

Third Sector Mediation Case Study 1

Performance issues

Andrew had worked for a small charity for around three years. His manager, Charlotte, had always had problems with his work resulting in extending his probationary period and then taking performance management action.

Charlotte felt that she had to highlight what she considered to be Andrew's deficiencies and Andrew hated being performance managed and, as he saw it, micro-managed. He also felt that Charlotte undermined him all the time in front of clients and other team members.

Communication between the two had become a major challenge and latterly they had avoided it wherever possible. Charlotte suggested mediation as a way of helping them to communicate more effectively and to resolve some of the major issues between them.

Charlotte and Andrew welcomed the opportunity to discuss the various issues in a safe space. The confidentiality of the process also allowed discussion around health issues which had not previously been discussed and which helped a shift in both their attitudes. They were able to agree a number of changes to their working practices and acknowledged that the mediation had started them off on a process of communication and problem-solving which had previously proven a challenge for both of them.

Charlotte commented that the mediation gave herself and Andrew the space to talk through and reflect on their difficulties when working together and would recommend it to other managers who are struggling to deal with similar issues.

Third Sector Mediation Case Study 2

Bullying between peers

Sarah and Emma are senior managers in a medium sized charity. Sarah had been finding it difficult to work with Emma for some time and there were a series of disagreements over workplace issues where Sarah considered Emma to have spoken to her in an inappropriate and unprofessional way. On one occasion Emma shouted and behaved aggressively towards Sarah and this brought to a head some underlying professional frictions between them and prompted Sarah to bring a formal complaint against Emma. Sarah wanted to use an empathic and humanistic approach rather than being punitive and so a mediation was set up.

Through mediation Emma realised that her actions had been unreasonable and apologised, while Sarah acknowledged they had exacerbated the situation by not communicating properly. Further exploration resulted in both parties realising they had similar work pressures to which they both reacted by behaving poorly towards colleagues, so they agreed ways to communicate in future and ways they could actually reduce the impact of short notice demands by helping each other.

Four months after the mediation Sarah commented "I was nervous before engaging in mediation as I did not know what to expect, I was also concerned that the process might break down. My concerns were unfounded and I felt that mediation was the best choice I could've made in the situation. I felt totally supported by our mediator and found the structure of the appointments to be ideal. I felt heard during our sessions and when it came to our two joint meetings I felt that it was safe to discuss how I felt, what the impact of the behaviour had been for me and how I would like to resolve the situation. We were facilitated in creating an agreement around our professional relationship and this also covered what we would do in the event of any further occurrences of inappropriate verbal conduct.

I am happy to say that since our mediation there have been no further incidents and slowly my confidence in the workplace and myself is returning. The intervention of mediation prevented the situation from becoming irreparable and I would highly recommend this service."

Third Sector Mediation Case Study 3

Challenging membership meeting

A membership organisation was going through a difficult period of change that had proved to be both tumultuous and confrontational. There was one issue that had been particularly divisive and had been a source of conflict and disagreement for a number of years.

Things came to a head when a group of members called an extraordinary meeting to challenge the board and the executive on the issue. The Chair was concerned that the meeting was going to be very difficult and therefore approached Scottish Mediation for assistance in facilitating the meeting. Strictly speaking this was not a mediation but mediating skills were required.

At the meeting there were over 50 members, staff and board members described by the mediator as "in revolt". The mediator found the experience very challenging however after several hours there were some healthy outcomes in terms of taking change forward.

The Chair commented that the meeting was very difficult but having a mediator allowed for a more civilised discussion and having his observations afterwards was very helpful. The Chair felt that the mediator had made a good effort at leading the meeting even when it became obvious that a group really wanted to railroad the process and would give no quarter to any other thought. He felt that the mediator kept the process civilised as emotions were riding very high. The board really appreciated and valued the mediator's presence and quiet but competent interventions. The Chair felt that if it had not been for the mediator's presence and demeanor the meeting would have degenerated into chaos and would probably have become very personal. The Chair would thoroughly recommend the Third Sector Mediation Project as it made a very difficult morning more bearable.

Mediation Case Study 4

Housing Complaints

Rosemary had moved into a block of flats and found herself getting into disagreements with the factor, Jeremy, over issues to do with parking and helping out some of her neighbours. She also felt that at owners' meetings Jeremy was not being punctilious in following proper procedure for running the meetings, recording minutes and holding elections to an Owners' Forum. The issues led to a succession of email complaints to Jeremy which led to further complaints about the initial complaints not being resolved or delayed in their resolution. Some of these matters had been considered by a Tribunal which determined that Jeremy had not broken the Factoring Code but Rosemary felt that she had lost her case because she did not understand the legalistic approach of a Tribunal and was considering making another application. Rosemary regarded herself as a good neighbour who helped out other owners for example by giving a neighbour with mobility problems a lift to the shops. She accepted that she took a black and white view of issues and tended to speak loudly which she put down to being hard of hearing and she appreciated that these characteristics were sometimes taken as being hostile. The complaints were causing her considerable stress but she had her own code of right and wrong and believed that Jeremy was mismanaging his responsibilities and that she had a duty to sort them out.

