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MEDIATION JOURNAL

ISSUE 12

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Welcome to Issue 12 UK Mediation Journal

We'd like to take this opportunity to thank our contributors, sponsors and readers for their continued support of the publication and dedication to advocating ADR and mediation.

In this issue Dionne Dury, Workplace Chair of Civil Mediation Council, explores Integrated Mediation and how this will impact the workplace.

Mia Forbes Pirie explores the need for effective feedback in the workplace and how the challenges of doing so may vary generationally. A fascinating and thought provoking take.

We hope you enjoy this issue and should you wish to subscribe to the hard copy edition, you can do so via our website: www.ukmj.co.uk

Craig Kelly

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Inside:

5. Building "Human Conscious" Organisations
8. A Crisis of Feedback
12. Integrated Mediation: A New Chapter in Dispute Resolution? What Does This Mean For The Workplace?
14. Resolving Conflict the Tutu Way
17. Why We Need a Resolution Revolution
21. Directory of Mediation & Training Providers

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A PERSON IS A PERSON
THROUGH OTHER PERSONS.”

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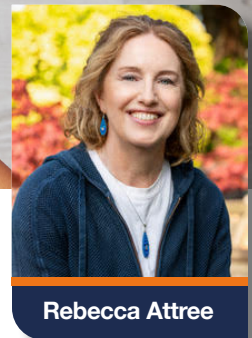


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Rebecca Attree

Building “Human Conscious” Organisations

By Rebecca Attree M.A. Cantab , Mediator, IPOS Mediation

As a workplace and commercial mediator, I see many different cultures in organisations. Frequently I am engaged to help resolve a specific conflict in the workforce or governing body that has been supposedly caused by a “triggering event”. But often the “conflict” is merely a symptom of a much deeper-rooted problem: that the organisation is lacking human consciousness. In this article I will explore what it means to be a soulful organisation, how one can be created, and what are the benefits for the organisation itself, those who work there, and society. I will also draw on an anonymous example of a workplace conflict where the lack of soul in an organisation manifested itself in a need for mediation and how the mediation helped in some way to transform the organisation. Finally, I will suggest a new technique for interventions by a mediator and others supporting parties to the mediation to go to the root of the issue and help to create a soulful culture, as well as resolve the issue at stake.

So firstly, what does it mean to be a “human conscious” organisation? I would venture that it means that the organisation is aware of its place and contribution to the

larger system in which it exists. This is developed through an organisation’s social responsibility, ethics, culture, corporate values, and the spiritual, soulful, and conscious mindset that the stakeholders (leaders, employees, customers etc) bring to how they work and interact.

How can a human conscious organisation be created? Einstein once famously stated that problems cannot be solved with the same level of consciousness that created them in the first place. In *Reinventing Organisations*, Frederic Laloux wrote “perhaps we need to access a new stage of consciousness, a new world-view, to reinvent human organisations”. In 2014 he said this has happened several times in human history, and there are hints that another change of mindset – and thus organisational model- may be just around the corner. I believe glimmers of these changes in mind set are becoming visible now as organisations reinvent themselves after the pandemic.

So, what does this change of mindset look like? The key breakthroughs are:

1. Self-management: where team based, peer relationships exist rather than a hierarchical structure.

"A radical inner transformation and rise to a new level of consciousness might be the only real hope we have in the current global crisis brought on by the dominance of Western mechanistic paradigm." Stanislav Grof¹.

There are no formal leaders. Rather, the structures support self-management.

2. Wholeness: bringing our whole selves to the workplace – emotional, intuitive, spiritual. The expression work-life balance has no place as it implies that work is not a part of our lives.
3. Evolutionary purpose: having a purpose we serve from a place of inquiry rather than a structured, planned, and controlled approach.

Since the traditional management paradigm is based on a hierarchical structure, control, power, and predictability, to embrace these elements requires a disruption to most people's belief systems. At both the top and the bottom, organisations are often playfields for unfulfilling pursuits of our egos, inhospitable to the deeper yearnings of our souls. This way of conducting business has outgrown our planet. Rather than thinking: "what's in it for me and what can I take from the organisation?" it is necessary to *listen* to the organisation and ask: "what's best for the organisation right now?"

What are the benefits of this approach? For the organisations themselves that are adopting it is enormous success both from a P&L account and a softer skills stock-take. Laloux's real life case studies offer examples of organizations living in a new stage of development that he calls "TEAL" and realizing high profits, market share and success. These organizations range in size, sector, profit or non-profit, with the largest example in his study having 40,000 employees. To those working within such organisations, the benefits are a greater harmony between work and life – since one is a part of the other and they are inextricably connected. The benefits to society of the advent of Teal organisations are organisations that are of service to the world, who believe that is their true purpose and aim. On a grander scale, if we accept there is a direction to human evolution, then we hold something extraordinary: the blueprint of the future of organisations, the blueprint to the future of work itself.

As a mediator engaged to facilitate a resolution of a conflict, it is important for each of the parties to be encouraged to use all three of their brains - not only the massive brain in their head, but the smaller brains in their heart and gut. Although the heart and gut brain are much smaller, they are fully autonomous nervous systems that can drive decision making. A good decision involves listening to all three brains, and the mediator can help people to access all three brains by the Socratic questions they ask.

