

# How Maidstone and Swale Borough Councils are delivering meaningful benefits through workplace mediation

## Key Learning Points

- How mediation training has been helping to transform relationships between HR, managers and employees at Maidstone and Swale Borough Councils whilst reducing formal case work.
- How better understanding of conflict and conflict management can help to improve organisational people and change management capabilities whilst encouraging innovation.
- How the right attitude, training and experience can accelerate progress along the mediator learning curve.

## Strengthening employee relations by developing in-house mediation specialists

In 2014, HR Shared Services (HRSS) representatives from the Mid Kent Services partnership – supporting Maidstone and Swale Borough Councils – attended the South East Employers training programme, 'Mediation and Conflict Resolution in the Workplace'.

Today they provide workplace mediation services to a total combined workforce of eight hundred.

Historically, mediation was recognised in their grievance policy and the team engaged with employee issues in an informal mediative capacity. However, this inherent capability was untrained and there was no formal mediation mechanism for the councils to apply.

"The policy hasn't changed," the HRSS team explain. "We've always promoted and supported the councils with mediation. The training was about putting something formal in place behind it. We also wanted to do more to steer people away from grievance. Grievances can be surprisingly destructive whilst mediation is far more positive – looking forward, not back. It enables happier teams and restores productivity. Conflict makes everyone uncomfortable and mediation helps them into a much better place – and it's easier, quicker and less disruptive to service."

In the past, the councils had engaged trained external mediation providers when necessary. The decision to develop an in-house service was prompted by new strategy: accumulate and build best practice internally whilst optimising specialist resources with extension and enhancement of existing capabilities.

The new mediation service was integrated into a framework of employee relations solutions, complementing in particular the internal coaching service.

"We have a number of staff trained in coaching to help employees resolve issues for themselves and pre-empt formal casework. Some situations can prove too challenging for some individuals and a little support can make a big difference. They can share their story, objectively process the situation and develop a plan of action, which could now include mediation. Meanwhile, managers are encouraged to adopt a more holistic approach and not jump straight to formal process. Our coaching and mediation offerings have an organic relationship: some issues are appropriate for coaching, some for mediation, and some fall in the middle."

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Now the principles of mediation are ingrained in our thought processes. We can see where issues may arise and slip straight into mediation mode. We have a mechanism that enables us to step in, and feel more confident doing so.”

## **The broader benefits and deeper operational impact of informal conflict resolution**

The team recognise two modes of mediation: the ‘formal’ procedure required by the grievance process; and the ‘informal’ approach they have always subscribed to, also known as “mediation with a little ‘m’.”

“We use *formal* mediation for more complex or risky situations whilst mediating *informally* any potential conflict on a smaller scale. In those instances we either keep an appropriate distance, coaching with mediation principles and techniques, or get a little more involved, leading informal resolution using mediation as the template.”

The logic is that the introduction of formal mediation can cause a situation to escalate unnecessarily.

“Everyone is different and every situation is different. For some, a formal response could increase the severity and inflame the situation. You don’t necessarily want to push things to that level too soon, and the informal approach doesn’t preclude formal mediation later. In fact, in the training you learn that there is a right time to escalate instead of just chasing informal. If it does end up going formal, you can at least demonstrate informal resolution was attempted.”

It’s also about managing stakeholder expectations.

“Mediation needs to be delivered in line with the expectations. If they want formal, give them formal. If they want informal, take them in that direction. You adapt according to requirements. That said, share a few examples of where it’s worked and how, and you may find them more willing to try your preferred approach.”

Mediation training has given them greater insight – enhancing their ability to identify situations where a mediation-based approach may be appropriate – and improved their understanding of when and how to intervene.

“Our new capability has made supporting the workforce so much easier. We weren’t always aware of an issue before. Even when we were aware, when is it right for HR to get involved? Do we wait to be invited? Typically we were only called in when a situation reached crisis point or the manager could no longer cope. Now the principles of mediation are ingrained in our thought processes. We can see where issues may arise and slip straight into mediation mode. We have a mechanism that enables us to step in, and feel more confident doing so.

“Our training also taught us great techniques for containing and defusing potential conflict, like how to reframe what people say when they’re upset – helping them make their point in a more effective way. Being able to remove the emotion is extremely helpful in managing any conflict. Getting people to open up and move forward constructively makes a big difference as well, as does helping people gain better perspective on the scale of an issue. We’ve headed off a lot of issues that way. They don’t identify it as mediation, of course. What they see is a more engaged, compassionate, flexible and supportive HR service.”

The HRSS team are more frequently engaged in informal resolution today, and recognise that any degree of change can increase the requirement.

“Everyone who goes through the process has a positive view of it. By guiding in mediation principles we’re able to help them see change from the team perspective, anticipate employee reactions and pre-empt potential conflict.

Managers learn how to get more out of their staff and HR are brought in less often.”

“Some areas always have conflict of one form or another. New managers with new styles of management – even that scale of change can have an impact on service delivery, morale and engagement. They’re often under pressure to remedy or improve performance and tend to be keen to set ambitious targets and objectives. They don’t expect disengagement. It can come as quite a shock.”

The new approach is encouraging ownership of issues and winning converts to the benefits of communication over command and control, especially from junior managers who are more open to coaching and support.

“Everyone who goes through the process has a positive view of it. By guiding in mediation principles we’re able to help them see change from the team perspective, anticipate employee reactions and pre-empt potential conflict. We also incorporated our training into a new toolkit for managing change. For example, how to recognise potential conflict and develop appropriate strategies. Managers learn how to get more out of their staff and HR are brought in less often. You always get some who aren’t on board at first, but even veteran managers come round when they start having the same issues again and again.”

