

How Surrey County Council is delivering meaningful benefits through workplace mediation

Key Learning Points

- How Surrey County Council have pushed the boundaries of early dispute resolution, building on their mediation capability to drive a restorative revolution and continuous cultural improvement.
- Why an internal and employee-led capability is key to overcoming cultural resistance, driving meaningful adoption and realising transformational benefits.
- Why training is fundamental to establishing a robust capability, and how South East Employers have helped Surrey to design, put in place and deliver a custom training solution that has underpinned progress and enabled the achievement of strategic goals.

A perfect storm of opportunity

In 2017, Surrey County Council (SCC) fully launched their Restorative Framework, a comprehensive and integrated system of complementary self-service solutions, designed to enable the organisation to positively and efficiently identify and resolve issues arising between employees. In operation the framework is owned and delivered by an employee network, while the council's Equality, Inclusion and Wellbeing team, led by Abid Dar, have been responsible for its implementation and ongoing development.

The Restorative Framework has taken Abid and his team eight years to build, initiated as part of a major programme of cultural transformation. Abid joined SCC in the summer of 2009, at the same time that the council was criticised for institutional bullying in a leadership report publicised in the London press.

"The blaming and bullying, the arrogance and remoteness, the associated inability for the organisation to learn," read the report, "have in combination created a situation where it seems that almost everyone in the organisation could see what was wrong, but no one felt able, empowered or safe enough to articulate it."

"This was our key driver," explains Abid. "It couldn't get any worse than that."

David McNulty, Chief Executive for SCC from 2009-2017, joined at the same time, bringing with him a compelling vision for the future of the council and the culture underpinning it.

"David wanted to build change around what was most meaningful for our people. We initiated extensive dialogue with employees, listening to them and exploring their feedback, gathering input for a refresh of our organisational values. We also developed a behavioural framework aligned to living those values. These were powerful vehicles for change and the Restorative Framework is absolutely a part of that journey – we have all worked to drive a fit-for-purpose culture defined by coaching and open conversation. We want to become a restorative organisation, and the framework is our pathway to growing a culture where negative behaviour doesn't even happen in the first place."

For Abid, the challenge was enabling the council to model and promote the values whilst more effectively managing instances of negative behaviour. To understand employee perspectives on the issues, Abid introduced new questions into the annual employee survey. The results helped to give shape to the problem: 25% of employees claimed to have experienced or witnessed harassment or bullying, the majority of which was peer-to-peer.

“There was no access to a safe, neutral and discreet option, and people wanted to avoid becoming victims of the system. In some cases, people only reported problems after they’d resigned, because only then did they feel safe enough to come forward. We’re a talent-conscious organisation, but we were losing good people for the wrong reasons.”

“And of those 25%,” Abid adds, “two-thirds advised us that they took no action. There was a reluctance to do anything in the assumption it would lead to formal grievance. Some may have believed their cases weren’t strong enough, others may have been intimidated by fear of consequences. Less than half of those who did take action reported satisfaction with the outcomes. There was no access to a safe, neutral and discreet option, and people wanted to avoid becoming victims of the system. In some cases, people only reported problems after they’d resigned, because only then did they feel safe enough to come forward. We’re a talent-conscious organisation, but we were losing good people for the wrong reasons.”

Abid is keen to point out the risks inherent in witnessing poor behaviour as well as experiencing it first-hand:

“The wider impact of bullying and harassment shouldn’t be underestimated. The impact on a witness can be just as strong as the impact on the abused party, but there are no interventions for witnesses. It all contributes to cultural decline.”

The evidence confronting the council – strong discontent, inadequate reporting of issues and low satisfaction with formal outcomes – presented a clear and critical business need for a better and more accessible approach.

“This was the catalyst that launched the Restorative Framework,” says Abid. “Significant risk and public exposure; new leadership with a powerful vision; local government creaking and straining to provide essential services; the appetite for change and the need for cultural transformation. It was a perfect storm of opportunity.”

The solution waiting to be found to a problem everyone knew existed

Beginning with mediation, the diverse components of the framework have emerged in an incremental and innovative evolutionary sequence, driven by the council’s relentless pursuit of continuous cultural improvement. Specifically, the goal has been to encourage a non-hierarchical and employee-led restorative revolution across the council, with a view to mitigating not only the impact of employee-to-employee grievance but the causes as well.