For example, a recent mediation I facilitated was between a subordinate who alleged their manager had discriminated against them. They had made a formal complaint that had resulted in an investigation and a full enquiry, at which the manager had been exonerated. Curiously, it was only at this point that the mediator was felt to be needed. (Although the complainant said during the mediation, they wished the matter had gone to mediation much earlier, indeed before

the complaint was taken to its full investigation, and if they had known what the formal process involved, they would not have started it.) The purpose of the mediation was to seek to rebuild the relationship between the two individuals since they needed to continue to work together after the process had finished. An awkward situation for both by most people's standards. At the mediation, the manager said that while they had had their life turned upside down by the complaint, and it had led them to re-evaluate their relationships both within and outside the workplace, they felt no malice towards the complainant, believing they had brought the complaint from a place of fear and due to that person's personal and professional circumstances. The subordinate on the other hand could not believe that the manager genuinely felt no malice towards them, and they were ridden with guilt at what they had done and the effect it had had on the manager. They also felt publicly shamed that they had pointed a finger at someone and been found to be wrong to do so. Two very conscious human beings operating without ego.

At the mediation decisions as to what to say to the other (or perhaps more often what not to say) were explored with me in private session predominantly from the heart and the gut. Logic and analysis (input from the brain in the head) was minimal. Space was held by me in a joint session for the two people to speak, hold silences, and be truly reconciled. There were tears on both sides. Since the mediation, I am told the two people now work harmoniously and more productively than ever before. Those in their team are functioning and performing better too. The organisation has changed its complaints procedure to introduce mediation at an earlier stage and has raised awareness of it amongst stakeholders.

This is an example of an organisation and its stakeholders becoming more soulful and listening to what is right for the organisation. Yes, the "*after the main event mediation*" took time and resource, but the process was not about time or profitability. It was about the eco of the organisation (in its broadest sense), not the egos of the individuals. About creating a place where two individuals felt comfortable to work, and as a result shine a light on those around them. Because you can imagine how their colleagues must have felt to see the complaint being carried through and investigated, and the consequent exoneration, and to wonder how the individuals could possibly co-exist after. Their example transformed the organisation. A culture of openness had been fostered. More importantly, the organisation was subscribing actively to the belief that even if something unexpected happens or if we make mistakes, things will turn out alright, and when they don't, life will have given us an opportunity to learn and grow.

I am inspired by the technique of encouraging parties at a mediation to engage increasingly with the brains in the heart and the gut as well as the head. This is not only in workplace mediations but also a wide range of disputes where I am frequently appointed such as for example contentious probate, family business, minority shareholder, etc. As a result, I am currently exploring whether techniques such as breathwork that assist people to access the subconscious and thereby connect with those two important brains could play a part during the mediation session. Sometimes people need

to breathe in different ways and at different paces to create space and to allow their subconscious to reveal an outcome otherwise unobtainable merely through words or logical thought or analysis. The breath can influence the mind. I see a time when parties to a mediation may come with a breathwork instructor in addition to an advocate, or indeed instead of, if they are unrepresented. Indeed, in addition to pre-mediation zooms I may in the future offer breathwork sessions to the parties as part of their preparation. I commented recently to an HR professional (I had been authorised to do so by the individual) that one of the parties to the mediation they asked me to facilitate needed to breathe rather than to speak. They replied it was probably an acute observation and they could see a future role in this approach.

As Anthropologist Margaret Meade once said: "Never underestimate the power of a few committed people to change the world. Indeed, it is the only thing that ever has". Those people have often felt lonely and isolated at the time of their inventions or discoveries – think of the plight of Ignaz Semmelweis who discovered bacteria, whose life was so masterfully portrayed recently in the eponymous play.³ If I am at the moment a lone voice in advocating these approaches as a mediator (and indeed I have not met another proponent of this concept yet) so be it. But if you or your organisation would like to give these techniques and interventions a try, I am ready to do so.

Rebecca Attree is an experienced workplace, civil and commercial mediator with IPOS Mediation. After many years of practice as a solicitor in the City of London she is now a full-time mediator engaged in mediating a wide range of disputes for companies, public bodies, and NGOs. Speaking fluent Italian and good French, accredited to mediate in the US, and with insightful cross-cultural awareness, her mediations often involve an international element. Rebecca recently qualified as a yoga teacher with Yoga Samaadhi school in Thailand. The course included learning pranayama (breathwork) skills and studying the philosophy of yoga. She is now training to be a breathwork instructor with Yogalap. More information about her mediation practice can be viewed at mediate.co.uk/mediator/rebecca-attree/

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References

¹ Stanislav "Stan" Grof is a Czech-born psychiatrist. Grof is one of the principal developers of transpersonal psychology and research into the use of non-ordinary states of consciousness using among other things Holotropic Breathwork for purposes of psychological healing, deep self-exploration, and obtaining growth and insights into the human psyche.

² Reinventing Organisations - A Guide to Creating Organisations Inspired by the Next Stage of Human Consciousness by Frederic Laloux.

