



Katherine Graham

**Internal v. External Workplace
Mediators**



Learning aims

- **Learning 1: Encouraging parties and clients to mediate – focussing on benefits and needs, the mismatch between what ‘mediators’ think are important and what parties think are important.**

Outcome: Improvement in people’s ability to encourage uptake of mediation

- **Learning 2: What is required when setting up an internal mediation service that is likely to succeed.**

Outcome: Understanding of criteria for success.

The session

- Are external 'professional' mediators needed in the workplace?

Or

Can internal mediators perform this function just as effectively?

- Data on the use of internal workplace mediation services in England
- Opportunity to consider the pros and cons of using in-house versus 'professional' mediators
- Check our assumptions and stereotypes relating to mediation at work.

Business case in the UK

- 450 days management time lost
- Associated costs of mismanaged conflict at work - lost productivity, sickness absence and higher than expected turnover of employees – not included
- £33 billion of which legal charges are £6 billion
- 45 grievances/ Bullying and harassment complaints (1 per 350 employees)
- £20,000 per ET case (not including payout)

Defining “professional mediator”!

- Paid to undertake the work?
- Supervised?
- On going training?
- Level of qualification?
- Link to standards debate

“A mediator who promotes themselves as qualified to undertake the task; and is paid a fee for doing so”

Internal mediators trained by CMP

- Since 1995 we have trained over 3000 workplace mediators in accredited mediation skills - 2000 still active (2007)
- Approx 300 mediators over some 20 organisations each year
- Average in-house mediator undertakes 4 cases a year = 8000 cases a year nationally plus other organisations

What about other providers?

ACAS:	100 a year
CEDR:	100 a year
TCM:	200 a year
Others:	100 a year
TOTAL:	500 a year

NATIONALLY: approx 800 new mediators entering workplace field each year

CAPACITY for 3200 mediations each year

“Professional” workplace mediations

CMP:	100
CEDR:	100
ACAS:	100
TCM:	100
OTHERS:	300
TOTAL:	700+ cases a year

Pros and Cons

	Benefit of professional	Drawback of professional	Benefit of internal	Drawback of internal
Money	<ul style="list-style-type: none"> • Billed by use • Targeted investment 	<ul style="list-style-type: none"> • Cost per case • Type of case referred • Budget must be found per case 	<ul style="list-style-type: none"> • Free at point of delivery 	<ul style="list-style-type: none"> • High upfront cost • Wasted investment if not used • T and S costs
Time	<ul style="list-style-type: none"> • Will adapt to your needs • Average 10 days 	<ul style="list-style-type: none"> • Not motivated to work fast? • Add ons? 	<ul style="list-style-type: none"> • Mediation offered quickly • Offered to more parties 	<ul style="list-style-type: none"> • Other work impacting on availability • Time off by managers • Co working slows down process
Skills	<ul style="list-style-type: none"> • Little skill fade • Ongoing CPD? • Supervised? • Won't survive if not good? 	<ul style="list-style-type: none"> • Supervised? • Independence? • Code of practice? 	<ul style="list-style-type: none"> • Used across organisation – culture change • Supervised? • Internal marketing/PR 	<ul style="list-style-type: none"> • Skill fade? • Gap between cases? • Can 'hide' poor skill level?
Perception	<ul style="list-style-type: none"> • Independent confidential expert • Safe in ET 	<ul style="list-style-type: none"> • Seen as lacking awareness of organisation • In-out – no long term gain 	<ul style="list-style-type: none"> • Aware of culture 	<ul style="list-style-type: none"> • Not independent • Not leak proof – pressure from above • Reporting lines past or future • Amateurish

Group session

Form 4 equal groups.

Group A represents in house mediators

Group B represents external mediators

Group C represents parties to a potential mediation

Group D represents the Employer

The Task

10 minutes

- Group A:** Prepare a 'sales pitch' – list of benefits – for in house mediators
- Group B:** Prepare a 'sales pitch' – list of benefits – for professional mediators
- Group C:** What is important to you as a party?
- Group D:** What is important to you as an employer?

The Exchange

15 minutes x 2

- 1. Group A and B present to Group D (employer) who selects between them. Group D explain what criteria they used and what effected their decision.**
- 2. Group C, the parties, give their views about the choice made by Group D, the rationale used by Group D, and what they actually feel to be critical factors.**

Success and failure criteria for in house mediation service

- ‘Wasted’ investment, some £250,000 over 5 years
- The implementation of the service – often inadequate, and lacking in on-going support and development
- Senior stakeholders; HR; management; policies; marketing; PR; culture; enthusiastic mediators; flexibility

Something to think about

Not-for-profit charity CEDR reports (2006-7)

“the most successful mediator we surveyed reported average earnings of over £650,000 per year”

Value of mediation to the UK is £8.2 million

Average fee for mediation £3120 up 42%

Success rate 75%

Commercial CMP reports (2006-7)

Average earnings from mediation £15,000

Average fee per mediation: £1100

Success rate 90%

In house Mediators

Average earnings from mediation: £0

Average fee per mediation: £0

Success rate 75%