“Everything we’ve done has tried to answer one fundamental question: why wait? Why not bring a bad or challenging situation to somebody’s attention as soon as possible? Why not report harassment straight away? Any delay risks greater and irreversible damage – the consequences of which can take a long time to heal, if they ever do. We wanted to do everything we could to remove the barriers to taking appropriate action.”

Mediation was introduced in 2011, having secured the necessary approval and buy-in from key stakeholders.

“There was a lot of engagement to do. It required a degree of learning for the organisation; of re-education and repositioning how we resolve conflict. Our survey helped us to make a strong case, clarifying the risk and impact. We presented a costed proposal to the Head of HR and our Chief Executive. Both were very keen. There were some challenges and queries from legal and the Trade Unions, but overall mediation was welcomed. There was a good energy about it, and a sense that it was the solution waiting to be found to a problem everyone knew existed.”

“We didn’t plan each step from the beginning, but we have always asked ourselves, ‘What more can we do?’ It’s been incremental – emerging and evolving over time. As the needs and nuances of the organisation have become clearer to us, we’ve been able to build and innovate – adding depth and breadth to the existing solution.”

One year later, an experiential survey of the council’s business services revealed that over 70% of staff were experiencing or witnessing unacceptable behaviour, but at a level not traditionally identified and provided for in policy. These low-level problems, or ‘micro-aggressions’ as Abid refers to them, include behaviour such as banter, sarcasm, ignoring and avoidance.

“Instances of micro-aggression may seem insignificant at face value,” Abid explains, “but these people also reported that their experiences were having an impact on their wellbeing. These incidents may be more subtle, but they can be just as impactful. Over time these patterns of behaviour can have an erosive impact on morale, esteem and confidence.”

Seven-and-a-half years ago, Abid wrote the council’s policy for zero tolerance of unacceptable behaviour.

“We weren’t living it. We talked about respect, but these were all forms of low level disrespect. And because of their inconsequential nature on the surface, people didn’t feel they warranted mediation.”

In response, Abid and his team conceived of and established an employee network of local workplace Fairness Champions.

“The Fairness Champions are the entry point for anyone requiring the support of the Restorative Framework. They are potentially the first person someone can confide in. Their purpose is to provide a strong and supportive ear. They listen, but they also advise, enabling and empowering the individual to think through their options and plan appropriately. Fairness Champions offer a mix of listening, coaching and signposting support. It helps people to process and manage their emotions, then identify and adopt a more clear and rational approach.”

The final element in the Restorative Framework was introduced two years ago: Restorative Facilitation.

“Restorative Facilitators provide a safe and facilitated route for lower level issues requiring intervention but not full mediation. Smaller scale scenarios that represent a risk. We sometimes think of it as ‘mediation-lite’.”

In hindsight, the build of the Restorative Framework has followed a logical series of steps, working systematically to close the gaps between formal HR process and an emerging culture of positive behaviour and informal resolution, driving out conflict, bullying and harassment. While Abid acknowledges that the framework was not designed in its entirety from the outset, a strategic vision is recognisable in the direction they have taken.

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For Abid, meaningful outcomes depend on flexibility and a diverse suite of solutions.

“Conflict is a segmented market. Mediation doesn’t get to it all, but you can apply the model in different ways. Once we’d adopted our core mediation capability – alongside our existing coaching service – we began to adapt and innovate. We’re not wedded to a single formula. We’ve got 204 workplaces and they’re all different. We need to recognise and understand that. A generic offer cannot meet all requirements.

“The more we build the reputation, the more it embeds, and as the reputation and accompanying perception of legitimacy has grown, employees have built their own expectations: to try resolving issues informally. It was the exception, now it’s the norm.”

To enable as many people as possible to access a service that will deal with as many scenarios as possible in a quick and safe way, we have to have options that are right for each set of circumstances and the people involved.”

Training is key to internal ownership and advocacy

Successful cultural engagement and integration has been fundamental to the establishment of the Restorative Framework, and training has been at the heart of responding to and reconciling with the cultural challenge. Building the framework around the most appropriate and effective training solution has been critical in attaching and securing it to the organisation and driving its cultural integration. Abid is clear, though, that you can’t necessarily shoe-horn mediation into an organisation and expect it to flourish.