As well as helping the councils to mitigate the impact and likelihood of conflict, mediation is enabling constructive criticism and innovation to emerge wherever conflict is obscuring them.

“It’s easy to forget that conflict can be good. Disagreement often represents different insights, knowledge and experience, but valid and beneficial messages can be camouflaged by strength of feeling. If people feel ignored or intimidated into suppressing their opinions, they can react badly. Mediation helps managers to understand where resistance is coming from and what it represents. They can tease out important messages, even if delivered with distress or discontent. Some of the best ideas can emerge that way.”

### **The mediator learning curve**

Today, the HRSS team are very comfortable in their use of mediation principles and process. They readily admit, however, that they have forged proficiency through robust training and experience.

The training created a powerful, positive momentum. They emerged from the programme enthused and determined to make best use of their new skills.

“The training showed us the tremendous potential of mediation. We were eager to spy out opportunities to make a difference.”

But the ‘right’ situations were not immediately forthcoming.

“In time we developed greater sensitivity to less obvious situations and opportunities for pre-emptive intervention. Our first opportunities to deliver formal mediation, however, came much later.”

One case involved a grievance arising from a breakdown in communication. As per policy, they first attempted resolution through mediation. Both parties were content to participate, and through the process were able to get their issues out in the open, empathise and recognise where misunderstanding and their own behaviour had contributed. Positive resolution was achieved and an ongoing relationship strategy put in place.

“The more we use our mediation skills the more confident we become. It took a while, but we’re using it a lot more now, especially in the last year. More people are engaging with mediation, more people understand the value and more positive stories are being created. It’s definitely growing, and our level of ability is growing with it.”

Another case concerned a grievance claim emerging from the later stages of other formal proceedings. Both parties had become entrenched and lost sight of purpose. Neither welcomed mediation. However, appealing to their underlying objectives and best interests persuaded both to engage with open minds. With targeted discussion instead of undisciplined argument, resolution was achieved quickly and they now work well together.

For the HRSS team, each mediation has been a powerful learning accelerant. In particular, experience has helped them to move past early anxiety about their accountability as mediators.

“You have to get out there and start doing it as soon as possible. Doing it in full capacity and getting those outcomes was a really steep learning curve. Delivering formal mediation for the first time can be an intimidating prospect. Training is a safe environment; it doesn’t matter quite so much if roleplay goes wrong. In a live mediation you have to be calm and professional, but you feel this pressure to make it work because you have to deliver the benefits.

“Once you’ve been through it, you realise that your role is facilitation. It’s not all on you. You’ll have successes, but you may also have failures, which you mustn’t take personally. Sometimes it doesn’t work – perhaps one participant was determined not to let it work. Sometimes you can only do so much – perhaps you’ve got two people who just don’t get on. You can’t make everything perfect, but you can help make an improvement.”

The right training is essential in helping new mediators to take those first critical steps in the field.

“We couldn’t have done it without the training. It was invaluable and gave us the skills and confidence to move forward and do it formally. The pace and content was highly engaging – it’s one of the few courses you feel could be longer not shorter. All the context, different topics and opportunities for discussion – you need all of that because there’s so much to digest and reflect on. The roleplay was extremely important. You couldn’t do it for real without practice. After the training, SEE offered telephone support if we ever got stuck, which made us more comfortable about getting on with it.”

Beyond the immediate learning curve, the team remain on a journey of development.

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## About Mid Kent Services

The Mid-Kent Improvement Partnership (MKIP) was an agreement formed in 2008 involving three main local authorities – Maidstone Borough Council (MBC), Swale Borough Council (SBC), and Tunbridge Wells Borough Council (TWBC) – working together to improve service delivery and reduce service costs for residents across Mid-Kent. It initially also comprised Ashford Borough Council (ABC) as a full partner, and Kent County Council (KCC) as a strategic partner. In December 2015 the Partnership was rebranded as “Mid Kent Services” (MKS).

MKS is a partnership that delivers initiatives ranging from shared procurement exercises and contract monitoring arrangements, to fully shared service delivery models. The partnership is flexible to meet the needs of each authority, which means that some shared services and projects have involved only two of the authorities (e.g. HR, Revenues and Benefits), some have involved all three partner authorities (e.g. ICT and Legal), and one service involves an additional partner (Ashford Borough Council continue to be a partner in the Mid-Kent Audit service). Prior to forming MKIP some councils already had partnership arrangements in place with other local authorities, e.g. Swale’s involvement in the Thames Gateway and the Licensing Partnership between Tunbridge Wells and Sevenoaks.

## About South East Employers

South East Employers (SEE) is an independent and not-for-profit centre of excellence, advising and supporting employers. They are a leading provider of high quality consultancy and learning in areas of organisational change, leadership, compliance with employment law, governance and local democracy. As a central 'hub', they are a forum for networks, partnerships and shared learning. They aim to add value through their wealth of local knowledge, experience and professional expertise regarding the challenges and opportunities facing organisations today and tomorrow.

Since 2010 SEE have trained over 270 mediators and delivered over 60 successful mediations for a range of employers. They are regularly called upon to deliver mediation training and complex mediations in other regions.

The SEE mediation programme is designed and delivered to take account of real and increasingly complex workplace situations. It develops confident and mediation-ready mediators who can gain an ILM certificate on successful completion of the course and assignments.

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