

Research Paper

Acas Individual Mediation 2011/12:
Responses from participants and commissioners

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Acas Research & Evaluation Section

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and commissioners**

1 April 2011 – 31 March 2012

Acas Research & Evaluation Section
September 2012

1 Introduction

Acas carries out a comprehensive review of all of its services in order to improve efficiency and effectiveness. This report focuses on the charged-for individual mediation service offered by Acas, where an independent mediator helps to resolve conflicts or disputes between individual workers or between individuals and their line managers. Acas defines mediation as: *'an informal way of resolving disagreements or disputes in the workplace'. It can avoid the need to use more formal or legal procedures. It involves a neutral third person working with those in dispute to help them reach an agreement and is a confidential and voluntary process'.*

Acas sends questionnaires to participants and commissioners of mediation once a case is closed. This report is based on questionnaires received between 1 April 2011 and 31 March 2012. During this period completed questionnaires were received from 112 participants taking part in a total of 83 mediations. The commissioners of 105 mediations during this period also completed a questionnaire.

2 Key Findings

Background to the mediation:

- Seven in ten (70 per cent) mediations involved a dispute where one party had authority over the counterparty.
- Around six in ten (59 per cent) disputes had been ongoing in excess of six months.
- Commissioners identified a negative impact on wider working relationships and one or more individuals being absent from work as the highest risks had mediation not taken place.

Mediation outcomes:

- Around six in ten (59 per cent) participants felt the Acas mediation had either completely or partly resolved the issue and of these three quarters (74 per cent) were satisfied with the outcome reached.
- More than six in ten (61 per cent) participants felt that the timing of the mediation intervention was too late, whilst just one third (35 per cent) felt it was about right. There was also a strong link between participants' views on the timing of the mediation and whether the underlying issues have been resolved with those who felt it was too late far less likely to feel the mediation had resolved the underlying issues.

Satisfaction with the service:

- More than seven in ten (71 per cent) participants were satisfied overall with the Acas mediation service. Satisfaction was highest amongst participants where the issue was felt to have been resolved.
- Almost nine in ten (88 per cent) commissioners were satisfied overall with the Acas mediation service.

3 Profile of respondents

Four in five (72 per cent) mediation commissioners described their role as being in HR or personnel, 17 per cent as a general manager and the remainder (11 per cent) answered 'other'.

Respondents were asked in what capacity they participated in the mediation and a number of demographic monitoring questions which were completed, at least in part, in the vast majority (96 per cent) of cases. The following will detail these responses.

The largest group of respondents (68 per cent) described themselves as participating in the mediation as an employee, just over one quarter (29 per cent) as a manager and 3 per cent answered 'other'.

Two thirds (67 per cent) of mediation participants were female. The participants ranged in age from 28 to 73 years, the average being 48 years. More than nine in ten (92 per cent) described their ethnicity as 'Any White Background'. About one in seven (13 per cent) indicated that they had a long-term illness, health problem or disability. Over half (57 per cent) of participants described their religion as Christian with 'no religion' being the second most common response (36 per cent) to this question. The vast majority (93 per cent) described themselves as being heterosexual or straight.

4 Background to the mediation

As evidenced in table 1, seven in ten (70 per cent) involved a dispute where one individual or group had authority over the counterparty (the first four categories in the table); the majority of which (52 per cent) involved an employee and his/her line manager.

Table 1: Relationship between parties involved in mediation (%)

	2011-12	2010-11
An employee and his/her line manager	52	68
A group of employees and their line manager	4	5
An employee and another individual who has authority over him/her in the organisation	13	6
A group of employees and another individual who has authority over them in the organisation	1	-
Two individuals where there is no authority relationship	22	18
An individual and a group where there is no authority relationship	1	1
Two groups of employees	-	-
Other	7	2
<i>Base</i>	<i>103</i>	<i>99</i>

It is of interest to see why mediations are commissioned and in particular the role of mediation in the avoidance of an Employment Tribunal Claim. The questionnaire listed a range of possible scenarios had mediation not taken place

and asked that commissioners classify each as either 'high', 'medium' or 'low' risk in respect to their particular mediation. Table 2 shows that the possibility of a *negative impact on wider working relationships* and *staff absenteeism* were perceived as posing the greatest risks by commissioners, whilst over one third (35 per cent) of commissioners cited an Employment Tribunal resulting as being a high risk.

