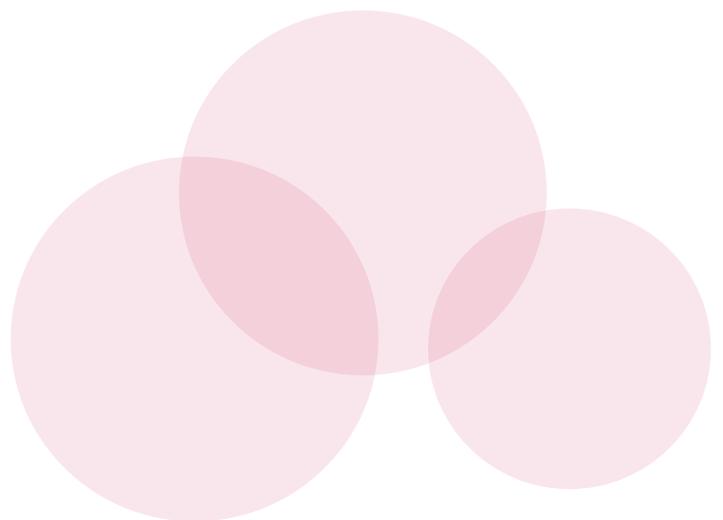
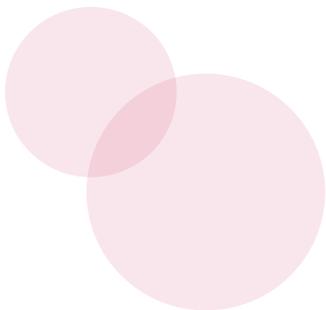


# Research Paper



Acas Individual Mediation: feedback from participants and commissioners

Ref: 07/13



2013

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# **Acas Individual Mediation: feedback from participants and commissioners**

1 April 2012 – 31 March 2013

Ref: 07/13

Acas Research & Evaluation Section  
August 2013

## 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 2012 and 31 March 2013. During this period completed questionnaires were received from 89 participants taking part in a total of 68 mediations. The commissioners of 72 mediations during this period also completed a questionnaire. Due to the relatively small number of mediations and completed questionnaires on which these results are based, these findings and any comparisons with the 2011-12 findings should be treated as indicative only.

## 2 Key Findings

### Background to the mediation:

- Around eight in ten (82 per cent) mediations involved a dispute where one individual or group had authority over the counterparty.
- The majority of issues (66 per cent) had been ongoing for between three months and one year.
- Commissioners identified one or more individuals being absent from work over the issue and a negative impact on wider working relationships as the highest risks had mediation not taken place.

### Mediation outcomes:

- Around six in ten (62 per cent) mediation participants felt the Acas mediation had either completely or partly resolved the issue (compared to 59 per cent in 2011-12) and of these 72 per cent were satisfied with the outcome reached.
- The majority of participants (60 per cent) felt that the timing of the mediation intervention was too late, whilst 37 per cent felt it was about right. There was also a strong link between participants' views on the timing of the mediation and overall satisfaction, with those who felt that the timing was about right more likely to be very satisfied overall.

### Satisfaction with the service:

- Almost eight in ten (77 per cent) participants were satisfied overall with the Acas mediation process, which represents a slight increase of six

percentage points from 2011-12. Satisfaction was highest amongst participants where the issue was felt to have been completely resolved.

- Almost nine in ten (86 per cent) commissioners were satisfied overall with the Acas mediation service, which represents a slight decrease of two percentage points from 2011-12.

### **3 Profile of respondents**

The majority of mediation commissioners (65 per cent) described their role as an HR or Personnel manager, with a further 16 per cent describing their role as an overall manager and 20 per cent describing their role as 'other'.

Mediation participants were asked in what capacity they had participated in the mediation and a number of demographic monitoring questions were completed, at least in part, by the vast majority (98 per cent) of cases. The details of these responses are below.

