisions and/or disagreements through the production of written action points'*

(Industrial Relations Framework – April 2008)

Secondly, there was an acceptance that the scale of change that the Council was facing could be a potential source of conflict. Therefore in an attempt to minimise conflict and manage any that did emerge, the Framework set out the basis for 'on-going engagement between the Council and Trade Unions as well as specific consultation/negotiation on a change issue'. This involved the establishment of a committee structure at service, department and corporate level which provided regular meetings between trade unions and management. In particular the importance of discussing issues jointly before decisions were made was stressed. In addition, the agreement introduced a clear procedure for resolving disputes between unions and management through the use of mediation.

Thirdly, the Framework incorporated a detailed agreement on union facility time. This ensured that representatives had adequate time to engage in informal processes in addition to representing where necessary in formal hearings. Furthermore, it helped to clarify the roles and expectations of managers and trade unions:

'I think having the IR Framework has also put some parameters around things like time off and I think that was always a bit of a grey area for trade unions whereas some managers were unclear what they could and couldn't do...' (HR Respondent)

The introduction of the Framework was also underpinned by a programme of joint training for management and union representatives. While Acas (Yorkshire and

Humberside) did not provide this training, they played an important role in explaining the potential benefits of a more informal approach to both management and unions.

Respondents from all sides agreed that the IR Framework had developed improved relationships between unions, managers and HR practitioners which had in turn allowed for a greater emphasis on informal resolution. For trade unions, a key issue was ensuring that managers had the authority and the confidence to enter into informal discussions and seek resolutions without a fear that there would be some sort of comeback from more senior management. The IR Framework was seen to be instrumental in this. According to one union respondent:

'...it didn't change overnight... both sides had thought everything had to be formal and I think very slowly... you know there are some trade union reps that are more difficult to deal with than others and vice versa with managers, but I think where you've got a manager who is confident in carrying out their role, given the ability to exercise some discretion and not fearing that it would come back on them either from the trade unions or from higher management, I think that sort of made the process of informality a bit more relaxed.'

Consequently, improved relationships had helped to provide a basis for more informal resolution. Another HR practitioner echoed these views:

'...the IR Framework was all about, from my point of view, getting managers and union to realise that we've got to work together...there didn't seem to be a proper understanding of what each other's role was and it would always be a case of, you know, thou shalt follow a procedure...'

This meant challenging a culture that saw employment relations in terms of 'winning and losing'. According to the trade union representatives interviewed, the outcomes, post IR Framework, were better for their members as well as helping to preserve management-union relations:

'We do tend to 'win win' because it just doesn't get that far. So the member wins because they're not stressed going through a process. Management win because less time is spent on dealing with things at a formal level...You know for me to submit a grievance on behalf of a member that's you know maybe not very good at reading and writing or English isn't their first language, it takes hours to get to the point of having a formal grievance to submit whereas a discussion with a manager you know is a lot easier so it saves a lot of time. It is a win win all the way around.'

However, it was acknowledged that this view was not universal. While the largest unions (UNISON and GMB) within the Council were fully supportive of the IR Framework, some union members and representatives felt that the relationship between unions and management had become too close. Union respondents accepted that some of their members had a perception that they were now *'in bed with management'*, however, they argued that this was not the case. They claimed that they were still prepared to challenge management in the strongest

terms but only when necessary and appropriate. Union representatives believed that as a result, when they did challenge managerial actions and decisions, their objections had much more force.

