

# OVERVIEW: SETTING UP A MEDIATION SERVICE AT LANCASHIRE TEACHING HOSPITALS NHS FOUNDATION TRUST

**An internal, formal mediation scheme was set up in January 2014 within Lancashire Teaching Hospitals Foundation Trust. Mediation within the Trust is a voluntary process that supports people in resolving workplace disagreements in a way that is fair and agreed by both parties. The mediator works with people to help them find a solution and reach an agreement about how best to proceed to tackle the situation. The aim is to repair and maintain the working relationship by sorting out the problem, and early constructive discussion through mediation can help people find solutions to improve their situation. Mediators are not management representatives, they do not take sides or judge who is right or wrong and will never impose a solution.**

The mediation process is completely confidential and usually takes place away from the normal place of work. Mediation can only take place if all parties are willing to participate. All mediations conducted within the Trust are pursued in accordance with the Advisory, Conciliation and Arbitration Services (ACAS) guidance around mediation as an alternative form of dispute resolution.

Mediation can be useful at any stage of a dispute but is most effective in the early stages. The outcome will not result in any formal measures, but rather a mutually developed agreement about how to go forward. No records of what have been discussed or agreed are kept.

## Key Outcomes

- The Trust now has a group of twelve qualified mediators who can be called upon to carry out mediations or provide advice around the process. This has helped to start to influence the culture within the Trust, by raising awareness of the different ways in which to handle challenging working relationships. This is evidenced in the number of enquires we receive around the potential for mediation to be used to help improve working relationships. On average we receive between 1 – 2 enquiries per month.
- Since the launch of the scheme the mediation coordinator has been contacted on multiple occasions to find out more how the scheme could help in different contexts. This helps to determine which cases would be suitable for mediation and what other options are available.



- Several mediations have also taken place, with staff that were part of the mediation finding the process to be a supportive and constructive way to explore differences, all staff who undergo a mediation are asked to provide feedback on the process, how the mediator's conducted the mediation and if it had helped to bring about resolution.

In the longer terms it is expected that this will lead to:

- reduced levels of conflict-related sickness absence
- fewer grievances and employee tribunals as a result of work-related conflict
- a greater focus upon open and honest conversations where conflict is not allowed to fester and spiral out of control, further influenced the culture of the Trust
- improved quality of staff and team relationships, which should impact on the quality of team working and ultimately patient care

Lancashire Teaching Hospitals is one of the largest trusts in the country, providing district general hospital services to 370,000 people in Preston and Chorley, and specialist care to 1.5m people across Lancashire and South Cumbria. It was established in 2005 and was the first Trust in the county to be awarded 'teaching hospitals' status. The Trust employees approximately 7,000 staff. Care is provided from three facilities; Chorley and South Ribble Hospital, Royal Preston Hospital and the Specialist Mobility and Rehabilitation Centre

The Trust's aim is to provide excellent care with compassion. To ensure this is a reality for every patient and their family, on every occasion, it is:

- working in partnership to provide safe and effective care that patients expect and deserve
- enabling confident and competent staff to provide the highest standards of care and services
- leading improvements in healthcare through innovation, research and education

This project was initiated as it was recognised that staff needed an informal way in which to try and resolve conflict. From reviewing the themes of grievances raised it was recognised that most could be resolved through mediation. A significant proportion of the cases were due to poor communication, escalation of conflict and feeling unfairly treated. It was hoped by launching a mediation scheme it would help to reduce conflict, improve working relationships and ultimately reduce levels of stress and ill health associated with working in a conflict situation.

## Key Stages of Setup

The head of organisational development led the implementation process, which took approximately six months and acts as the mediation supervisor for the Trust.

- Selling the benefits of having a mediation service to union representatives and Executive Board members, seeking their agreement and support for such an intervention

- The identification and selection of staff to be trained as a mediator

- Securing funding from Health Education North West to train additional mediators to ensure the scheme would be viable over the longer term

- Identification of a suitable training provider to deliver an accredited mediation training programme, we used CMP Resolutions

- Taking a baseline position to determine current levels of conflict-related sickness absence and number of grievances to enable future evaluation of the effectiveness of the mediation scheme

- Developing internal processes and procedures to support the mediation service, including how a referral would come into the team, role profiles for the mediation co-ordinator, mediators and mediation supervisor, standardised paperwork, and incorporating the mediation service and relevance in policies and procedures.

