

Report

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Report to:	Employee Issues Forum
Date of Meeting:	31 August 2011
Report by:	Executive Director (Corporate Resources)

Subject:	Mediation Scheme
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1. Purpose of Report

- 1.1 The purpose of the report is to:-
- ◆ update the Forum regarding the Mediation Scheme

2. Recommendation(s)

- 2.1 The Forum is asked to approve the following recommendation(s):-
- (1) that the Mediation Scheme update be noted.

3. Background

- 3.1 The Mediation Policy was launched in January 2010 and provides an informal approach to finding solutions to improving working relationships where there has been a breakdown or disagreement between parties.
- 3.2 To facilitate the process there is a mediation co-ordinator and 12 Resource mediators who have undertaken extensive training from ACAS. Courses have also been made available for Managers and Trade Union representatives on Mediation Awareness and since the launch of the policy 80 employees have attended.

4. Analysis of Use

- 4.1 There have been 21 referrals between January 2010 and July 2011, of these 16 cases were resolved. At each joint meeting written agreements were achieved, which aim to assist employees in moving forward with their working relationship. Overall, 45 employees have accessed mediation with 36 gaining resolution. The majority of referrals involve 2 employees, but there have been cases that have involved groups.
- 4.2 4 cases did not go through the full mediation process and one case currently remains live.
- 4.3 The main reasons for mediation requests are either dignity at work issues, or a breakdown in the working relationship between managers and employees, or between colleagues.

5. Evaluation of the Impact of Mediation

- 5.1 Research from ACAS explains that mediation offers significant financial savings compared to conventional disputes procedures. Savings can be achieved due to long term sickness being reduced, resignations may be less likely and it can minimise litigation cases. The table below illustrates the number of formal complaints recorded before the Council's mediation scheme was introduced (2008/2009) and the number recorded in 2010 when the policy was launched.

Dignity at Work		
2008	2009	2010
19	15	11

Grievance		
2008	2009	2010
17	34	37

- 5.2 The formal dignity at work cases have decreased. Grievances have increased since 2008, however, as 2009 and 2010 figures are similar, this may be an anomaly. In 2010, the number of mediation cases resolved was 12. Therefore the number of dignity at work and grievance cases could potentially have been higher if a structured conflict resolution mechanism was not available. Mediation will continue to be monitored against the use of formal processes.
- 5.3 In terms of qualitative evaluation it has been difficult to gain this from the employees who have participated in mediation. They are provided with an evaluation form, however, a very limited number have returned these. Through the recent equality impact assessment of mediation an action has been identified to put measures in place to encourage employees to return evaluation forms. The limited informal feedback gained from employees has been positive.

6 Areas Identified for Improvement

6.1 Promotion of the Scheme

The maximising attendance group agreed that mediation should form part of the Employee Assistance Programme (EAP). This provides the opportunity to promote mediation through the EAP and also is another forum for providing information.

6.2 Awareness Training for Managers and Trade Union Representatives

Mediation awareness training was provided in 2010 which was attended by 80 managers. Resource personnel teams will seek nominations for further training sessions which start from September 2011. Learn on line mediation training will also be developed.

6.3 Revised Policy

The Mediation Policy has been updated with minor changes to provide further clarity regarding how the mediation process works.

7. Employee Implications

- 7.1. Mediation is a positive way for employees to gain resolution to relationship concerns in the workplace.

8. Financial Implications

- 8.1. There are possible financial implications if mediation is unsuccessful in gaining resolution and/or if mediation is not accessed at all. This is due to employees feeling that they have no alternative but to progress through the formal processes and potentially leading to litigation.

9. Other Implications

- 9.1 In terms of risk, if mediation is not accessed at an appropriate time it could mean the mediation has less opportunity of success. The result of this and/or employees choosing not to use mediation at all to help resolve conflict, could also mean an increase in the use of formal procedures and potential employment tribunal claims.
- 9.2 There are no sustainability implications.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1 The impact assessment of the Mediation Policy has not identified any negative impacts. This is particularly relevant as the policy is open to all employees and the main aim is to assist in resolving conflict.
- 10.2 It has been noted in the actions that participants of mediation will be asked to provide equality information in order to assist with equality monitoring on a voluntary basis. There is also an action to improve the return rate of evaluation forms from participants.
- 10.3 Consultation and updates regarding mediation takes place at the Maximising Attendance Working Group which includes representation from the Trades Unions.

Robert McIlwain
Executive Director (Corporate Resources)

15 August 2011

Link(s) to Council Objectives/Improvement Themes/Values

- ◆ Efficient and effective use of resources
- ◆ Excellent employer
- ◆ People focus

Previous References

- ◆ Executive Committee - 10 February 2010

List of Background Papers

- ◆ Mediation Policy - January 2010

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Suzanne Brown, Personnel Adviser, Corporate Resources

Ext: 4631 (Tel: 01698 454631)

E-mail: suzanne.brown@southlanarkshire.gov.uk