

**LABOUR RELATIONS AGENCY
Mediation Survey
Responses from Participants and
Referrers**

April 2010 – March 2012

Final Report December 2012

1 Introduction

The Conciliation and Arbitration Section carries out comprehensive reviews of all of its services in order to improve efficiency and effectiveness. This report focuses on the individual mediation service offered by the Agency since August 2005.

Questionnaires were sent to participants and referrers of mediation where the process had been completed. This report is based on questionnaires received for mediations completed during the period April 2010 and March 2012. A total of 163 questionnaires were sent to participants and 62 were forwarded to referrers.

60 surveys were returned from participants constituting a 37% return rate and 19 responses were received from referrers constituting a 31% return rate.

2 Key Findings

- Two-thirds of referrals for mediation concerned issues that had been ongoing between the parties for more than three months.
- Almost a third of participants felt forced into mediation which is of concern given the voluntary nature of the service.
- The majority of participants felt that the timing of the mediation intervention was too late.
- Two thirds of participants (64 per cent) felt that Agency mediation had either completely or partly resolved the issue and of these 70 per cent were satisfied with the outcome reached.
- Improved working relationships and better working atmosphere featured strongly in referrers' and participants' views on the impact resolving the dispute via mediation had on the workplace.
- The majority of referrers (53 per cent) reported that they would not have been able to resolve the issues using their internal processes.
- Given the positive feedback from referrers it is interesting to note that only a small number report that they have amended their internal procedures to include a reference to mediation.

- 62 per cent of participants were either 'very satisfied' (31 per cent) or 'fairly satisfied' (31 per cent) with the Agency's mediation service. The corresponding satisfaction level for referrers is 89 per cent with 61 per cent being 'very satisfied' and 28 per cent being 'fairly satisfied' with the mediation service.

3 Profile of respondents

Participants and referrers were asked a number of demographic monitoring questions which were completed by all referrers and in part by participants.

3.1 Referrers

- 47% of referrers described their role as being an HR or personnel manager (9 respondents)
- 32% as a general manager (6 respondents)
- The remainder consisted of a voluntary director, a chief executive officer, an owner of the business and one response was categorised as 'other'.
- The majority of responses were from
 - the voluntary sector (26 per cent),
 - the manufacturing/engineering sector (21 per cent) and
 - the education and the civil service sectors (15 per cent respectively).
- The majority of the responses (63 percent) were from unionised workplaces employing between 50 – 249 or 250+ employees.

3.2 Participants

- The largest group (55 per cent) described themselves as participating in the mediation as a manager, 36 per cent were employees and the remainder (9 per cent) answered other.
- The majority of mediation participants (55 per cent) were female. 62 per cent were in the 31 – 49 age bracket, 34 per cent were over fifty and the remaining 4 per cent under 30.
- The majority (98 per cent) described their ethnicity as 'White'. Only 4 per cent indicated they had a disability.
- Respondents described their community background as follows: 57 per cent 'Roman Catholic', 37 per cent 'Protestant' and 'Neither' was 6 per cent.
- The majority (98 per cent) described themselves as being 'Heterosexual or Straight'.
- The majority (72 per cent) reported their status as 'Married', 16 per cent were 'Single' and 12 per cent were 'Separated or Divorced'.
- 71 per cent stated that they had caring responsibilities, the highest of which was for a child (61 per cent).
- The majority of responses were from the education sector (32 per cent), followed by the voluntary sector (20 per cent).
- 32 per cent of responses were from those whose organisations employed between 10 – 49, followed by 30 per cent in the 250+ bracket, 22 per cent from organisations with less than 10 employees with the remainder (16 per cent) in the 50 and 249 bracket.
- The majority (59 per cent) worked in unionised environments and 53 per cent were members of a trade union.

Because of the low return rates it is not clear whether the above statistics reflect the general population of mediation referrers and participants.

4 Background to the mediation

It is of interest to see why mediations are referred and in particular the role of mediation in the avoidance of claims to the Industrial Tribunal. The questionnaire listed a range of possible options for making the referral. Table 1 indicates that the main concerns of the organisations responding were linked to the impact the issue in dispute was having on wider working relationships. There was also a desire to avoid utilising formal procedures. Avoiding an employment tribunal claim was only selected by 5 respondents.