“In a hostile and incompatible environment it won’t land properly. If you want it to stick – if you want it to *work* – you have to prepare the foundations. The more you prepare, the less steep the implementation curve. You need a culture that has the potential to accept it – or at least be heading in that direction. Only then will it be able to establish and legitimise itself.”

In SCC, that meant overcoming entrenched dissatisfaction with formal HR intervention and corporate insensitivity.

“It had to be internal and it had to be employee-led,” Abid asserts. “To encourage people to accept and use the service we needed them to see that restorative practice isn’t just the precursor to formal process, and that it’s a genuinely independent resource, not just another corporate HR scheme. This way people can seek support from ‘one of us’ rather than ‘one of them’. It diffuses the ideology of hierarchy. Our only contact with the process is to keep track of the number of interventions delivered, as reported to us by the Restorative Framework.”

An internal solution owned by the workforce also enables a broader investment in cultural change:

“We haven’t gone out of our way to sell it to anyone. You need to allow a natural reputation to grow on its own merits. Don’t push it. Introduce it gently and be patient. Let them see the value for themselves, otherwise they’ll only see corporate interference. The only way to engage authentically is through the feedback of those who have accessed the service. An external service provider denies you that opportunity by effectively disabling viral advocacy. With internal and employee-led capability, however, you have the potential for anyone touched by the experience to publicise its benefits. They become champions for cultural change. We have hundreds of people promoting restorative practice, not just the HR department, and not just our practitioner community.”

It is the compelling power of internal advocacy that has driven the implementation past initial scepticism and beyond the early wins to a significant cultural shift.

“The more we build the reputation, the more it embeds, and as the reputation and accompanying perception of legitimacy has grown, employees have built their own expectations: to try resolving issues informally. It was the exception, now it’s the norm. Not only that, people are becoming intuitively aware of expected behaviours, and of their own behaviour and the impact it can have, which moves us closer to growing the restorative culture.”

“We didn’t want anyone’s off-the-shelf training – we had specific needs to meet. We wanted to commission a bespoke training solution that we could co-design. We approached SEE with this proposal and they were receptive and innovative.”

For Abid, the key to internal ownership and advocacy is training:

“Our restorative training programme has grown with the framework, or rather: the framework has grown with the training programme. It is our power plant – helping us to convert passion into proficiency and channel it out into the organisation. It’s been critical to the development and adoption of our internal capability, and ultimately it’s our employees’ ownership of that capability that cements their ownership of the framework. They have the specialism and they deliver the service – for themselves. Once they are trained, they are trusted to manage the process autonomously. They are supported, but not supervised. It creates a whole new dynamic of empowerment. Training and trust is integral to the practitioner proposition, and it’s integral to the participant proposition as well. All our HR personnel have done the restorative practice training too, which makes them more effective at articulating and promoting the services.”

Efficient training that moulds internal talent into effective resources

All training for the Restorative Framework has been designed and delivered in partnership with South East Employers (SEE).

“From the inception, SEE have supported our efforts at every stage, providing training and ongoing development support for the entire network. As well as being experienced mediation practitioners they have a strong and versatile training capability, which has enabled the creation of our Mediator, Fairness Champion and Restorative Facilitator networks, with the flexibility and depth of understanding to help us create and deliver the right, complementary solutions to meet our needs.”

While Abid was planning the mediation implementation, he took great care to ensure the council would have exactly the right training solution to meet their needs in terms of cost and design. He approached a national provider of accredited mediation training but was unable to reconcile time and budget constraints with their standard offering. That experience, however, gave him insight into what he wanted and how we wanted it delivered.

“Most training providers offer courses that are five days, or even two weeks. But that’s too much time to expect from your volunteers. To recruit the best mediators, you have to attract the best employees, and the best employees are already in demand, so if you want to stand any chance of bringing them on board, you can’t allow the training to turn them off.”

Abid wanted a three-day training course that incorporated all key elements of the five-day course and delivered the same learning outcomes.