Table 2: Commissioner's risk assessment (%)

		Risk			Base
		High	Medium	Low	
One or more individuals being absent from work over the issue	2011-12	64	20	15	<i>98</i>
	2010-11	71	15	13	<i>97</i>
One of more employees leaving the organisation over the issue	2011-12	38	42	20	<i>97</i>
	2010-11	41	32	27	<i>94</i>
One or more employees being dismissed from the organisation over the issue	2011-12	21	35	43	<i>99</i>
	2010-11	17	24	59	<i>88</i>
An Employment Tribunal case resulting from the issue	2011-12	35	39	26	<i>95</i>
	2010-11	33	37	31	<i>95</i>
A negative impact on wider working relationships	2011-12	74	17	9	<i>99</i>
	2010-11	69	23	7	<i>98</i>

Mediation Commissioners were also asked about the length of time the issue had been ongoing prior to the mediation intervention. As reported in table 3, around six out of every ten disputes (59 per cent) had been ongoing for more than six months (the final two categories in the table).

Table 3: Length of time the issue had been ongoing prior to mediation (%)

	2011-12	2010-11
Less than one month	2	2
One month to less than three months	12	20
Three months to less than six months	27	19
Six months to less than one year	25	29
One year or more	34	30
<i>Base</i>	<i>105</i>	<i>98</i>

Mediation Commissioners were surveyed on what steps had been taken prior to the mediation intervention. As is evident in table 4, the most common initial steps were a formal grievance meeting (in 50 per cent of cases), an informal grievance meeting (in 47 per cent of cases) and the involvement of a trade union or other employee representative (in 41 per cent of cases). Just one commissioner cited that an Employment Tribunal case had already taken place.

Table 4: Steps taken prior to mediation (%)¹

	2011-12			
	Yes	No	Don't know	Missing / refused
An informal disciplinary meeting	18	59	1	22
An informal grievance meeting	47	31	3	19
A formal disciplinary meeting	22	54	1	23
A formal grievance meeting	50	33	-	16
The final stage of a disciplinary or grievance procedure	30	47	-	24
The involvement of trade union or other employee representatives	41	36	2	21
An Employment Tribunal case	1	70	1	28

Base: 105

In around three quarters (74 per cent) of cases, commissioners identified *improving working relationships between the individuals concerned* as the main objective of the mediation. The next most common objective cited, representing 13 per cent of mediations, regarded *managing staff absence* (including both facilitating a return to work and preventing a long-term absence). Five per cent of commissioners cited *preventing an Employment Tribunal case* as the main objective and a smaller minority cited *preventing a resignation, preventing a dismissal* and *improving wider relationships in the organisation* (no more than 3 per cent for each) as the primary objective.

Mediation participants were asked about the level of control they had in the decision to take part in the mediation process. The largest group of participants (44 per cent) were fully able to make their own decision about whether to take part, just fewer than one third (31 per cent) were encouraged to take part but felt they could have declined if they wanted to, 19 per cent felt pressurised into taking part such that it would have been difficult to say no, and the remaining 6 per cent were given no choice. Of those pressurised into participating or given no choice at all, the vast majority (92 per cent; 24 out of 26) stated that most of the pressure was exerted by their employer.

5 The mediation process and outcome

Six out of every ten (60 per cent) mediation participants indicated that the mediation took place at their employer's premises, 21 per cent took place on Acas' premises and the remainder (19 per cent) somewhere else.