Jeremy was concerned about the time and cost of handling the complaints received from Rosemary which were endless and seemingly irresolvable. He thought he had a reasonable relationship with Rosemary and felt the difficulties had arisen through misunderstandings. Jeremy was proud of his work and found the problems with Rosemary inexplicable since his factoring services were well thought of by other owners. However he entered mediation with the view that he did not take Rosemary's criticisms personally and wanted to do what was needed to sort things out.

Rosemary's acknowledged black and white view of issues resulted in any misunderstandings or failure of communication being expressed as Jeremy being a liar. Having established trust at the pre-mediation session the mediator was able to discuss alternative interpretations and even challenge her sometimes inflexible views

During the mediation Jeremy accepted that he should have taken minutes of meetings and they agreed to resolve the matters which led to the mediation by Jeremy apologising to Rosemary for misunderstandings and recognising issues of procedure which Rosemary had raised which were now being incorporated into a new owner's handbook. In appreciation of Rosemary's role, Jeremy would send a letter to the other owners recognising Rosemary's help and would raise money for Rosemary's favourite charity.

The parties were very satisfied with the process and outcome of the mediation which has enabled them to build a more positive relationship and avoid further legal action.

Engaging Positively with Conflict

Mediation Case Study 5

Bullying by manager

Alistair and Charmain are members of the senior management team of a medium sized charity. Alistair has line management authority over Charmain but felt that she was resisting his authority at every turn. Charmain, on the other hand, felt that Alistair was getting too involved with her work and inappropriately interfering in a way that prevented her performing her role efficiently.

The conflict had led to a dysfunctional relationship and both parties finding it difficult to work together. Eventually Charmain raised an official complaint against Alistair and the CEO suggested that they try mediation prior to going down the formal grievance route.

The mediator spoke to each separately before the joint mediation meeting and this was invaluable as there was the opportunity for some light touch coaching about how they might use their opening statements in the joint session not only to describe the difficulties but also to set the tone for a better conversation. Alastair felt that this meeting made him feel calmer on the mediation day as he was already very anxious about the actual mediation and apprehensive about the way he felt Charmain handled difficult situations. The pre-meetings left both parties feeling well prepared and more focused on resolving their difficulties.

The actual mediation used two mediators who created a calm and relaxed atmosphere. As a result both parties made conciliatory opening statements which paved the way for some sensitive issues to be discussed without rancour and without ducking the difficulties they had had with each other.

The mediation enabled them to have a constructive dialogue about the issues, to affirm that they were committed to improving the work relationship and to agree a plan of action which would ensure that they would have constructive dialogue about any difficult issues in the future while working jointly in the normal course on things that required their collaboration. They agreed a report they would make back to the CEO regarding the mediation outcome and also agreed some private commitments they were making to each other to improve working practices and relationships. Charmain withdrew her complaint and therefore a lengthy and disruptive grievance procedure was avoided.

Both parties would recommend mediation and would encourage people to use it at an earlier stage to avoid situations developing.

Mediation Case Study 6

CEO /Board disputes

This case arose in a politically sensitive national organization. Strategic differences arose over a period of time between the Chair, Vice Chair and Chief Executive and their disagreements became common knowledge. A Twitter post made by a third party commenting on the management of the organization was picked up by an MSP who then complained to the Chair who responded by making some damaging comments about the CEO and the vice-chair. This resulted in some fraught meetings that led to a complete breakdown in working relationships. Some of this was reported in social media and picked up by the press. The chair was especially distressed by the situation and took a temporary leave of absence.

A mediation was set up to try and repair the relationships between the three parties with the chair making it clear that they would only resume their role if a way forward in writing was agreed. After initial separate discussions with the three parties, the mediator decided to bring all three together for the joint session which meant that the mediation was more challenging than the usual two party mediation.

During the mediation an agreement was reached among all three participants. The agreement was set out in the form of a joint minute, signed by all parties, and provided a basis for moving forward as an effective team and improving the working relationship.

The parties felt that the mediator did a fantastic job in helping them to navigate some very challenging circumstances and that the combination of attention to detail and ability to work with and understand the people involved was tremendous. As a result of the mediator's input they were able to resolve a situation that could have otherwise proved very damaging for both the individuals involved and the organisation as a whole.