Prior to the introduction of the IR Framework there had been '*a culture of grievance and counter grievance, appeal, counter appeal*' and in many cases trade union representatives were able to use their procedural expertise to expose procedural irregularities. However, this did not necessarily result in better outcomes for those involved:

'They've plenty of people in management and trade unions who'll say "well according to section five of the procedure, paragraph three you've haven't followed this. You haven't showed the letters in time so we'll scrap the whole process." And that's what becomes a win/lose type of approach and I don't think it's ever paid dividends for anyone that I've had experience of representing.' (Trade union respondent)

In contrast, the IR Framework encouraged informal resolution which tended to bring union representatives into much greater contact with managers and to develop more trusting relationships. In addition, the training that supported the IR Framework was seen to be of particular value in breaking down barriers, challenging stereotypes and building trust between managers and trade unions. This was even more important, given the devolution of responsibility for managing conflict to operational management. According to one HR practitioner who attended the training:

'I thought it was really useful because I think it got a lot of the managers thinking, well maybe we can do things in a different way, maybe these trade union people aren't as difficult as I think they are. But I also think it built up a lot of trust as well between the trade unions and managers and they maybe appreciated where managers were coming from...'

While it was accepted by respondents that problems remained, senior operational managers had seen a marked difference in the wake of the IR Framework. One respondent explained this as follows:

'...with some members of the team if I have an issue with a member of staff I know that I can ring up their union rep and we can bat it around a bit to try and find a comfortable way forward...and that's definitely come out of the Framework and it's come out from the fact that we've trained together in the Framework so they've been sitting there along with me in the training sessions about the Framework so that we're both operating on the same level.'

However, amongst the respondents interviewed, it appeared that its significance had not necessarily been felt at all layers of the organisation. A number of Resolution Officers interviewed, particularly those outside senior managerial positions, were not aware of the Framework or had been involved in the training. In addition a minority of respondents suggested that while informal resolution was important it needed to be kept in perspective as there were times when a more robust approach was necessary.

Overall, despite these reservations, the findings suggest that the IR Framework provided the basis for a step-change in management-union relations. Crucially, the Framework and the associated training provided a forum in which relationships and trust could be developed and a resolution focussed approach to individual employment disputes fostered. An example of this was the revision of the Council's individual disputes procedures in April 2010. This was in response to changes in legislation and in particular the newly revised Acas Code of Practice on Discipline and Grievance but also a view that disputes tended to be over formalised leading to significant delays and a tendency to escalation. Consequently the new procedures aimed to: place more emphasis on dealing with issues informally and resolving problems at the earliest opportunity i.e. "nipping them in the bud"; increase the use of the Council's Mediation service to assist in resolving problems; and increase the effectiveness of the management of workplace relationships to ensure early intervention. Crucially the changes were not simply introduced by the Council but were developed from discussions within a joint management-union working group.

7. CONFLICT RESOLUTION PILOT IN CULTURE, TOURISM AND SPORT (DCTS)

In November 2009, following further discussions with Acas, a Conflict Resolution Pilot was undertaken within the Department of Culture, Tourism and Sport (DCTS) to build on the work already done with EAMS and through the development of the IR Framework. The main aims of the Pilot were:

- *To ensure informal resolution is considered on all grievances lodged and disciplinary, where appropriate*
- *To ensure, where appropriate that all efforts at informal resolution are exhausted before commencing formal grievance procedures*
- *To increase the skills and confidence of Managers, HR Advisors and Trade Union representatives to resolve staff issues informally*
- *To ensure that issues in the workplace are dealt with quicker and more effectively for all parties.*

(Improving Industrial Relations Pilot in Culture, Tourism and Sport, 2009)

The centrepiece of the Pilot was the training of eleven 'Resolution Officers' who were to act as specialists and provide a point of contact and advice for managers and staff within their areas of work. This was supplemented by an additional one-day training course in conflict resolution for operational managers.

The Conflict Resolution Pilot represented an attempt to further develop informal dispute resolution building on the earlier work of EAMS and the improved relationships that resulted from the IR Framework. As outlined above, despite aspects of success, the lessons of the IR Framework had perhaps failed to percolate to the shop-floor:

'...the IR Framework was a good start but there was still a skill gap between managers at grass roots level, the ones who've got people reporting to them every day and the trade unions at that sort of level as well, there was still a basic lack of understanding about how to deal with things.' (HR Respondent)

Importantly, the Pilot was seen as a crucial part of a broader attempt to change the approach to workplace conflict as a whole:

'...it was about changing that culture of this organisation... It's trying to work with our managers and the TU's and our employees to say, "look, this is the culture we want to embed in the organisation. People are going to have issues but let's get them in the open, let's try and get them on the table and deal with them at the lowest level that we can do and seek to resolve them and if we can't then there are steps you can go through to try and get there".' (HR Respondent)

The Pilot was run within the Department of Culture, Tourism and Sport which had a record of relatively low levels of grievances and disciplinary issues. However, the Department was committed to the project and also represented significant diversity in terms of workforce composition and functions including museum staff, leisure centres workers, gardeners, theatre staff, sports development officers and librarians.