The vast majority of participants (95 per cent) were not accompanied during the mediation process and of these the majority (61 per cent) were content with this arrangement, around one in five (21 per cent) would have preferred to have been accompanied and a further 18 per cent answered 'don't know'.

¹ No comparison has been made with the 2010-11 results as this question has been changed: for each potential step, respondents are now asked to positively select either 'yes' or 'no' to indicate whether that process took place, rather than given a list of steps to select from a list. Due to their relatively high frequencies, missing values have been included in the analysis for this question.

Participants were asked of the extent to which the underlying issues had been resolved following the mediation process. As reporting in table 5, participants reported very mixed outcomes: just over one fifth (19 per cent) felt the issue had been completely resolved, four in ten (40 per cent) reported that the issue had been partly resolved and the largest group (41 per cent) stated it had not at all been resolved.

Table 5: Whether participant felt mediation resolved underlying issues (%)

	2011-12	2010-11
Completely resolved	19	24
Partly resolved	40	49
Not at all resolved	41	27
<i>Base</i>	111	165

As shown in table 6, of those who felt the mediation had at least partly resolved the underlying issues, three quarters were satisfied with the agreement reached (74 per cent either very or fairly satisfied).

Table 6: Participants' satisfaction with agreement reached [if underlying issues either completely or partly resolved] (%)

	2011-12	2010-11
Very satisfied	28	31
Fairly satisfied	48	50
Neither satisfied nor dissatisfied	13	15
Fairly dissatisfied	9	3
Very dissatisfied	2	-
<i>Base</i>	64	115

To explore the factors that lead to a satisfactory outcome, participants were asked about the timing of the mediation intervention. More than six in ten (61 per cent) participants believed that the mediation intervention was too late, 35 per cent felt the timing was about right and 4 per cent felt it was too early. There was a strong link between participants' views on the timing of the mediation and whether it was felt that the issues had been resolved. Amongst those who felt the timing of mediation was too late, more than half (53 per cent) felt the issue has not been resolved at all, 30 per cent felt it had been partly resolved and 17 per cent completely resolved. This compares markedly to those who felt the timing was right where the vast majority felt the issues had been resolved either completely (27 per cent) or partly (62 per cent) and just 11 per cent felt the issue had not been resolved at all.

6 Overall perceptions of the Acas Individual Mediation service

Overall, more than seven in ten participants (71 per cent) were either 'very satisfied' (42 per cent) or 'fairly satisfied' (30 per cent) with the Acas Individual Mediation service. The data also highlights a strong link between overall satisfaction and whether the underlying issues had been resolved: all participants who felt the issue was completely resolved were satisfied, 93 per cent of those where the issue was partly resolved, but just 36 per cent of those where the issue was not resolved at all.

Table 7: Mediation participants' overall satisfaction with the service (%)

	2011-12	2010-11
Very satisfied	42	47
Fairly satisfied	30	31
Neither	13	15
Fairly dissatisfied	6	4
Very dissatisfied	9	2
<i>Base</i>	<i>108</i>	<i>159</i>

Approximately six in ten (61 per cent) participants indicated that they would participate in mediation again, one in six (16 per cent) would not and the remainder (23 per cent) were unsure. As with satisfaction, there was a strong link between participants' perceptions of whether the underlying issues had been resolved and their willingness to engage in the process again.

Overall, 88 per cent of mediation commissioners were satisfied with the Acas Individual Mediation service (57 per cent 'very satisfied', 32 per cent 'fairly satisfied'). In addition, 88 per cent stated they would use mediation again.

Table 8: Commissioners' overall satisfaction with the service (%)

	2011-12	2010-11
Very satisfied	57	55
Fairly satisfied	32	34
Neither satisfied nor dissatisfied	5	6
Fairly dissatisfied	6	4
Very dissatisfied	1	1
<i>Base</i>	<i>104</i>	<i>97</i>