³ Dr. Semmelweis, masterfully played by Mark Rylance at the Harold Pinter Theatre, London, 2023.

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Mia Forbes Pirie

A Crisis of Feedback?

By Mia Forbes Pirie

“Your work is shit” is a phrase that Steve Jobs is known for saying. When asked about it, he would explain that his colleagues knew how much he respected them and how brilliant they were so they just needed to know what they were doing wrong.

Most of us wouldn’t want to hear feedback delivered that way. In fact, in certain contexts it might be considered bullying. But have we gone too far the other way? My work with teams, leaders and some family businesses suggests that we may be experiencing a crisis of feedback. It is not infrequent in my mediations to hear that people are struggling both with giving and receiving feedback. So much so, that I have started training people on it. If organisations had better training on feedback and having difficult conversations and built solid cultures of feedback, I believe there would be less serious conflict and fewer mediations. Where there are mediations, many would be far easier and less painful to resolve as the learning curve would be less steep.

I recently heard from someone who was shocked that a polite and thoughtful letter complaining about someone’s quite egregious behaviour had been sent to them directly rather than just to HR. You may be nodding in agreement with that but when did we start thinking that it was better to say things behind people’s backs than to their faces? I encounter a lot of issues with this in mediations. People have complained anonymously to managers who have tried to subtly pass on the feedback to the person it was about. That person then thinks that the manager “has it in for them” when actually, they are just the messenger but they can’t say that. So, the proverbial messenger gets “shot”. Or people saying “I don’t really understand what the complaint is about” as they have not heard it directly.

Having read *The Coddling of the American Mind*, I can’t help but wonder whether this is something that we are inheriting from Gen Z or iGen who, along with the generations around them, are influencing the workplace in some very interesting

ways. Some for the better and others not. Although we may need to wait for history to give us an overall verdict.

This goes beyond the workplace and is pervading our culture. For example, teachers in private schools now also have to be careful what they say in the children's reports lest parents get upset that their children are behaving or doing less perfectly than they would like to hear. Given the fierce competition between independent schools, many of which charge more than the average British person's salary for a year's education, it is unsurprising that there is a lot of pressure on teachers to keep parents happy. But is that really what is best for children? It is certainly a far cry from Boris Johnson's school report noting that ". . . Boris sometimes seems affronted when criticised for what amounts to a gross failure of responsibility (and surprised at the same time that he was not appointed Captain of the School for next half): I think he honestly believes that it is churlish of us not to regard him as an exception, one who should be free of the network of obligation which binds everyone else." Would you not rather know that about your child early on than not?

In the context of this article, there are two things to note from that quote:

1. It was unusual for someone to be affronted when criticised for something serious, and
2. School reports were direct and let parents know clearly where the issues were.

Is it a sign of the times? Is all feedback going to be watered down into insignificance? And if so, how will anyone ever learn?

Feedback is crucial to our development. We need it to grow. If you want to get ahead in your career, you should be wanting feedback. That is what is going to make the difference. Organisations that do well tend to have a culture of feedback, where giving and receiving feedback is the norm but they may be becoming rarer as people seem to get more and more upset if their feedback is less than glowing.

There is no learning without feedback. So why are we trying to stop it?

Of course, sometimes feedback can sting. And, of course, we want to be kind and respectful with our feedback. But when did kindness and respect become equated to not saying anything, to letting people live in bubbles of ignorance about how they can be doing things better? To hampering their growth?

We are so afraid of hurting people's feelings that we are on the verge of being disrespectful to them and stunting their growth. In an environment where people do not routinely give each other direct constructive feedback, issues fester unspoken until they escalate to the level of more serious problems. What should be a small friendly discussion on a regular basis has grown into greater conflict that requires mediation and sometimes then working on team dynamics and culture change.

This is the opposite of the old adage "a stitch in time saves nine". It means that instead of growing step by step, and becoming accustomed to receiving feedback so that they can continue to grow, people must grow far more painfully in spurts. They must either figure things out on their own

or wait to fail at a bigger level and then go through a more serious process to point out their shortcomings. This tends to hurt everyone and affect everyone's self-esteem and self-confidence. It weakens people and weakens the organisation overall.

Far from being disrespectful, giving good feedback in a constructive way is respectful of everyone and deeply caring. Not only does it help people to grow their skills and capabilities in the present, but it also helps them learn how to receive feedback more generally and so learn to grow in the future. If we were to teach younger people how to receive feedback it would set them up to grow and perform better for life.

Giving and receiving good feedback also gets us out of the toxic perfectionism which is becoming quite pervasive and which covertly, unreasonably and destructively suggests that we should arrive in the workplace perfect and fully-formed instead of being the works in progress that we are, ready to learn and grow further.

Building a culture of feedback helps in a number of ways. It reduces serious conflict and friction, or at least makes workplace conflict and mediations which do arise less severe and easier to resolve. It builds a happier and healthier workplace with better teams, more trust and more communication. And it enables people to grow and develop.

The idea of a culture of feedback may seem difficult at the moment, as there seems to be a move towards erring on the side of making sure we do not upset anyone. As a result, there can be a lot of walking on eggshells.