The focus of the project was the establishment of a network of trained 'Resolution Officers'. This idea had emerged from discussions with Acas who had used their 'field operators' network' to trawl for initiatives that had been successfully used in other organisations. Acas were also important in winning support from trade unions for the Pilot. One of the senior managers involved in the initiative argued that their role as an '*honest broker*' was crucial in this respect. The Pilot was overseen by a project group comprised of senior operational managers, HR practitioners, the EAMS co-ordinator and trade union representatives.

The first stage of the Pilot was to inform managers and staff. A letter, a briefing pack, with links to new disciplinary, grievance and absence policies and a further update on conflict resolution was sent to all managers in April 2010 and a letter was sent to all staff. In addition, 13 Team Briefings were completed in the Department of Markets, Libraries, Sport and Museums. However, the Council's own evaluation of the Pilot suggested that, despite these measures not all managers were 'aware of the Pilot and its aims'. It was also pointed out that the degree of publicity had been somewhat restricted by resource issues.

Ten managers from different departments were chosen to train as Resolution Officers who would then act as departmental specialists in conflict resolution, creating a network for experts who could promote and assist with informal resolution of issues and disputes as and when necessary. In addition one union representative was trained as a resolution officer. Of the other two main unions involved, UNITE did not participate in the project, while the largest union, UNISON, was supportive of the Pilot but made a decision not to train any of its representatives as Resolution Officers. Importantly, none of the prospective Resolution Officers had had prior mediation training or any involvement with EAMS.

Each participant that completed the six days of training was awarded a national qualification in conflict resolution, accredited by the Open College Network. In addition training on informal resolution of grievances was planned for all DCTS managers with an invitation also made to trade union representatives. Training sessions were delivered to 91 staff, however planned training for an additional 80 staff did not take place. Furthermore a proposed 'buddying network' for managers across the department was not introduced due to resource issues. Finally, an attempt was made to capture data in relation to informal resolution, however the Council's evaluation of the Pilot concluded that:

'there has been frustration of gathering data, both formal and informal types, that has resulted in not being able to establish baseline information on informal resolution. Gathering data on informal resolution remains a challenge.'

Although the Pilot was curtailed due to the challenging funding context the Council found itself in, respondents believed that it had a positive impact on the way in which conflict was managed. At a broad level, bringing key personnel together within the project group was seen as beneficial:

'We met regularly and what we discussed what works well at the moment, what needs to improve. As we did it, we were trying to learn lessons about what had gone well and what hadn't and what we could do better. The unions wanted us to sit down, look at the existing cases and how they

were going. It was a really good natured group; it didn't feel like a trade union meeting. It was very open.' (HR Respondent)

This in turn helped to develop and improve relationships between the participants. However, the focal point of the Pilot was the training and introduction of Resolution Officers. The training process itself was seen as crucial in two respects. Firstly, it developed improved conflict resolution skills. One manager explained that prior to the training he had felt that in dealing with difficult issues:

'I didn't have all the things in my battery of skills to phrase things quite in the right way always or to get them... to take some responsibility for it because as a manager usually when you enter these scenarios people are very clear that it's your fault. They're very clear to see who has made this scenario happen and aren't quite as willing to acknowledge that they have some part in fixing it...'