- Publicising the scheme through multiple communication channels to raise staff awareness of mediation and how to access the service

## Key Aims

The aims and objectives of the mediation scheme are to:

- provide a structured process in which to informally resolve conflict and disagreements in the workplace
- use mediation as a way to reduce levels of stress and sickness absence which often occur as a result of conflict being allowed to escalate and develop into entrenched patterns of behaviour
- reduce the number of formal grievances and employee tribunals which are the result of disputes in the workplace
- improve employee wellbeing and organisational productivity by reducing the impact of negative conflict between individuals or groups
- prevent sickness absence due to conflict and the stress of working in conflict situation
- use mediation as a tool to enable the Trust to get beneath the problem and bring about wider changes to working practices that will benefit both the individual and the organisation in the longer term

## How it Works

To access the mediation service staff members, line managers, union representatives or HR managers can suggest using mediation as a way to improve working relationships. However as mediation is an entirely voluntary process it cannot take place without both parties agreeing to take part.

A mediation is triggered following a referral to the mediation service co-ordinator, who is based within the occupational health service. Staff members are then contacted by their allocated mediator(s) to arrange a suitable date/time/location for the mediation. This may be with one or two fully accredited mediators.

Both staff members will each have at least one private meeting with the mediator(s) to put their side across. Once the mediator(s) have met with both parties, they will then decide if the issue can be mediated and will then arrange to bring the staff members together for the meeting.

The mediation meeting is where both parties are brought together to discuss the situation from their perspective, in the presence of a trained mediator, the mediators role is to encourage open and honest discussion to explore the issues presented. The mediator will be impartial, encouraging discussion between the parties and will act to ensure that everyone has an equal opportunity to present their views.

As the meeting progresses, the mediator encourages both parties to try and reach agreement about how to go forward. Parties will be encouraged to develop their own agreement

and to sign up to it going forward. It is recognised that not all cases put forward for mediation will result in an agreement being reached, however, it is hoped that the process will provide staff with the opportunity to discuss the issues raised in a safe environment.

Following the joint mediation meeting, the Mediation Service co-ordinator contacts both parties asking them to fill in an evaluation questionnaire regarding their opinion of the process, the conduct/skills of the mediators and if they feel it has helped to improve their working relationships. At two – three months post the mediation one or both of the mediators will make contact with the staff members to find out how their working relationships have progressed.

## Resources

Funding was required to help train staff members to be accredited mediators. Funding was secured in the first instance from the North West Strategic Health Authority to allow five staff to be trained as mediators. Given the size of the staff population within the Trust it was recognised that a greater number of mediators would need to be trained if the service was to be viable in the longer term and able to quickly respond to requests for mediation. Consequently further funding was applied for and secured from Health Education North West, this enabled a further six staff to be trained at a cost of £1,575 per person.

The staff who are mediators come from a variety of roles and professions across the Trust, they act as mediators in conjunction to their 'day jobs'.

## Key Challenges

- When identifying staff to be mediators, it is important that these individuals would be viewed by staff as being impartial, credible and have high standards of integrity. However it was also difficult to identify staff who would be able to take time away from their normal work to undertake mediations, often at short notice. This was overcome by over recruiting for mediators, as it was recognised that despite good intentions not all staff who wanted to be a mediator would be able to support the process in reality. On applying to be a mediator staff were made aware of the expectations that they would need to commit to undertaking a minimum of four mediations per year, this was further reiterated during and post-training.
- Making managers aware of what is appropriate to be mediated. In a number of instances managers tried to inappropriately refer into the mediation service. To overcome this the mediation co-ordinator and mediation supervisor work closely together when a referral comes in to scope out if it would be appropriate. If need be the mediation supervisor advises the line manager of action that might be more appropriate to take, or why a situation is not suitable for mediation.



## Key Learning

Mediation is an effective mechanism to help informally improve working relationships, however it is most effective in the early stages rather than when conflict has been allowed to develop into entrenched patterns of behaviour.

It is important to repeatedly educate and communicate about the purpose of mediation to ensure staff are aware of what the service is and that managers understand their role in resolving conflict between their team members, and when mediation can be used to assist.

## Sustainability

The mediation service has been embedded into everyday practice through incorporating it into all relevant policies and procedures. Staff at all levels and professions within the organisation have been made aware that the service is available at any time. Union representatives are supportive of the scheme and are able to offer it to their members.

## Next Steps

- To continue to publicise the mediation service through the intranet, local team brief and staff magazine
- To continue to evaluate the effectiveness of the scheme in terms of number of referrals, outcomes from mediation, impact on number of formal grievances and length of sickness absence due to conflict in the workplace

## Supporting Material

The following resources are available as an appendix to this overview:

- Appendix 1 - 'Conflict at work?' mediation leaflet

# Mediation

## Dispute resolution process

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