Just under three fifths (57 per cent) of respondents described themselves as participating in the mediation as an employee, with two fifths (40 per cent) as a manager. Three participants (3 per cent) said that they participated in the mediation in their role as 'other'.

Just over three fifths (63 per cent) of mediation participants were female, and the participants ranged in age from 26 to 65, with the average age being 46 years old. The majority (97 per cent) of mediation participants described their ethnicity as 'Any White Background' and almost a quarter (23 per cent) indicated that they had a long-term illness, health problem or disability. Just over two fifths (62 per cent) described their religion as Christian, with a third (33 per cent) reporting that they had 'no religion'. Over nine in ten (92 per cent) respondents described themselves as heterosexual or straight.

### **4 Background to the mediation**

Commissioners were asked to provide some background information regarding the Acas Individual Mediation that they commissioned.

As can be seen in table 1 below, around eight in ten (82 per cent) mediations involved a dispute where one individual or group had authority over the counterparty (the first four categories in the table); the majority of which involved an employee and his/her line manager (58 per cent).

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

	2012-13	2011-12
An employee and his/her line manager	<b>58</b>	52
A group of employees and their line manager	<b>8</b>	4
An employee and another individual who has authority over him/her in the organisation	<b>13</b>	13
A group of employees and another individual who has authority over them in the organisation	<b>3</b>	1
Two individuals where there is no authority relationship	<b>13</b>	22
An individual and a group where there is no authority relationship	-	1
Two groups of employees	<b>3</b>	-
Other	<b>3</b>	7
<i>Base</i>	72	103

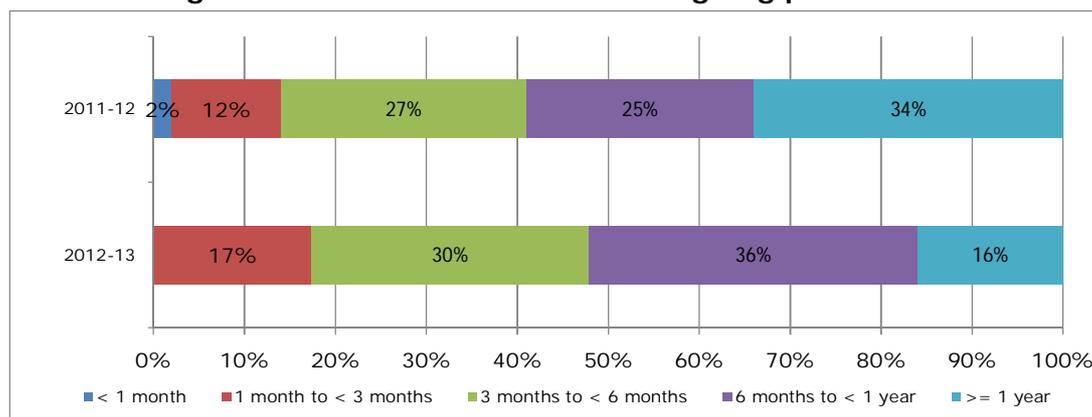
The questionnaire listed a range of possible scenarios had mediation not taken place and asked commissioners to classify each as 'high', 'medium' or 'low' risk in respect to their particular mediation. As can be seen, the findings are very similar to 2011-12, with the possibility of staff absenteeism and a negative impact on wider working relationships being perceived as posing the greatest risks by commissioners.

**Table 2: Commissioners' risk assessment**

		Risk (%)			<i>Base</i>
		High	Medium	Low	
One or more individuals being absent from work over the issue	<b>2012-13</b>	<b>76</b>	<b>15</b>	<b>9</b>	<i>67</i>
	2011-12	64	20	15	<i>98</i>
One or more employees leaving the organisation over the issue	<b>2012-13</b>	<b>42</b>	<b>36</b>	<b>22</b>	<i>64</i>
	2011-12	38	42	20	<i>97</i>
One or more employees being dismissed from the organisation over the issue	<b>2012-13</b>	<b>24</b>	<b>27</b>	<b>49</b>	<i>63</i>
	2011-12	21	35	43	<i>99</i>
An Employment Tribunal case resulting from the issue	<b>2012-13</b>	<b>33</b>	<b>33</b>	<b>34</b>	<i>64</i>
	2011-12	35	39	26	<i>95</i>
A negative impact on wider working relationships	<b>2012-13</b>	<b>65</b>	<b>34</b>	<b>1</b>	<i>68</i>
	2011-12	74	17	9	<i>99</i>

