

Mediation: Part Four - How to deal with the outcome



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When destructive workplace conflict rears its ugly head, it will typically be an HR professional who suggests mediation as an option to try and resolve the situation

By the time the case gets to mediation, this 'referrer' will probably have invested significant time and emotion in it and will most likely have expectations about the outcome, both personally and in an organisational sense.

But because of the principles of confidentiality and self-determination that were talked about in the last article, referrers cannot take part in mediation meetings,

even as an observer, nor can they attempt to influence the outcome. They have to let go of the reins and trust both the participants and mediator as they step into that mediation room.

Once the session has concluded, referrers are likely to have a role to play before the case can be completely closed, however. This is because there are a number of outcomes that HR professionals can expect to see as well as a range of support and follow-up activities that they may need to provide subsequently.

Typical outcomes

Mediation outcomes tend to fall into one of five categories:

1. In the best case scenario, participants will leave the session with their conflict having been fully resolved. Everyone will have a clear understanding of each other's perspective, goodwill will be restored and they will begin working together collaboratively, possibly in accordance with a written agreement that was jointly designed during the meeting.
2. The parties concerned may leave mediation with an improved understanding of what went wrong in their relationship, but trust has not been restored fully. In the weeks following mediation, they may be able to determine whether they can work together effectively and whether the good intentions expressed during the session can be borne out over time.
3. In some cases, people leave mediation still feeling raw and angry but, as time passes, they come to realise that the intervention enabled them to understand each other better and the relationship subsequently improves.
4. Each individual leaves mediation thinking that the conflict has been resolved, only to find that they failed to address the core issues and, as a result, relations begin to sour again over time. In such instances, it can be particularly valuable for mediators to follow up the original meeting and identify whether there are opportunities for further discussion in order to give things a second chance.
5. It may be that, having listened to one another during mediation, participants decide that they cannot or will not work together constructively in future. They may subsequently choose to proceed with formal processes such as disciplinary hearings or see if there are options for working in separate teams.

In extreme cases, one of the individuals concerned may even decide to leave the organisation. But even in those situations where mediation does not result in agreement, people will often report that they appreciated the opportunity to speak to one other and that it helped them move on from the conflict and find closure.

Sharing information

Since mediation is a confidential process, referrers cannot expect to hear the details of any conversations that took place or of any agreement that was reached, unless both parties agree to share the information. Mediators are bound by confidentiality principles so they cannot pass on any insights regarding mediation to either HR or management.

As for the parties involved, the level of detail they chose to report back to others is a matter for them to jointly decide. In some cases, having successfully devised a written agreement, they may wish to share this document with the referrer or a trusted third party.

In other cases, participants may reach a decision that requires action or support from HR – for instance, if a particular training need is identified, it will need to be communicated to HR so that action can be taken. In other cases, however, the people concerned may choose to disclose nothing other than whether or not a written agreement was signed.

The latter scenario can be deeply frustrating for referrers, who may have been deeply involved in the case prior to mediation, because they can find it difficult to detach emotionally after having invested so much. But if mediation as an informal dispute resolution technique is to succeed, everyone concerned has to know that confidentiality is taken seriously.

Breaching this principle could ruin mediation's reputation within the organisation and, therefore, ruin any chance of being able to use it successfully again in the future.

Follow-up and support from HR

For quality control and service improvement purposes, it is common for mediators or HR departments to carry out post-mediation satisfaction surveys. These provide valuable information on issues such as: Was the mediator impartial? Was the process useful? How satisfied was everyone with the outcome? What could have been done to improve the service?

It can also be helpful for HR to touch base with participants in person after mediation in order to check whether there is any further support that can be provided and to gather informal feedback about the process and the mediator – but always within the bounds of confidentiality.

Follow-up and support from mediators

After the session, mediators will also usually follow-up with all parties concerned either because they have requested it or because the mediator has offered to do so. Such follow-up typically takes the form of telephone conversations, which occur at agreed intervals.

In some instances, participants will ask for a follow-up meeting in order to review progress and clarify any outstanding issues. If a written agreement was produced, the follow-up session may require the document to be revisited in order to see how it has worked in practice and to make amendments if necessary.

Human relationships are complex, constantly shifting phenomena and the road to recovery from a relationship breakdown can be rocky and unpredictable. But mediation, when carried out with appropriate integrity and diligence at every stage, can prove an effective tool to support people on this journey.

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