



Success and sustainability in mediation

Tania Coke, AUGUST 19, 2011



In January this year, the UK Government announced details of a consultation on workplace disputes, directly aimed at achieving earlier resolution of conflict for all parties involved. The Government is considering how organisations can make more use of dispute resolution tools such as mediation and is seeking further information on its use, costs, benefits and barriers.

Many HR departments are now turning to mediation instead of formal processes when it comes to resolving conflict between their staff. Some have invested heavily in training and supporting in-house mediators, embedding mediation in existing processes and promoting the scheme internally. But at what point can these schemes claim success? How can an organisation assess the pay off of its investment, both in the immediate aftermath of a mediation, and further down the line?

This article will explore the concepts of success and sustainability in mediation and propose that success should be tracked through a combination of measurements and indicators.

Challenges of Defining and Measuring Success

There are many potential stumbling blocks involved in defining and measuring the success of mediation; but they can be avoided. We recommend the organisation begins by addressing three questions about what success would look like for them.

Firstly, should an organisation track the quantitative, objective measures or the less tangible effects on human relationships and organisational growth, or some combination of both? Secondly, what is the appropriate time frame for measuring success? Human relationships are complex issues that evolve over years. Whilst parties may leave mediation feeling that their issues have not been fully resolved, after a few days or weeks of reflection, they may come to realise that the mediation significantly helped them to understand one other, and opened the door to a more collaborative relationship. Conversely, the parties may leave the mediation room

feeling euphoric, only to see their newly-restored relationship deteriorate as time goes by. Thirdly, there are many stakeholders involved in any conflict situation, including the parties themselves, team-members and colleagues, managers, HR and Unions. Measuring success in mediation begs the question: success for whom? It may be that as a result of mediation, the issue is resolved from the point of view of HR, whilst the parties are left feeling just as frustrated as before. Or, the parties may feel that the conflict has been resolved but HR is not satisfied with the outcome. Ideally, all stakeholders will view the mediation as successful. But reality may differ.

Common Definitions of Success

After considering these questions, the organisation must then select from a range of possible options to measure the success of mediation. One of the most commonly used metrics is the **settlement rate**, namely the percentage of mediations that result in a signed agreement or action plan (within a given time frame). A slightly broader version of this is the **closure rate**, which is the percentage of mediations that settle plus those cases in which the complaining party drops the formal complaints. These measures are clear, easy ways to quantify time and cost savings. But the evidence they provide is limited, for how can we prove that an outcome is directly attributable to mediation, when there are so many variables at play?

Many organisations also track the **number and cost of formal processes** (Employment Tribunals, Grievances and Disciplinary Procedures) and measure the extent to which these decline following the introducing of a mediation scheme. This can certainly provide an indication of cost savings at an organisational level, and help to justify the expense of introducing mediation. The tricky part is knowing how to measure these costs. Typically, organisations fail to take into account the hidden costs of conflict, e.g. sickness leave and cost of temporary replacements. And what about the costs that are more complicated to measure such as the effects on staff morale or company reputation?

Another interesting measure is the **participation rate**: the percentage of employees offered mediation who agree to participate. The assumption underlying the use of this measure is that any conversation held in a mediation context has value, because it promotes direct communication. This in itself is important, as for most parties in conflict, face-to-face communication has completely broken down. The mere fact that parties are talking to each other again can be seen as a sign of success.

All of the above definitions, in focusing on the tangible evidence of success, fail to quantify the human benefits of mediation, in particular its ability to **reduce suffering and thus improve working relationships**. To address this concern, many organisations use some form of post-mediation satisfaction survey. The questions can vary from overall satisfaction to more specific factors such as 'being listened to' or 'getting a chance to hear the other person'. Satisfaction surveys can yield statistical data as well as quotes and testimonies. Whilst these can powerfully convey the human benefits and intuitively demonstrate success, they cannot yield quantifiable financial indicators. Moreover, for practical reasons, satisfaction surveys are generally carried out shortly after the mediation takes place and therefore fail to reflect how the relationship fares in the longer term.

Another way to define success is by referring to the effects on **personal and organisational growth**. Parties who have attended mediation are often better placed to handle conflict when it next crops up. Training internal mediators can have clear upstream benefits, as the mediators' skills spill out into the wider workforce. And simply by investing in a mediation scheme, an organisation is sending out a message that it takes its people seriously. Through all these effects, introducing mediation can help to build a culture of openness, empowerment and personal responsibility. But measuring these upstream effects is necessarily challenging since the benefits are incremental and occur over a period of years. Evidence will be largely anecdotal and intuitive; although employee surveys can also provide useful indicators.

In conclusion, an organisation introducing mediation needs to be very clear from the outset what it defines as success. With the support of a conflict management specialist it can then design a practical but comprehensive framework to measure that success through a tailor-made combination of metrics. Through careful planning of this kind, the organisation stands a far

greater chance of gauging the pay-offs of introducing mediation and recognising success when it comes.

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