We need to avoid the situation where people end up in seemingly blissful but often quietly uncomfortable bubbles of ignorance about how they are doing and how they could do better. Particularly when they could be doing better and this goes unspoken, the whole team can suffer as other colleagues end up having to pick up the slack for people who are underperforming. Problems between colleagues do not live in a box. They affect the team.

Resentments start to build and the culture of the organisation becomes affected. No one is prepared to prick that bubble. They are too afraid of the consequences if they do. But they are not taking into account the consequences if they do not: a lot of unnecessary pain and conflict.

Even on a personal level, I would go as far as to say that assuming that someone is not significantly robust to hear something reasonable, measured and constructive about their performance is disrespectful to them. It suggests no capacity to get through feeling discomfort and repeating that assumption actively stunts their capacity to feel discomfort. It feeds into a false narrative about their fragility. It stunts their growth and actively makes them weaker.

You may be saying to yourself that we should just be giving positive reinforcement and nothing negative. There is good evidence that positive feedback is excellent and highly motivational. And it is wonderful when people can be encouraged. But we need to develop the ability to hear that there are certain things that we could be doing better. This for a number of reasons. First, and perhaps most importantly, not everyone is a genius wordsmith able to turn everything into



an unadulterated positive and it is not an easy skill to learn. So, if we are to wait for that, many valuable opportunities for feedback will go untapped. Secondly, I'm not sure that only giving positive feedback, no matter what, always works.

The thing about feedback is that, delivered well and explained properly, it does not need to hurt much and the benefits soon become apparent. In good cultures of feedback, people realise the benefits for their growth and appreciate a happier and more effective workplace. Overall conflict is reduced and where there is serious conflict and mediation is necessary, it is easier to resolve as there is a framework of values and skills which can be referenced and drawn upon.

Coming back to the influence of GenZ. According to the Coddling of the American Mind, among other, the children of GenZ/iGen have had less time playing together unsupervised than previous generations. Play is by its nature voluntary. It helps people learn social skills and how to sort out interpersonal issues for themselves. These generations are less able to do this and are more likely to appeal to authority. I think there has been a gradual move in that direction taking us to a place where people might now think that it is odd to let someone know directly that you have issues with their behaviour. We are all influenced by this. For workplaces to be healthy, this needs to change.

We need to build cultures where feedback is the norm, where it is expected and even welcomed. We need to build and rebuild this social muscle. This may initially be hard or uncomfortable but it is worth it. If you add to this learning to have difficult conversations and truly embed both in the organisation's culture you will be "cooking on gas" as the expression goes.

Leaders in particular need to learn these skills. Numerous studies show that leaders and senior executives could benefit from better conflict resolution skills and even Brene Brown says that what leaders need to learn most is how to

have difficult conversations. Learning how to give feedback and how to have difficult conversations results in less conflict in the workplace and fewer mediations needing to take place. Ideally, it starts from the top.

Small steps in this direction can help but, ultimately, meaningful culture change is needed. We want to see cultures where people can move through conflict with minimal effort and have greater confidence and trust in each other. Cultures which fully embrace feedback and learn how to give and receive it do that. Such cultures will also naturally get better at having the difficult conversations which are needed for diverse people to work together well and produce outstanding results. They will be great places to work.

I have been working with UCL to provide free resources to students and the public to develop the skills to have difficult conversations and disagree well. Those resources could be a good first step.

I am seeing too many mediations where people have been torn apart when the pain and suffering could have been avoided if they were better able to give and receive feedback and have better conversations. I hope that this will change.

Mia a mediator, facilitator and coach, she works with leaders, teams and family businesses to help them thrive. She is also working with UCL teaching an online skills-based course on how to disagree well. For more information see her YouTube channel (<https://www.youtube.com/@miaforbespirie5289>) and you can connect with her on LinkedIn (<https://www.linkedin.com/in/miafp/>).





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Dionne Dury

Integrated Mediation: A New Chapter in Dispute Resolution? What Does This Mean For The Workplace?

By Dionne Dury

As Geoffrey Vos says, we are, “*on the brink of a revolution in dispute resolution*” and ADR should no longer be viewed as alternative, but as an “*integral part of the dispute resolution process; that process should focus on resolution rather than dispute*”.

Following Geoffrey Vos’ call for evidence in 2021 to consider compulsory mediation of civil disputes the government has confirmed their commitment to integrating mediation in all civil cases. The first step is civil claims under £10,000, which will include employment contract claims, then claims over £10,000.

The proposal to ‘compel’ parties to mediate has not gone without criticism, with concerns that this is restricting an individual’s right to access to justice. However, in November 2023, the Court of Appeal decided, in *Churchill v Merthyr Tydfil County Borough Council* [2023] EWCA 1416, that it is not unlawful for the Courts to stay proceedings and compel

a party to consider non-court-based dispute resolution processes, such as mediation.

In this article, I explore what integrated mediation is and what this might mean for dispute resolution in other forums, such as the workplace and Employment Tribunals.

What is integrated mediation?

The first step in integrated mediation is mediation of small civil claims valued up to £10,000, starting with specified money claims. All such claims will be referred automatically to a free hour-long telephone session with a professional mediator provided by HM Courts and Tribunals Service.

