

# Introduction to Mediation & Conflict Resolution

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CREATING OPPORTUNITIES  
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## Definition of Mediation

"Mediation" is a process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary win-win resolution to their conflict.

## Opportunity, Potential, Responsibility

*"We all have a responsibility here to resolve this."*

## Disputes & Conflicts

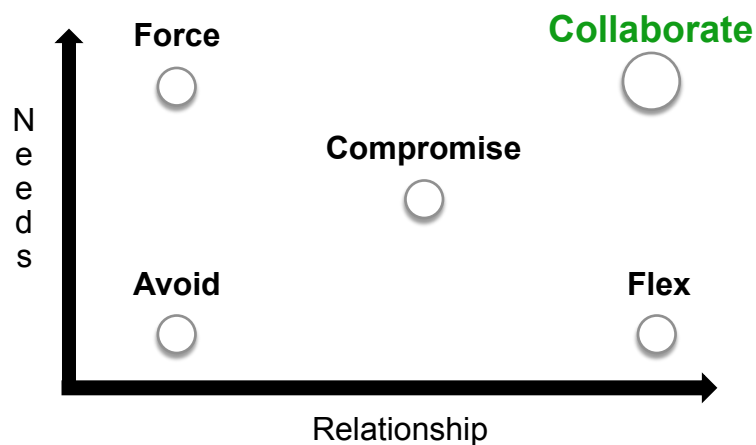
### Dispute

- Lower level differences
- Usually about concrete, tangible things or practical, measureable interests
- Negotiable.

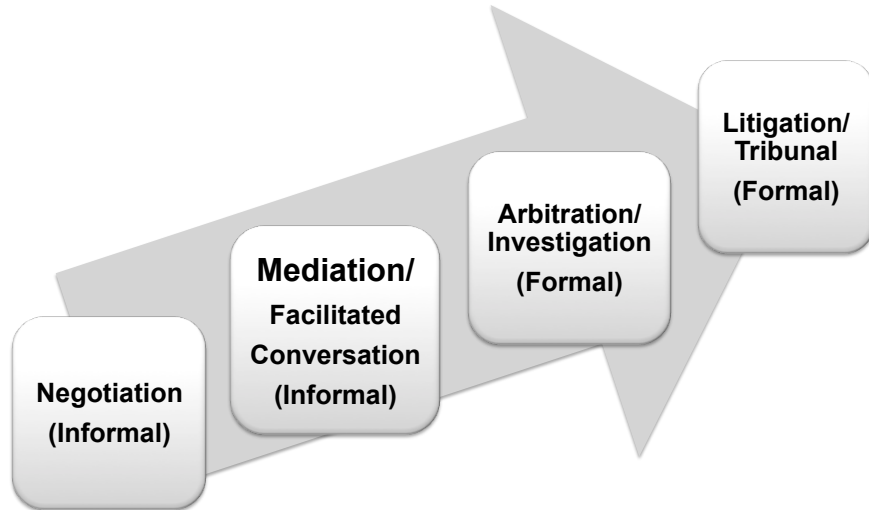
### Conflicts

- Deeper, fundamental needs, usually non-negotiable
- Often personal, intangible, emotional, and psychological
- E.g.: safety, security, control, respect, recognition
- Includes issues around power, values and identity.

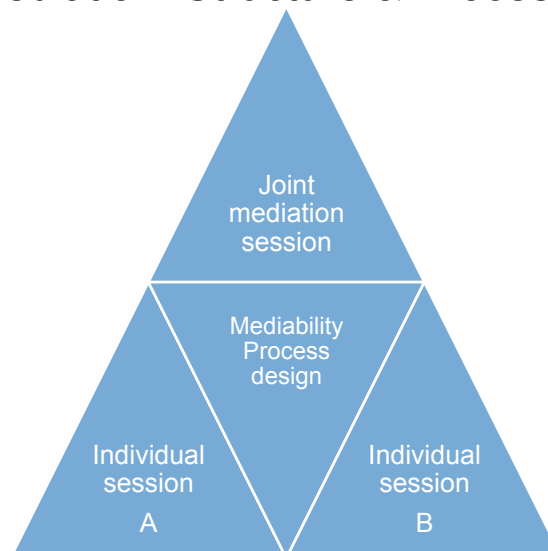
## Conflict Management Styles



## Dispute Resolution Options



## Mediation: Structure & Process



## Opportunities

- Say what is important
- Listen to each other's concerns
- Understand what is important to each of you and why
- Engage in dialogue
- Work together to unlock the difficulties in the relationship
- Understand the situation differently
- Co-operate and develop a better working relationship
- Find new and different approaches to move forward
- Safe structured process for understanding and resolution
- Increase self-awareness, develop individual and relationship resilience.

## Is mediation suitable?

Mediability rests on the

1. Timeliness and level of conflict
2. Issues (within parties control)
3. Safety and the balance of power
4. Intentions of the parties (in good faith)
5. Ability of the parties to participate
6. Nature and status of other procedures
7. Parties' need for control over process and decisions
8. Value of a continuing relationship
9. Balance of rights & interests and public or private justice.

Typically

- Interests and needs but not rights
- Relationships, behaviour, communication.

## Main risks to mediation

- UK culture of Avoidance as predominant conflict management style
- We avoid personally, interpersonally, managerially and systemically
- Interpersonal issues between staff referred to mediation when line management influence should be present
- Lack of organisational / line management accountability on behaviour, competency or performance
- Accountability gap – initial gap within line management, reinforced through refusal to share any outcome or learning under mediation's offer of confidentiality.

## Unsuccessful Cases

1. Director with a high turn over of staff. Concerns about interpersonal style raised by string of direct reports, other managers and Chief Executive. Prior to mediation no change in behaviour as a result of feedback. An absence of performance management. Expectation that the direct report can change the Director through mediation, when HR and Ch. Exec failed.
2. Allegations of bullying and harassment by female project manager, denied by male project manager. Post mediation it emerged that everyone was frightened of the male project manager due to aggressive verbal and non-verbal behaviours and no one had challenged this.

In both situations the lack of feedback or accountability creates a 'nothing wrong' mind-set which allows an individual to deny the other's experience as it runs contrary to their normalised, default experience. "No one else has said anything!?"

This leaves an individual and the mediation carrying organisational duty.

## Successful Case studies

1. Allegations of bullying, harassment and victimisation both ways: role competition and lack of role clarity, both with mental health concerns.
2. Personality clash and fall out: competing yet dependent roles, differing work styles, trigger event and escalation prior to major project launch.
3. Formal legal settlement prior to mediation: one party off work for over 2 years, return to work and new work environment following restructure.
4. Allegations of sex discrimination, racial discrimination and bullying: manager in early stages of performance management, experienced mature worker questioning management style and competency.

**Thank you**

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