

CASE STUDY: Modelling best practice dispute resolution in the Government

BIS Department for Business Innovation & Skills

The Department for Business Innovation and Skills has around 3,100 staff. In 2009 BIS updated the Dispute Resolution Regulations, recommending the use of mediation before formal processes as a means of resolving disputes in the workplace.

Need

To rationalise existing provision and introduce a full mediation service for BIS employees.

Project

- Training of existing investigators to accredited standards.
- Selection and training of mediators to provide mediation to exceed minimum standards.

Outcomes

- Twelve mediators from across the business providing a state of the art mediation service.
- Consistent and excellent investigation provision for formal processes
- Unions on board.
- Saving of 400 working hours and £180,000.
- Slow reduction in grievance and bullying and harassment investigations.

The Brief

As the Government's lead body on dispute resolution BIS (then BERR) decided to model best practice by improving both its formal and informal dispute capacity. There was an existing pool of investigators comprising senior staff, and one or two trained mediators had already had some success with ad-hoc mediation. The brief was to extend and rationalise their existing provision and establish dispute resolution on a more consistent footing within the Department.

Their existing attempts at mediation had yielded some success, and in mid 2009 BIS started scanning the horizon for a provider who they felt would design a state of the art in-house mediation pilot. Their business case included:

- Information on the relatively low cost of mediation compared to investigation.
- Potential cost savings diverting cases away from tribunals.
- The efficiency and added value of mediation as it not only resolves 85% of disputes but also gets working relationships back on track.

The Project

An accredited **3-day investigation skills** programme providing practical informed training run by someone who was an experienced practitioner, which had to cover planning and setting up an investigation, running an effective, fair timely process, investigative interviewing, analysis of evidence and report-writing. The existing investigators within BIS were put through the course. Case studies had to be tailored to the BIS environment.

The mediation project¹

In terms of the process the Department undertook to find a supplier who would provide us with training and consultancy advice on the development and implementation of an in-house Mediation Service, we completed a rigorous tendering exercise and selected a company who best met our requirements; CMP Resolutions were awarded the contract. At all stages of the process the Department actively involved, consulted and worked with our Trade Union side. In terms of our recruitment process to find suitable mediators we placed an advertisement on our intranet inviting interested people to attend some interactive workshops run by CMP where Mediation was trailed as an alternative way of resolving disputes. There was an excellent response and we some very good applications. We had:

- 106 expressions of interest in becoming a mediator;
- 38 application forms
- 17 were interviewed by John Crawley from CMP and myself

Delegate feedback on the recruitment and awareness-raising sessions was very positive with an average rating **of 5.25 out of 6.**

Following a rigorous recruitment and selection process, eight members of staff from a diverse range of business areas, backgrounds and experiences were selected to go forward for mediation training.

The eight individuals selected for training undertook a demanding and intensive period of study over 6 days, in two blocks of three days. They are now fully accredited with a professional qualification in Certificate in Mediation Skills, endorsed by OCR.

CMP also provided advice and support on the development of the Department's in-house Mediation Policy, how the service could be delivered to work colleagues, ideas on marketing and embedding it into the organisation together with some advice on the importance of gathering feedback and evaluation.

¹ From an interview with Sonja Drew, Career Centre Manager for BIS

Outcomes

Sonja Drew, Career Centre Manager with responsibility for the mediation service comments: 'There have been significant cost savings to the Department. We have just completed our first year of operation during which we have had 6 successful mediations, by using in-house mediators rather than external ones, we saved £10,000 on external mediators. The cost of not resolving disputes early can have an expensive knock-on effect. For example when preparing for an Employment Tribunal, within BIS we estimate that the total staff hours for HR and line management is around 400 hours which is approximately £5,000, assuming 4 witnesses and a typical 5 days hearing; together with expensive legal costs of typically £15,000 per case, travel and subsistence; and lets not forget the hidden costs of stress on witnesses and the potential for higher sickness absence. The other benefits have included a much quicker response time.'

Significant other benefits have also been realised: The impact of having an internal mediation scheme includes according to Sonja:

- 'Reduced costs in terms of line management and HR time in dealing with grievances and the costs of bringing in external mediators to resolve issues.
- Having a committed team of mediators who understand the culture and the working practices of the Department and want to contribute to the corporate agenda in helping the Department to remain a supportive and good place to work especially during this period of uncertainty.
- A reduction in stress/sickness absence amongst those who have gone through the mediation process.'

Investigations are now:

- Less stressful and more controllable.
- More consistent.
- Producing reports which are fit for purpose.

For mediations:

- Managers and individuals show an interest/awareness of the service.
- There is evidence of interest/awareness of the service.
- Target case numbers have been achieved.
- The service has been marketed through a range of communication channels including BIS TV, leaflets and posters.
- Employee relations team and business partners are on side.