Commissioners were also asked how long the issue had been ongoing prior to the mediation intervention. As reported in chart 1 below, the majority of issues (66 per cent) had been ongoing for between three months and one year. This differs from 2011-12 where the issue been ongoing for between three months and one year in only 52 per cent of cases.

**Chart 1: Length of time the issue had been ongoing prior to mediation**



Bases: 2011-12 (105); 2012-13 (69)

Mediation commissioners were surveyed on what steps had been taken prior to the mediation intervention. The most commonly taken initial steps were an informal grievance meeting (in 43 per cent of cases), a formal grievance meeting (in 42 per cent of cases) and the involvement of trade union or other employee representatives (in 39 per cent of cases). Just one commissioner indicated that an Employment Tribunal case had already taken place prior to the mediation.

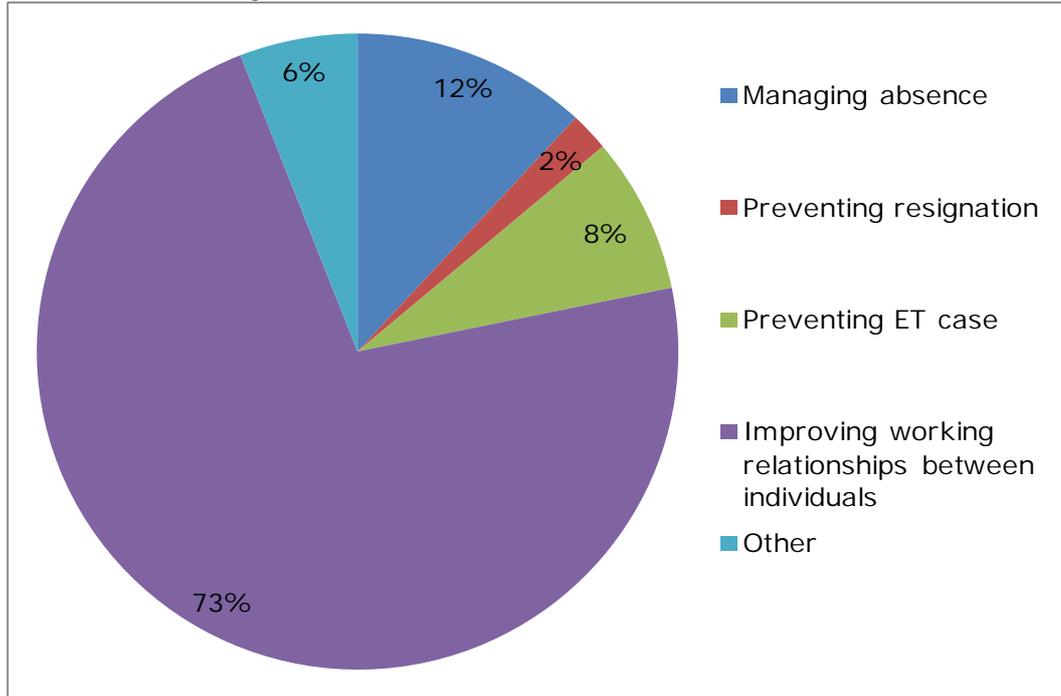
**Table 3: Steps taken prior to mediation (%)**

	2012-13			
	Yes	No	Don't know	Missing / refused
An informal disciplinary meeting	15	57	1	26
An informal grievance meeting	43	35	-	22
A formal disciplinary meeting	14	60	4	22
A formal grievance meeting	42	40	-	18
The final stage of a disciplinary or grievance procedure	26	53	-	21
The involvement of trade union or other employee representatives	39	40	-	21
An Employment Tribunal case	1	75	-	24

Base: 72

Just under three quarters (73 per cent) of commissioners reported that the main objective of the mediation was to improve working relationships between individuals, with the next most commonly cited main reason (12 per cent) being to manage staff absence (including both facilitating a return to work and preventing a long-term absence). Preventing an Employment Tribunal case was selected as the main objective of the mediation by eight per cent of respondents.