Managers felt that the training provided a vocabulary and a range of techniques that they could employ when dealing with conflict. Furthermore, it was argued that this enabled managers to adopt a professional as opposed to an emotive response to difficult issues. Another manager argued that it had changed the way he approached conflict situations:

'...one of the glorious parts of that for me was the thing about reframing because it's really, really easy to appear to take somebody's side in a conflict situation isn't it... And all of a sudden then you've become somebody's enemy...it made me think more as well about people's feelings...It's made sort of sit back a little bit and think before I start to do things.' (Management respondent)

Respondents also felt that it had increased their own confidence in dealing with conflict and addressing issues at a much earlier stage. The following was typical:

'I've got the defence if you like of the technique if you like to address those matters as soon as they come up, to try and get the people to sit down and talk about them almost as soon as they come up rather than actually watching them to see whether it's going to settle down or whether it's going to blow up, I tend to make a much earlier intervention than I would have done beforehand.' (Management respondent)

Secondly, the training process helped to build relationships of trust between the participants. According to a union representative who trained as a resolution officer:

'...it was with a group of managers who I'd had no contact with...But because of the length of time we spent together we were able to develop relationships. And see each other's point of view...So they were almost trying to second guess an approach the unions would take in respect of grievances, disciplinaries and other negotiations. And because I was in the room with them I was seeing where they were coming from in terms of how they discipline someone or how they engage in negotiations that could change their terms and conditions. So there was the familiarity that bred that kind of understanding.'

In this way, attitudes were not only changed but those relationships potentially underpinned broader resolution processes and provided a supportive network through which experiences could be shared and advice sought. Although not all the participants were in regular contact, a number had called other Resolution Officers to discuss problems they were dealing with.

A number of respondents had also been able to promote informal resolution within their own departments but this was dependent on the degree to which the Resolution Officers were routinely involved in discussing disputes with colleagues. For example, more senior managers tended to be more integrated in such networks and therefore were perhaps more visible. One explained how she had been consulted by staff:

'I mean people do ring up. I mean I've had another manager [...] who rang up to say 'Have you any advice on this, or as a mediation any suggestions?' And so then you've been able to say, 'Well have you thought about this or have you thought about that?' From that point of view so they can ask or you know if they are unsure of what to do well have you a suggestion then we can talk it through with them...'

Another respondent felt that while she had not been involved as a resolution officer in a formal sense, her interventions during management meetings and in discussions with colleagues did have a subtle effect:

'I think there was probably a tendency before to jump straight down the disciplinary route...But because I just keep talking about it at management meetings and about 'have you understood what's gone on then and why don't you offer mediation or is there another way of doing it instead of just jumping in?'

It was also argued by a number of respondents that the general awareness of EAMS and the potential of informal resolution had been raised within (what was) DCTS as a result of Resolution Officers advising, and discussing their experiences with, colleagues. At a broader level there was a view that the work done within the IR Framework and the DCTS Pilot had helped to provide an environment in which management and unions were able to respond in a constructive way to the challenges posed by government spending constraints:

'I mean certainly so far I would say it's gone as well as it could do. It's not brilliant but it never said we're going to be is it, but I think if we hadn't have done all that work before it would have been much, much more difficult than it has been. We wouldn't have got as far as quickly as we have got and I think maybe some of the more difficult decisions would have been made that could possibly have been wrong.' (HR Respondent)

'I think now we're more looking at nipping things in the bud before they actually get to a grievance or a formal stage, disciplinary or whatever, we can actually promote this and having done the training I can promote it even more now because I know what's involved.' (Management Respondent)

However, very few of the resolution officers had become substantively involved in employment disputes as 'resolution officers'.

'I think it's such a shame that all the time that all those people spent going through that training and all fantastic skills and what people came out it at the end just hasn't been used.'