Whilst the government has moved away from terminology such as ‘mandatory’ or ‘compulsory’, this is, in effect, what integrated mediation is. It does not prevent a party from taking their case to trial if they do not settle. However, the government has indicated that sanctions for non-compliance with the process may lead to

penalties for failing to comply with Court rules such as strike out of the claim and / or cost penalties. Whether the Courts take a more lenient approach in certain cases, especially if a party is unrepresented, remains to be seen.

The consultation also announced the government's intention to integrate mediation in higher value claims, which will see cases over £10,000 referred to the external mediation market.

What does integrated mediation mean for resolution of workplace / employment disputes?

Currently, integrated mediation only applies to civil claims and the only relevant claims, in a workplace context, would be breach of contract claims up to £10,000. However, can we expect to see a similar process in the Employment Tribunals? Is there a case to be made for compulsory mediation of workplace disputes?

The business case for mediation in the workplace is an easy one, with mediation saving significant management time in dealing with grievances, preserving the employment relationship and reducing the stress and anxiety associated with conflict.

In 2021, a report prepared by [ACAS](#), reported on the cost of conflict to UK businesses, totalling a staggering £28.5 billion. It went on to report that close to 10 million individuals had experienced conflict at work with over half of those having taken time off work as a result of stress, anxiety and depression and an average of 485,800 resigning each year, as a result of workplace conflict.

Is there a case for compelling individuals to mediate in the workplace?

Although the business case for the benefits of mediation in the workplace are clear, compelling parties to mediate can be controversial as currently mediation is a voluntary process.

Where there is an employment relationship to preserve, workplace mediation can be a powerful tool, to allow the parties to explore, in a confidential space, with a neutral and independent third party (the mediator), the cause of the conflict and whether an agreement can be reached, which avoids a grievance process or lengthy litigation. However, it is important that the parties enter into that process voluntarily and they understand that mediation is not diminishing their legal rights in any way. Certain disputes will also not be appropriate for this type of mediation e.g., where there is criminality involved or where a decision is required such as a dispute over holiday pay or wages.

Are there alternative ways of embedding early conflict resolution into UK organisations?

Some employers have implemented early dispute resolution practices to try and resolve matters outside the adversarial grievance process. Many view that the grievance process is not the way to resolve conflict as it is adversarial

which can lead to escalation of the dispute rather than resolution.

A case study carried out by ACAS with [East Lancashire NHS Trust](#) between 2016 and 2021 demonstrates that where organisations invest time in early conflict resolution processes and a move away from the rigidity of adversarial ones, this can lead to positive results. The Trust redeveloped its in-house mediation service alongside introducing an Early Resolution policy and training their Line Managers with conflict resolution skills. This resulted in the following:

- The number of individual and group mediations increasing with a reported resolution rate of over 90%;
- Between January 2019 and July 2022, out of 223 cases referred to the Early Resolution Policy and 188 which had concluded, nearly three quarters resolved informally and only 22% progressed to formal procedures;
- Reduction in staff reporting that they had experienced 'bullying, harassment or abuse at work from another colleague' from 16.9% in 2015 to 14.1% in 2021; and
- HR and trade union officials reporting a shift away from formal procedures towards alternative mechanisms of resolution.

Whilst the potential benefits outweighed the negatives, there were challenges reported in implementing the policy. Some of these challenges included shifting mindsets and culture, away from procedural based processes.

What if there is no longer an employment relationship to preserve?

Currently, any case issued in the Employment Tribunal will be referred to ACAS Early Conciliation and this is a necessary step to complete, before the Claimant can proceed with the claim. However, how far does ACAS early conciliation go to exploring all of the alternative dispute resolution options available, to resolve the dispute? Should the Tribunal have the power to strike out a claim if these options have not been fully explored or one party refuses to engage with one of these options? These are all questions which, in light of the civil justice reforms, and the *Churchill* case, are relevant, if we are to see similar reforms adopted in the workplace / employment arena.

Changes are already happening. There is new Presidential Guidance published on ADR on 7 July 2023. Under the new guidance, Dispute Resolution Appointments (DRA's) are now mandatory in employment cases listed for six days or more (usually discrimination / whistleblowing cases). These appointments are held after the parties have exchanged witness statements and failure to attend or engage will be deemed as unreasonable behaviour and can have cost implications under the Tribunal's rules.

Whether we are on the verge of an ADR revolution in the workplace / employment forum, is yet to be seen, and further changes are needed if we are to see ADR fully embedded across the lifecycle of an employment dispute. However, these steps are certainly welcome ones, which hopefully will be a step towards early conflict resolution, so watch this space!



Resolving Conflict the Tutu Way

By John Battersby

With the practice of Ubuntu Archbishop Desmond Tutu left the world a precious gift: a virtuous circle of spiritual generosity and inclusivity to resolve conflict in a troubled world.

In the African nguni languages *umuntu ngumuntu ngabantu* means literally: we are people because of other people. I am because you are.

Based on our common humanity, the starting point of *Ubuntu* is to reach out to others - often across seemingly impenetrable barriers of alienation – to discover our interdependence.