Table 1: Reasons for referring the issue to mediation

Answer Options	Response Percent	Response Count
One or more individuals were absent from work over the issue	17%	3
One or more individuals may have left over the issue	0%	0
One or more individuals could have been dismissed over the issue	22%	4
Wished to avoid an Employment Tribunal claim	28%	5
Issue was having a negative impact on wider working relationships	83%	15
Issue was having a negative impact on productivity, output or customer service	33%	6
To avoid formal procedures being used	55%	10
	<i>answered question</i>	18
	<i>skipped question</i>	1

Referrers were also asked about the length of time the issue had been ongoing prior to the mediation intervention. As reported in Table 2, the highest category selected was between three and six months (37 per cent), 16 per cent selected more than six months and a further 16 per cent said the issue had been unresolved for a year or more.

Table 2: Length of time the issue had been ongoing prior to mediation

Answer Options	Response Percent	Response Count
Less than one month	5%	1
More than one but less than 3 months	26%	5
More than three but less than 6 months	37%	7
More than six months but less than 1 year	16%	3
One year or more	16%	3
<i>answered question</i>		19

Referrers were asked about the steps that had been taken prior to the mediation intervention. In their responses they were requested to select all the steps that applied. As is evident in Table 3 the most common initial steps were an informal or formal grievance meeting (55 and 50 per cent respectively), and the involvement of a trade union or other employee representative (39 per cent).

Table 3: Steps taken prior to mediation

Answer Options	Response Percent	Response Count
Informal grievance meeting	55%	10
Formal grievance meeting	50%	9
Informal disciplinary meeting	0%	0
Formal disciplinary meeting	22%	4
Employment Tribunal case lodged	0%	0
Involvement of a Trade Union Rep or Employee Representative	39%	7
Arbitration/Independent Appeal through the Labour Relations Agency	0%	0
<i>answered question</i>		18
<i>skipped question</i>		2

In addition referrers were asked to give an indication of the time that had been spent by them and other managers or employees in dealing with the issue. 17 responded to this question and the average total time equated to just under 43 hours. The responses are contained in Table 4 below.

Table 4: Management/Employee time spent on the issue prior to mediation

Answer Options	Response Average	Response Total	Response Count
Your time	16.50	298	18
Other managers/employees time	26.30	447	17
<i>answered question</i>			17
<i>skipped question</i>			2

Finally referrers were asked to comment on why they had selected the Agency to facilitate the mediation and again were asked to select all the options that applied. 18 respondents completed this section and 17 selected the Agency's independence as a key factor. This was followed by 12 citing the confidential nature of our services and 9 saying the Agency had been recommended by a colleague or acquaintance. The responses can be found at Table 5 below.

Table 5: Reasons for choosing the Agency to facilitate the mediation

Answer Options	Response Percent	Response Count
Agency is viewed as independent from the organisation	94%	17
No charge for the service	44%	8
Confidential nature of the Agency's services	66%	12
Only organisation I could think of	0%	0
Agency was recommended by a colleague/acquaintance	50%	9
One or both parties requested we use the Agency	11%	2
Referral to the Agency forms part of an agreed procedure	22%	4
<i>answered question</i>		18
<i>skipped question</i>		1

Mediation participants were asked about the level of control they felt they had in the decision to take part in the mediation process. Just fewer than half of participants (44 per cent) felt they were fully able to make their own decision about whether to take part, one quarter (25 per cent) said they were encouraged to take part but felt they could have declined if they wanted to, 19 per cent felt pressured to take part and as such felt it would have been difficult to say no. The remaining 12 per cent felt that they were given no choice.

5 The mediation process and outcome

Participants were asked about the timing of the mediation. The majority of participants (59 per cent) felt that the mediation intervention was too late, whilst 36% per cent felt that the timing was about right. 3 participants (5 per cent) felt that the mediation intervention was made too early. Conversely the majority of referrers (58 per cent) felt that the intervention was at the right time with only 22 per cent saying it was too late.

Participants were asked if they had completed the mediation process and 88 per cent of those responding reported that they did. The 12 per cent who did not complete mediation cited, in one form or another, the other party's unwillingness to proceed as the main reason for mediation not being completed.