**Chart 2: Main objective of mediation**



Base: 72

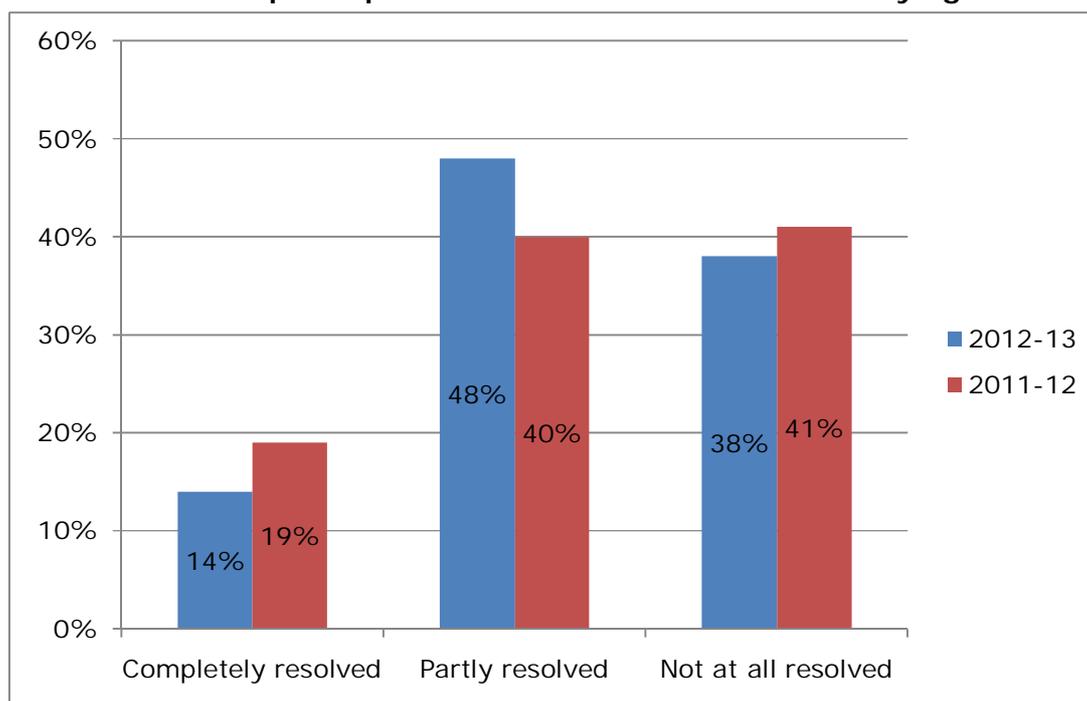
Mediation participants were asked about the level of control they had in the decision to take part in the mediation process. Two fifths of participants (40 per cent) reported that they were allowed to make their own decision about taking part in the mediation, with around a third (34 per cent) saying that they were encouraged to take part but could have declined if they wanted. Just over one fifth (22 per cent) said that they felt pressured to take part and that it would have been difficult to say no, with five per cent reporting that they were given no choice. Of those who felt pressured to take part or were given no choice at all in participating, eight in ten (81 per cent, 17 out of 21) said that most of the pressure came from their employer.

## **5 The mediation process and outcome**

Almost all (97 per cent) mediation participants indicated that they had not been accompanied during the mediation process, and of these the majority (63 per cent) were content with this arrangement. Of those who had not been accompanied, 21 per cent indicated that they would have liked to have been accompanied, with 16 per cent reporting that they 'don't know'.