In the process, we learn the power of empathy, dignity, and respect.

The theory is disarmingly simple, the practice requires experienced mediation, patience, and resilience.

Tutu Foundation UK in partnership with Youth Futures launched a successful pilot project in 10 London boroughs in 2017/2018 known as Ubuntu Round Tables.

They mediate between the Metropolitan Police and disenfranchised youth in deprived neighbourhoods where a toxic combination of knife-crime, gangs and drugs and often inappropriate policing and inadequate social services have contributed to an atmosphere of fear and hopelessness in some communities.

Ubuntu Roundtables (URT's) seek to empower youth and

in the process train mediators in facilitation and leadership skills.

The project works to mitigate the power imbalance that exists between youth and the police.

Therefore, the facilitators are largely 25 or under, black or from an ethnic minority, and may have been in difficult interactions with the police themselves.

The momentum built by the pilot project in 2017/2018 was interrupted by the pandemic.

In the past year, the roundtables have resumed and TFUK chair Clive Conway has held talks with senior police officers in London, the West Midlands and in prisons with a view to extending the reach of the round tables.

“The roundtables can be used to bring parties together in any situation where there is conflict whether schools, communities or prisons,” said Conway.

In recent months, the Tutu Foundation UK has held talks with like-minded charities to explore collaborative opportunities.

I recently attended a roundtable at the Skills Hub and Pride Academy in West Drayton and saw the huge potential of these encounters for conflict resolution and community building.

The ten police officers, five academy staff and a dozen or so learners with special needs from several schools



[CLICK HERE TO WATCH UBUNTU ROUNDTABLE WEST LONDON](#)

interacted over two-and a-half hours under the guidance of Mark Murray, a founding facilitator.

The endorsement of the police officers, dedication of the academy staff and visceral presence of the students made for a vibrant engagement in which inclusivity trumped differences.

In the last week of January this year I travelled with Clive Conway and facilitator and motivational speaker Kheron Gilpin to participate in the annual conference of the Ubuntu Leadership Academy at the Gulbenkian Foundation in Lisbon attended by more than 1000 delegates from 16 countries.

Among the days' proceedings was a video of the archbishop's visit a decade ago and youth volunteers wearing black t-shirts bearing in white Nelson Mandela's prison number 46664.

Kheron had the youthful audience enthralled with his energy and ubuntu-inspired spontaneity.

On the second day we visited a junior school amid a five-day immersion project in which the learners experience the five pillars of *Ubuntu* including leading like Mandela, empathy and removing obstacles.

We heard presentations from high school students who had done the five-day immersion course and could observe how the experience had transformed them – particularly those marginalised students that did not hitherto feel fully included.

Rui Marques, the founder, and director of the Ubuntu Leadership Academy was supported by the Gulbenkian Foundation initially.

But today the project is funded by the Portuguese government and the European Union and is active in 400 schools.

We are also working with the Anti-Apartheid Legacy: Centre for Memory and Learning, a project of the Liliesleaf

Foundation UK headed by Caroline Kamana, to inspire youth in deprived areas by learning about the transition to democracy in South Africa.

The focus of the project is a community centre involving an extensive renovation of the former offices of the African National Congress in Islington which will mount community events and seminars.

One of the materials being used at schools is the film made by Sir Nick Stadlen who produced and directed the award-winning documentary on the Rivonia trial entitled *Life is Wonderful: Mandela's Unsung Heroes*.

The Ubuntu Leadership Academy in Lisbon is also in dialogue with the South African Education authorities about rolling out its program in South Africa as well as in Kenya and Zimbabwe.

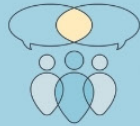
Power to Change, a moving documentary on fighting knife-crime by Wendy Lewis and Roni Redman of *Celebrate Life Events*, was screened in a Westminster committee room on 12th July to a packed audience made up mainly of people living in affected areas and several - such as Pastor Louise Jones - who have lost loved ones in stabbings.

The film and the intense question-and-answer session thereafter demonstrated the need for more roundtables in affected communities.

@John Battersby is a London-based freelance journalist, author, and consultant. He is a former Africa correspondent of the New York Times and editor of the Sunday Independent in South Africa

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Why We Need a Resolution Revolution

By David Liddle, Chief Executive, The TCM Group

There are very few people who haven't experienced some form of conflict at work at some point in their career. Managers fall out with their direct reports over performance issues, team members come to blows as a result of differing working styles, and colleagues clash with each other over whether work has been allocated fairly.

It's a problem that is costing industry dearly, both in human and financial terms. Research from the CIPD suggests nearly 4 in 10 UK employees experience some kind of interpersonal conflict at work over the course of a year. A report from Acas puts the cost of this workplace conflict at £28.5 billion every year, equating to just over £1k on average for every employee.

The causes of workplace disputes are complex and varied. But I firmly believe that the way organisations typically handle conflicts, complaints and concerns is contributing to this rising tide of dissent, disagreement and dysfunctional behaviour. We need a fresh approach to resolving the myriad of issues that inevitably arise at work – one which is more

appropriate for today's fast-changing modern workplace.