“As members of SEE, we knew they offered mediation training, as well as being experienced mediation practitioners themselves. But we didn’t want anyone’s off-the-shelf training – we had specific needs to meet. We wanted to commission a bespoke training solution that we could co-design. We approached SEE with this proposal and they were receptive and innovative. Together we designed a programme that gives our volunteers the skills and confidence to deliver mediation end-to-end, aligned to our preferred mediation model and now endorsed by ILM.”

SEE also helped Abid to define the mediator skillset, identifying the necessary skills and competencies, plus desirable knowledge and experience.

“Our practitioners are more confident about tackling complex situations and more conscious of team dynamics and potential challenges. They don’t limit their intervention to cases raised by employees, they take it upon themselves to intervene and resolve situations as they identify and encounter them, effectively nipping potential issues in the bud.”

“They gave us guidance in recruiting the right people, helping us to understand the person specification and how best to reach out and select people for the programme. As a result, not only have we been able to identify and recruit high-performing restorative practitioners, we’ve also been able to engage the right people to champion the framework and drive positive awareness throughout the organisation.”

Of those who are recruited, “Many will have transferable skills – listening, coaching or facilitating, for example – but there is a difference between those techniques and mediation. You can be an accomplished coach, but you’re not there to coach. The training is essential for shaping existing skills and developing them into an entirely new skillset.”

More than just a process – enabling a bigger and broader return

Unlocking and empowering the restorative talent inherent in the workforce has improved the resilience, sustainability and scalability of the framework, whilst enabling a broader impact.

“Through our restorative training we transfer into the organisation not only the knowledge and capability, but also the attitude and philosophy. We’re not just informing people about a process.”

Beyond how to deliver mediation, the training covers a wide range of skills and insights around conflict in the workplace and how to manage it appropriately, including how to recognise symptoms of conflict and explain mediation to stakeholders.

“That gives us a bigger and broader return. Restorative skills have permeated general managerial capability and workplace relationships. Our practitioners are more confident about tackling complex situations and more conscious of team dynamics and potential challenges. They don’t limit their intervention to cases raised by employees, they take it upon themselves to intervene and resolve situations as they identify and encounter them, effectively nipping potential issues in the bud. All around the organisation we have people working in different areas, applying mediation skills in and around their day jobs. In some cases, those skills are core to the day job – managing neighbourhood disputes, for example.”

Volunteers have been drawn from diverse backgrounds and professions.

“They’re all dotted around – spread across the whole organisation at different levels. The roles are very popular. Whenever we advertise there are about a hundred expressions of interest. We usually end up recruiting only 50% of all applicants.”

Mediation pools usually comprise high performing, high potential and highly-engaged employees.

“They’re motivated and proactive. Our volunteers’ engagement goes through the roof because they are making a difference above and beyond the day job. They’re proud of providing that service, and they enjoy doing it. One of our mediators retired, but we’ve retained him in a casual contract to enable him to continue to provide mediation for us.”

To date they have trained fifty-eight Fairness Champions, sixty-five Restorative Facilitators and thirty-nine Mediators.

“We estimate that up to two-thirds of all conflict is now resolved through mediation or other restorative practices. Our monitoring has previously indicated an average of one mediation request every two weeks. Meanwhile, we’ve experienced significant drops in employee-led formal cases.”

“The current total active population is eighty-five. “We have five networks of people, including HR and our trade union colleagues. We’ve been able to expand our service this way because it’s a totally sustainable, affordable model. It may have been designed and implemented centrally, but day-to-day responsibility for the service has shifted progressively to local self-sufficiency, leveraging existing employee capability and capacity.”

The relationship with the trade unions has also been critical to success, helping to enable the smooth transition from a traditional industrial relations framework to the new Restorative Framework.

“Alongside our skilled HR practitioners, strong and insightful leadership and an engaged and enabled workforce, trade union sponsorship and support has been really powerful. When it comes to tackling employee issues and striving for meaningful outcomes, trade unions are switched-on and proactive. Their energy and philosophy helped to align our foundations and lift us to a whole new level. Together, we were moving from traditional ways of working to a more positive and non-adversarial approach. We had consistent trade union buy-in and support throughout. Some of our most senior trade union colleagues have completed the training and are active members of our community. They promote the framework passionately at our events and champion it on a daily basis, helping to keep it alive in organisational consciousness.”