Participants and referrers were asked if the issues had been resolved following the mediation process. Almost three quarters of referrers felt the issues had been completely or partly resolved (74 per cent). A majority felt that they would not have been able to reach a similar outcome using their normal dispute resolution procedures and that this would have taken up a lot more of management time.

Table 6 shows that almost two thirds of participants (64 per cent) felt the issue had either been completely or partly resolved, with the remainder (36 per cent) stating they had not been resolved.

Table 6: Whether participants felt mediation resolved the issues in dispute

Answer Options	Response Percent	Response Count
Completely resolved	17%	10
Partly resolved	47%	27
Not resolved	36%	21
<i>answered question</i>		58
<i>skipped question</i>		2

Participants who felt that the issue had either been completely or partly resolved by mediation were asked the extent to which they were satisfied with the agreement reached. As reported in Table 7, 70 per cent were either 'very satisfied' (17.5 per cent) or 'fairly satisfied' (52.5 per cent). 15 per cent were either 'fairly dissatisfied' or 'very dissatisfied' (7.5 per cent respectively). It should be noted that only 37 respondents indicated that the issues were either completely/partly resolved but 40 respondents answered this question.

Table 7: Participant's satisfaction with agreement reached

Answer Options	Response Percent	Response Count
Very satisfied	17.5%	7
Fairly satisfied	52.5%	21
Neither satisfied or dissatisfied	15.0%	6
Fairly dissatisfied	7.5%	3
Very dissatisfied	7.5%	3
<i>answered question</i>		40
<i>skipped question</i>		20

Where the issue had not been resolved participants were asked why they believed mediation had failed to reach a resolution. 19 participants responded to this question with the majority (58 per cent) (table 8) stating this was as a result of the other party/parties being unwilling to shift their position. Only 2 people (10 per cent) chose the option that the mediator was not good enough.

Table 8: Reasons why participants believed the mediation failed to reach a resolution

Answer Options	Response Percent	Response Count
The other party/parties would not shift their position	57.9%	11
Despite some movement the gap between us was too great	31.6%	6
Mediator was not good enough	10.5%	2
Wanted someone to judge/decide the situation for me	0.0%	0
Other (please specify)		16
	<i>answered question</i>	19
	<i>skipped question</i>	41

In addition, where an agreement or resolution had been reached, respondents were asked to indicate how this had impacted on the workplace and were asked to select all that applied. Table 9 outlines the responses from referrers and Table 10 indicates the participants' responses. It should be noted that this question was skipped by 47% of referrers and 52% of participants. That said improved working relationships polled top in both surveys.

Table 9: Referrers' views on how agreement impacted on the workplace

Answer Options	Response Percent	Response Count
Improved working relationships	100%	10
Improved productivity/output	10%	1
Improved attendance/commitment to job	20%	2
Facilitated a return to work	10%	1
Resolved an outstanding grievance	40%	4
Better working atmosphere	70%	7
Other (please specify)	30%	3
	<i>answered question</i>	10
	<i>skipped question</i>	9

Table 10: Participants' views on how agreement impacted on the workplace

Answer Options	Response Percent	Response Count
Improved working relationships	62%	18
Improved productivity/output	14%	4

Improved attendance/commitment to Organisation	14%	4
Facilitated my return to work	14%	4
Resolved an outstanding grievance	24%	7
Better working atmosphere	45%	13
Other (please specify)	34%	10
	answered question	29
	skipped question	31

Referrers and participants were also asked if they did anything differently on return to the workplace. Overall 48 (72 per cent) answered 'yes' to this question and 19 (28 per cent) answered 'no'. 57 respondents provided comments by way of clarification with 36 (63 per cent) providing examples of positive changes individuals had made on return to the workplace.

Interestingly the majority of referrers (58 per cent) had not revised their internal procedures to include a referral to mediation. Only 2 (10 per cent) have taken this step and the other 32 per cent already had mediation in their procedures.

6 Satisfaction with the Agency mediation process

6.1 Views from referrers and participants: Initial Contact

Referrers were asked to indicate how they found their initial contact with the mediator. Their responses have been outlined at Table 11 below.