A growing number of forward-thinking organisations – Burberry, Aviva and the BBC to name just a few – have recognised this and are reframing the damaging and divisive disciplinary and grievance policies and processes of the past. They are developing Resolution Frameworks which allow them to resolve conflict in a more compassionate, people-centred and values-driven way.

Says Claire Salter, Director of Global Employee Relations at Burberry: "We know that conflict is unavoidable, but we know that when it's handled well, it can be a driver for positive change. In fact we strongly believe that positive and constructive conflict can fuel our creativity – and as a creative business, creativity is at the core of everything we do. That's what excites us about implementing a Resolution Framework – it's an opportunity for us to reframe the conversations that we're having about conflict across the business, and it gives our leaders the tools and space they need to resolve those issues early, informally and constructively."



Burberry and TCM winning the HR Impact Award at the Personnel Today Awards 2023

So what does a Resolution Framework look like – and how does it work in practice?

From retributive to restorative

The traditional processes used by organisations to manage conflict are retributive in nature. When a problem arises, instead of encouraging employees to sit down and sort it out through face-to-face, adult dialogue, people are typically plunged straight into damaging and divisive formal processes.

This causes a huge amount of stress and distress to the people involved. Employees get anxious and upset. As their stress levels rise, their performance starts to suffer, and often they end up going off sick.

These formal processes rarely, if ever, result in a successful outcome. Relationships are irretrievably damaged, good people leave their jobs, corporate reputation takes a hit - and ultimately, no-one wins.

A Resolution Framework, by contrast, is restorative in nature. It offers organisations proactive and empowering approaches for securing a constructive and lasting resolution to all types of workplace conflict. These might include informal dialogue, facilitated conversations, mediation, team facilitation and coaching. The ability to access more formal processes, up to and including dismissal or legal action, is retained for the rare occasions where it is identified that this is the most appropriate course of action.

These frameworks put people before process. They shift the dial towards adult-to-adult dialogue, allowing organisations to develop workplace cultures which foster empathy, inclusion and wellbeing. They engender a culture of co-operation and collaboration, leading to happy, healthy and harmonious workplaces.

Getting up and running

The involvement and collaboration of organisational stakeholders – senior leaders, managers, HR, employees and union partners – is key to successful development and implementation of a Resolution Framework. Companies who have successfully introduced this approach have typically involved all interested parties from the outset in developing frameworks which work in their specific operational circumstances and align to their organisational purpose and values.

Three core elements of the Resolution Framework are the Resolution Centre, the Resolution Index and Resolution Champions.

The Resolution Centre is a central hub which co-ordinates the day-to-day operation of the framework and manages the triage process (see below) used to identify the most appropriate route to resolution for any conflicts, complaints and concerns that are raised. The centre also typically co-ordinates conflict management training for front line managers and resolution champions (see below),

and in some cases, manages in-house communication and development of toolkits and resources to support employees as they embrace the new approach. The Resolution Centre has an important role to play in gathering data, feedback and intelligence around the resolution process, so that the organisation can continually learn and improve its conflict management competence.

The Resolution Index is used to triage any requests for resolution that come through to the central hub. Some of the criteria used in the triage process include seriousness of the issue being raised, impact of the situation on the parties, previous attempts to resolve the situation and their outcomes, number or frequency of previous complaints, and the risk of the situation to the parties and the organisation. Each request is scored against the criteria, and the most appropriate route to resolution is assessed. The lower the score, the more informal the remedy. In higher scoring incidences, organisations may consider undertaking a detailed fact-find, which may in turn lead to a more formal resolution meeting.

Resolution Champions are an internal cadre of trained volunteers, who support the parties through the resolution process, and for at least a year after, to ensure that no further issues arise and that the agreed outcomes or improved relationships are retained.

How it works in practice

The Resolution Framework encompasses the following key steps:

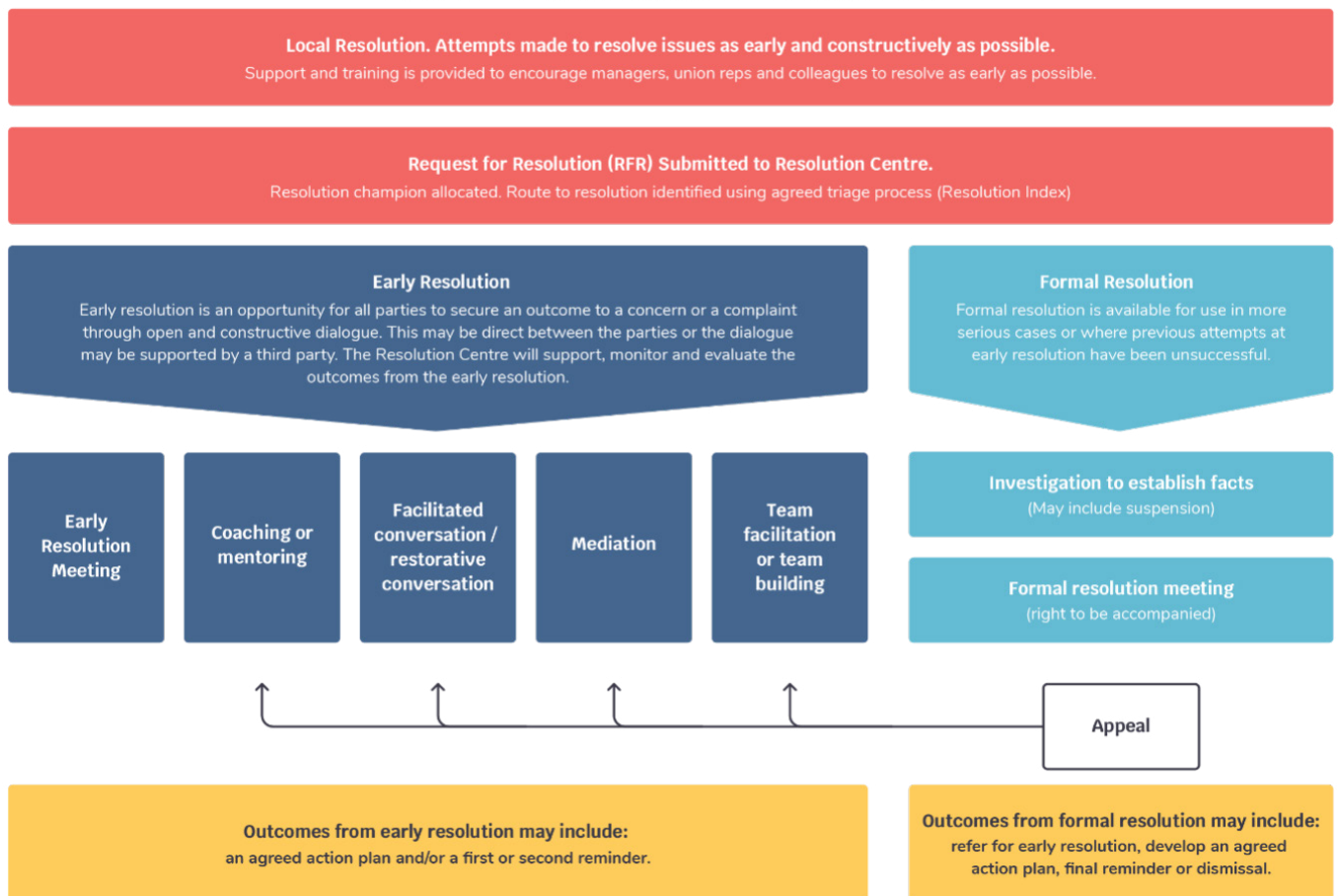
Step 1: An issue arises

The Resolution Framework starts with the premise that it is the responsibility of the local line manager to resolve any situations as early and constructively as possible. This usually takes the form of an early, informal resolution meeting, where the people concerned are able to discuss their disagreements or concerns openly and honestly, in a safe and supportive space. In the vast majority of cases, this approach generates a successful resolution and no further action is needed. Should problems start to arise again, a Resolution Champion will be on hand to help nip any issues in the bud and get everyone back on track. The success of an early resolution meeting does of course depend greatly on the line manager having an understanding of the nature of conflict and how to resolve it. Organisations cannot assume their managers will naturally have the confidence and competence to do this; they will need training to support them in this important role.

Step 2: Request for Resolution

If attempts to resolve an issue locally and at source are not successful, the next step is for the parties involved to submit a 'Request for Resolution' to the Resolution Centre. Trained staff within the centre will triage the request against the pre-determined criteria in the Resolution Index, and will make a recommendation for the most appropriate route to resolution. This step is the restorative alternative to the more retributive approach of 'raising a grievance'.

The TCM Resolution Framework™



Step 3: Early Resolution

Requests that are triaged at this early stage are most likely to be well suited for one of a number of early resolution methods. This might include a facilitated conversation, where both parties are able to share their concerns, express their needs and find a mutually acceptable way of restoring the relationship and moving forward. Some cases will be suited to mediation, where a trained, independent mediator will bring people together to engage in powerful dialogue which will help to transform their dispute from destructive to constructive. Other options might include team facilitation, or coaching. Each approach is suited to a particular type of conflict and its relative complexity or severity.

Step 4: Formal Resolution

For higher scoring cases, the triage process will lead to a more formal resolution process. This might be a fact find (an alternative, more restorative approach to the traditional investigation) or a Resolution Meeting (as opposed to a disciplinary or grievance hearing).

Organisations who have adopted a Resolution Framework are resolving issues sooner and more effectively and protecting workplace relationships, with a corresponding

impact on performance, reputation and competitive advantage.

Anthony Fitzpatrick, Head of Colleague Experience and Employment Policy at Aviva sums it up well: “The introduction of the Resolution Framework changed the whole concept and dynamic of managing conflicts and complaints within the workplace. We have seen that the vast majority of cases are settled either at triage or through a facilitated conversation. This allows everyone to focus on their job and increases morale and motivation, which is good for personal wellbeing; it’s good for the business and it’s good for the customer too.”

For a complimentary copy of the Resolution Framework template, please contact our Resolution Team Hannah Cotton and David Liddle.

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