Proven value and widespread recognition

The deployment of the framework has been successful and take up has been strong.

“The Restorative Framework gets significant traffic. We estimate that up to two-thirds of all conflict is now resolved through mediation or other restorative practices. Our monitoring has previously indicated an average of one mediation request every two weeks. Meanwhile, we’ve experienced significant drops in employee-led formal cases. We have 11,000 employees (not including schools), and we might have ten or eleven employee-led grievances at any one time.”

The cost-effective impacts and benefits have been felt and recognised throughout the organisation.

“Productivity is up, absence and turnover are down, and the shift of responsibility to the employee networks has reduced the burden on HR dramatically. It’s enhancing our employer brand as well. And it’s not as expensive as you might think.”

Benefits are reported to council leadership and feature in regular update meetings with the Chief Executive.

“It helps to look at trends and patterns, and we correlate with our formal management system so we can see where we need to go strategically.”

The benefits have also been recognised externally:

“We’ve received requests for mediation from Surrey’s borough and district councils. Budgets are tight, and we have good partnerships, so we lend a hand. We provide that service and we’ve offered training as well.”

“We see an opportunity to introduce restorative conversations into other scenarios where there is risk of conflict and grievance, like long-term absence. We also recognise its relevance beyond individual relationships: applying it to employees’ relationship with the organisation itself.”

From the diversification of offering to the diversification of application and a broader client base

Training will remain integral for the future of the Restorative Framework at SCC. As of the launch a renewed emphasis on training is underpinning the volunteer proposition.

“Part of the purpose of the launch has been to draw everything and everyone together,” says Juliet Layton, appointed as Wellbeing and Inclusion Advisor in December 2016, “to provide a greater sense of cohesion and community across the framework. All the different elements of the framework have been set up to complement one another, but the sum of the parts hasn’t really been recognised until now. Alongside this is a renewed commitment to training and the launch of a new refresher training programme. Specifically, we’re scheduling quarterly refresh training for all practitioners. A broad network is a strength for the framework, but it does mean that some people will have infrequent opportunities to practice. It’s important to maintain people’s engagement and their confidence, as well as building and enhancing their skills.”

The team have also used the launch as an opportunity for stronger promotion of the framework, issuing a guide to 1,600 managers.

“We’ve had positive feedback,” says Juliet. “It’s landed well. They’re really glad it’s there if they need it.”

Abid and Juliet have no intention of resting on their laurels going forward:

“Over the years we’ve cracked provision but we can always go further in embedding practice,” says Abid. “We also want to become more dextrous in how we use restorative practice. For example, we see an opportunity to introduce restorative conversations into other scenarios where there is risk of conflict and grievance, like long-term absence. We also recognise its relevance beyond individual relationships: applying it to employees’ relationship with the organisation itself. Where people have lost trust with the organisation, for example, and the psychological contract has been broken.”

Meanwhile, they face the challenge of extending the restorative framework across their partnership with East Sussex and Brighton and Hove, via the recently formed shared business support service, Orbis.

“It’s the largest business support function in local government in the South East. Approximately 2,000 employees serving all three councils. East Sussex already use mediation, and Brighton and Hove have recently introduced it. But both can benefit from the Restorative Framework. We need to strengthen and introduce a broader framework across all three councils in their entirety. Three different cultures, all at different stages of evolution. It’s our most exciting opportunity yet.”

About Surrey County Council

Surrey County Council administers major local services in the non-metropolitan county of Surrey.

These services include: education; supporting and protecting vulnerable people through social services, including assessing the needs of and providing support to children, older and disabled people in the community; managing the amount of waste Surrey people produce; ensuring that levies charged are minimised; maintaining and managing roads and public transport networks; libraries; strategic planning; consumer protection; public health; and fire and rescue services.

The county of Surrey is approximately 1,663 km² – similar to the size of Greater London. The current population estimate is 1.2m – ¼ the size of New Zealand or Ireland. It is projected that Surrey's population will increase to 1.4m by 2039. The council is composed of 81 elected Councillors.

The council's values are: Listen, Responsibility, Trust, and Respect; and its purpose – as defined by the council's corporate strategy for 2017-22 – is to ensure Surrey residents remain healthy, safe and confident about their future.

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.

www.seemp.co.uk