Table 11: Referrers' views of mediators at initial contact stage

Answer Options	Response Percent	Response Count
Was courteous and polite	100%	18
Explained the mediation process clearly and concisely	89%	16
Adequately addressed concerns raised	67%	12
Answered questions asked	94%	17
Was helpful	94%	17

Made a good first impression	78%	14
<i>answered question</i>		18

Responses from participants of their experience on initial contact with the mediator are detailed in Table 12 below.

Table 12: Participants' views of mediators at initial contact stage

Answer Options	Response Percent	Response Count
Was courteous and polite	86%	51
Explained the mediation process clearly and concisely	78%	46
Adequately addressed concerns raised	52%	31
Answered questions asked	60%	35
Was helpful	66%	39
Made a good first impression	61%	36
<i>answered question</i>		59
<i>skipped question</i>		1

6.2 Views from participants: Mediation Meetings

Participants were asked to provide their views of the mediator on the day of the mediation meeting. Their responses can be found in Table 13 below.

Table 13: Participants' views of mediator on day of mediation

Answer Options	Response Percent	Response Count
Was courteous and made me feel welcome/comfortable	91%	53
Explained the mediation process clearly and concisely	97%	56
Acted impartially and did not take sides	78%	45
Maintained confidentiality	86%	50
Helped facilitate the discussion and kept things moving	81%	47
Did not rush things	71%	41
Presented issues in neutral language	67%	39
Helped me to identify areas of agreement/disagreement	69%	40
Understood my point of view	66%	38
Calmed the situation (if necessary)	36%	21
Established a rapport with me	53%	31
Listened to me	74%	43
	<i>answered question</i>	58
	<i>skipped question</i>	2

In addition the majority of participants (93 per cent) agreed or strongly agreed that the facilities provided for the meeting were very good.

6.3 Views from referrers and participants - Information

The majority of referrers and participants either agreed or strongly agreed that the information available on the website and in the mediation

explained booklet was useful and helpful in understanding the mediation process.

The views from participants on the information supplied in advance of the mediation meeting can be found in Table 14 below.

Table 14: Participants' views on mediation information available/provided

Answer Options	Strongly Agree	Agree	Disagree	Strongly Disagree	Not Applicable	Response Count
The information available on mediation on the website was useful.	7	33	1	0	16	57
The explanatory booklet explaining mediation was helpful in understanding the process.	11	36	1	0	7	55
Completing the mediation questionnaire provided in advance of the meeting helped me to prepare for same.	11	36	7	1	2	57
The mediator provided me with clear instructions on the arrangements for the mediation meeting.	18	36	1	2	0	57

6.4 Overall satisfaction levels

62 per cent of participants were either 'very satisfied' (31 per cent) or 'fairly satisfied' (31 per cent) with the Agency's mediation service. The corresponding satisfaction level for referrers is 89 per cent with 61 per cent being 'very satisfied' and 28 per cent being 'fairly satisfied' with the mediation service.

Table 15: Satisfaction Levels

Answer Options	<u>Participants</u> Response Percent	<u>Participants</u> Response Count	<u>Referrers</u> Response Percent	<u>Referrers</u> Response Count
Very satisfied	31%	18	61%	11
Fairly satisfied	31%	18	28%	5
Neither satisfied or dissatisfied	22%	13	11%	2
Fairly dissatisfied	9%	5	0%	0
Very dissatisfied	7%	4	0%	0
	<i>answered question</i>	58		18
	<i>skipped question</i>	2		1

52 per cent of participants said that they would participate in mediation again and 90 per cent of referrers said they would refer future issues to the Agency for mediation again. 72 per cent of participants and 100 per cent of referrers would recommend the service to a colleague/friend.

6.5 General Observations

Participants and referrers were asked to indicate what the Agency did well and also put forward suggestions on what could have been improved upon. Overall 45 positive comments were received against 20 suggestions for improvement. It was difficult to summarise the responses as they were so diverse in nature but some conclusions could be drawn as follows:

- The Agency was commended on its timely and prompt action by a number of referrers.
- Some participants would have welcomed a form of follow up following the conclusion of the mediation.
- Some suggestions for improvement would not be appropriate within the mediation process or would lie outside the control of the Agency. Those that are able to be acted upon will be considered as part of the Agency's review of its mediation service.
- Overall under the general comments made the majority of same were positive about the mediation service.