Mediation participants were asked of the extent to which the underlying issues had been resolved following the mediation process. As reported in chart 3 below, participants reported very mixed outcomes: 13 per cent indicated that the issue had been completely resolved, 48 per cent that it had been partly resolved, with around two fifths (38 per cent) reporting that the issue had not at all been resolved. These figures indicate a slight increase in partly resolved mediations compared to 2011-12 with a corresponding fall in completely resolved and not at all resolved disputes.

**Chart 3: Whether participant felt mediation resolved underlying issues**



Bases: 2011-12 (111); 2012-13 (89)

Participants who felt that the issue had at least been partly resolved by the mediation process were asked to indicate to what extent they were satisfied with the agreement reached. Table 4 below shows that around three quarters (72 per cent) were either 'very satisfied' or 'fairly satisfied' with the agreement reached, with a further 18 per cent being 'neither satisfied nor dissatisfied'. Just over one in ten (11 per cent) indicated that they were either 'fairly satisfied' or 'very dissatisfied' with the agreement reached, the same proportion as in 2011-12.

**Table 4: Participants' satisfaction with agreement reached [if underlying issues either completely or partly resolved] (%)**

	2012-13	2011-12
Very satisfied	18	28
Fairly satisfied	54	48
Neither satisfied nor dissatisfied	18	13
Fairly dissatisfied	7	9
Very dissatisfied	4	2
<i>Base</i>	56	64

Mediation participants were asked to indicate if they felt the timing of the mediation was a factor in the success of resolving the root issues. The majority of participants (60 per cent) felt that the mediation occurred too late, with just over one third (37 per cent) indicating that the timing was about right. Just three respondents (4 per cent) felt that the mediation occurred too early. Participants who felt that the timing of the mediation was 'about right' were more likely to be 'very satisfied' overall with the mediation process.

## 6 Overall perceptions of the Acas Individual Mediation service

### 6.1 Participants' ratings of the service

Mediation participants were asked to rate how satisfied overall they were with the mediation process. Around eight in ten participants (77 per cent) were either 'very satisfied' or 'fairly satisfied' overall with the mediation process (35 per cent very satisfied and 42 per cent fairly satisfied). This compares to 71 per cent in 2011-12 (this difference is not statistically significant). Participants who felt that the underlying issue behind the mediation had been completely resolved were more likely to be 'very satisfied' with the mediation process overall than those who felt it had been partly resolved or not at all resolved.

**Table 5: Participants' overall satisfaction with the service (%)**

	2012-13	2011-12
Very satisfied	35	42
Fairly satisfied	42	30
Neither satisfied nor dissatisfied	9	13
Fairly dissatisfied	6	6
Very dissatisfied	9	9
<i>Base</i>	<i>89</i>	<i>108</i>

Just over half (53 per cent) of mediation participants said that they would take part in mediation again, with one in six (16 per cent) indicating that they would not. Just under a third (31 per cent) were unsure if they would take part in individual mediation again in the future. There was a strong link between resolution of the underlying issue and willingness to take part again in the mediation process with those who felt the underlying issue had been resolved more likely to indicate that they would take part in mediation again in the future<sup>1</sup>.

### 6.2 Commissioners' ratings of the service

Overall, 86 per cent of mediation commissioners were satisfied with the mediation service (58 per cent 'very satisfied' and 28 per cent 'fairly satisfied'); this is broadly in line with the 2011-12 figures. Nine in ten commissioners (90 per cent) indicated that they would use mediation again in the future.

<sup>1</sup> 83 per cent (10 out of 12) of those who felt the mediation had 'completely' resolved the underlying issue, 57 per cent (24 out of 42) of those who felt the mediation had 'partly' resolved the underlying issue and 38 per cent (13 out of 34) of those who felt the underlying issues had 'not at all' been resolved by mediation indicated they would take part again in mediation.