In the view of some respondents this was a result of a lack of awareness within their own areas of work and the Council more generally. A number of Resolution Officers were disappointed at what they saw as a lack of promotion and publicity. Consequently while respondents were unanimous that the training had provided them with valuable new skills, some were less certain about the broader impact of the Pilot:

'It's been good. It's been well worth doing. It definitely helped me out last year on a site where ice cream operator and a burger van operator having a fight on site. I was busy dealing with that and I thought, I'm actually using what I learnt. I thought that was really good. Broader impact across the department, not convinced.' (Management respondent)

Unfortunately, the completion of the resolution officer training coincided with significant challenges for Bradford MDC as a result of cuts in funding following the government's comprehensive spending review. This had two effects – firstly, the resources needed to publicise, develop and extend the Pilot were not forthcoming. Secondly, respondents were clear that the issue of dispute resolution was inevitably pushed down the agenda as managers and unions faced up to the prospects of restructuring and redundancy. As a result, the Pilot came to a fairly abrupt halt with a number of planned actions not taking place and with little prospect of rolling out the initiative to other areas within the council. This was explained by an HR Manager as follows:

'...when the Pilot in the DCTS ended we were going to look at how we then rolled it out further across the organisation and I think because of everything else that's happened it's just got, not dropped but it's lower down the pile...' (HR Respondent)

This was compounded by the fact that DCTS itself was restructured and effectively divided between two new departments, Regeneration and Culture and Environment and Neighbourhoods. While respondents were generally sanguine about this, there was still a sense that a valuable opportunity had been missed and that there was a danger that the positive benefits of the resolution officer initiative could be lost.

8. CONCLUSION

The question of how organisations can develop more effective ways of managing conflict and resolving individual employment disputes is at the forefront of employment relations policy and debate. It is also particularly relevant for public sector organisations that find themselves at the cutting edge of government attempts to curb spending and increase efficiency.

The case of Bradford MDC is illuminating in two main respects. Firstly, it was one of the first organisations to introduce a scheme for mediating employment disputes, five years before the potential of mediation was highlighted in the Gibbons Report (Gibbons, 2007). Secondly, it provides an opportunity to examine the impact of three distinct but complementary initiatives that could be suggested to represent an integrated approach to conflict management (Lipsky et al., 2003)

Before we explore the effect of these measures, it is important to briefly discuss the challenges faced by the organisation. It would appear that an over-formalised and sometimes adversarial approach to individual employment disputes was a function of four factors: detailed, lengthy and complex procedures; the quality of relationships between trade union representatives and managers; the centralisation of the HR function; and the experience and confidence of operational managers.

Bradford MDC like other public sector organisations traditionally handled disciplinary and grievance issues through a series of detailed and complex procedures. While this might encourage a formalised approach to such disputes, there were areas within the authority where informal resolution was used. The key factor here appeared to be the nature of relationships between management and unions. Where there was regular contact between representatives and managers and a degree of familiarity, issues were more likely to be addressed and resolved at an early stage. But where this was not the case, formal approaches were used.

Moreover, managers were more likely to adopt defensive attitudes when faced with often more experienced union representatives who tended to focus on procedural flaws and errors. In this context, outcomes would often lead to a downward spiral in trust. To some extent, HR practitioners could act as a buffer between unions and management, developing good relations and acting as a point of contact. However, the centralisation of the HR function arguably left managers to deal with disputes of which they had little experience and trade union representatives who they did not know.

In this context, the introduction of in house mediation was extremely important. While there is little precise data regarding potential cost savings, there is strong evidence that the mediation service (EAMS) has been effective in resolving issues that might otherwise escalate into lengthy, damaging and very costly disputes. Moreover, the evidence does point to positive 'upstream' effects whereby respondents argued that managers who were subject to mediation often emerged from the process with a better understanding of the need to consider alternative views and adopt a more patient and conciliatory approach to workplace conflict. Therefore, in certain respects, the findings above, lend further weight to growing evidence regarding the effectiveness and impact of in-house mediation. Furthermore, while some recent studies (e.g. Saundry et al, 2011) have

questioned the applicability of mediation to disputes other than employee grievances, EAMS was seen to be successful in resolving issues related to workplace stress and long-term absence.

However, the experience of EAMS also highlights some of the difficulties encountered in developing and embedding workplace mediation. Firstly, despite the initial recruitment and training of a number of mediators, the service was now left with one dedicated mediator. This illustrates the problems faced by individuals combining mediation with their substantive work-roles. Secondly, despite its success, there was still a sense that building awareness of mediation was a slow and difficult process. Importantly, a significant growth in the number of referrals came from EAMS being placed within the occupational health function, which possibly highlights the importance of mediation being strategically integrated with organisational structures related to dispute resolution.

Despite its successes, there was little evidence that the introduction of mediation had a broader impact on the way that conflict was managed within the organisation. The most significant development in this respect appeared to be the development of the Industrial Relations Framework. Given the size of the sample, we must be cautious about drawing firm conclusions, however the respondents that we interviewed suggested that the introduction of the Framework had placed a much greater emphasis on informal resolution and perhaps most importantly helped to develop more constructive working relationships. The evidence revealed a virtuous circle whereby informal discussions to resolve disputes would lead to greater contact between managers and union representatives, which would help to build relationships which in turn made positive resolutions more likely. This then helped to increase trust between those involved.

Two aspects of the IR Framework appeared to be particularly important. Firstly it underscored the importance of adequate facility time which ensured that union representatives had the necessary time to invest in informal resolution. This is a more complex issue than might seem to be the case at first sight. While representation at formal meetings and hearings would usually be seen as a legitimate reason for time off for trade union duties, taking part in informal discussions may be much less clear-cut. Accordingly restricting paid time-off to visible aspects of disciplinary and grievance handling may hamper the early resolution of disputes.

Secondly, the IR Framework was backed by a programme of training which brought together unions and management. For all those respondents who took part, this had been vital in breaking down barriers, allowing contacts to be made and providing a starting point for positive working relationships. One common obstacle to informal resolution was that managers handling a particular dispute would not know the relevant trade union representative. Consequently, both parties would be unlikely to have sufficient trust in the other to depart from the relative safety of formal procedure. Bringing key actors together through the IR Framework was therefore vital.

Despite these benefits, it was less clear that the benefits of the IR Framework had filtered down to lower levels of management. The Conflict Resolution Pilot sought to address this by providing an opportunity for managers, HR practitioners and union representatives at a departmental level to share experiences, and crucially, build relationships. Furthermore, it involved training selected line managers as

Resolution Officers to promote informal resolution and provide advice and guidance 'on the ground'. Undoubtedly, the Pilot helped to develop trust between key actors in much the same way as occurred within the IR Framework. In addition, those who trained as Resolution Officers were uniformly positive about the experience and the conflict handling skills that they had developed as a result. This had an impact in terms of their own practice as managers and there was a view that they had been able to inform debates and practice within their own areas of work. However, very few had acted as Resolution Officers since completing their training, largely due to a lack of awareness among employees of their role. This was seen as a function of the re-organisation of the Department of Culture, Tourism and Sport and also the funding position of the Council in the light of central government public spending cuts. As a consequence initiatives such as the Conflict Resolution Pilot had slipped down the Council's agenda illustrating the vulnerability of such initiatives to shifts in the political and economic context.

Overall, the experience of Bradford MDC shows that organisations can change the way they manage conflict and promote informal resolution. Whether the initiatives introduced by the Council could be argued to constitute an integrated 'system' of conflict management is less clear. The introduction of EAMS and the construction of the IR Framework were not directly related, nonetheless the Conflict Resolution Pilot drew on both projects to try to develop a broader approach to foster and embed early resolution. The mediation service had also benefitted from its link to the council's occupational health function and there were clear attempts to build mediation into revised disciplinary and grievance procedures. However, while a more integrated approach was important, the key to developing informal resolution was the building of constructive relations between those managers, HR practitioners and union representatives who regularly handled employment disputes. In this context the main value of the different initiatives was that they provided a fora where contacts could be made, preconceptions challenged and trust constructed. Thus effective conflict management cannot be delivered through systems alone but is inevitably intertwined with wider employment relations and dependent on a broad commitment to building trust and co-operation between organisational stakeholders.

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