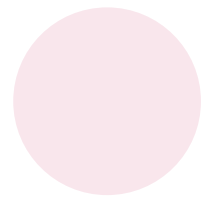
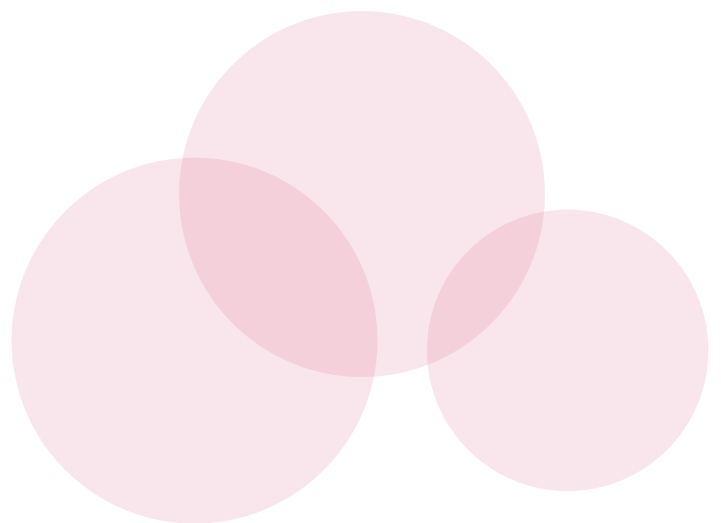
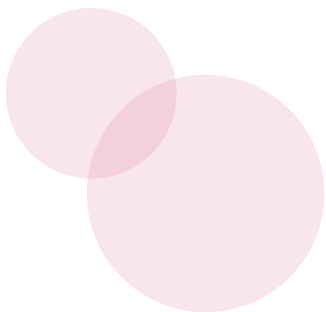
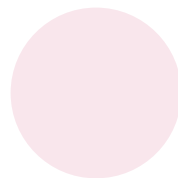


Research Paper



Towards a system of conflict management?
An evaluation of the impact of workplace mediation
at Northumbria Healthcare NHS Foundation Trust

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An evaluation of the impact of workplace mediation at Northumbria Healthcare NHS Foundation Trust

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EXECUTIVE SUMMARY

This report draws on data from an in-depth case-study of the management of conflict within Northumbria Healthcare NHS Foundation Trust. Based on a survey of operational managers and over 50 interviews with key stakeholders, the research examines the extent to which a system of conflict management has been developed and early findings as to its impact.

Defining the challenge

- The most common causes of conflict within the Trust were personality clashes and performance management. These tended to relate to either personal issues that spilled over into work or difficulties in relationships between line managers and team members, often arising from attempts by managers to address performance.
- Wasted staff and management time was the greatest perceived cost of this conflict. There was also some evidence that conflict could have a more direct impact on both performance and well-being of staff with potential implications for patient care.
- The confidence of line managers in dealing with difficult issues was seen to be crucial. Managers were sometimes deterred from addressing difficult issues by the potential for escalation and employee grievances. In addition, operational pressures had the potential to 'crowd out' more creative approaches to conflict management.
- While necessary in certain cases, written grievance procedures were not seen to be conducive to conflict resolution. They were complex, time consuming and stressful for all involved – and rarely led to clear and accepted outcomes or a sense of justice having been done.

Developing a 'system' of conflict management

- We found examples of multiple interventions being implemented to resolve conflict at an early stage. These included stress risk assessments, mediation, team facilitation, conflict coaching and training. Key to this was the systematic analysis of key indicators which identified conflict 'hotspots'. This was underpinned by a partnership approach between main stakeholders.
- There was also evidence of conflict management informing wider HR strategies. This was reflected in training priorities but also the development of core competencies for senior managers and the emphasis placed on values-based recruitment. Consequently, the ability to handle conflict was central to progression and development within the Trust. Furthermore, clear leadership and organisational commitment to the importance of conflict management was crucial in creating a culture of early resolution.

- The importance of conflict resolution was also expressed within the Trust's existing procedures and processes. For example, the Dignity at Work Policy, which sought to deal with complaints of bullying and harassment, was redesigned to not only include mediation but to acknowledge the importance of finding solutions to conflict at an early stage.

Workplace mediation and early intervention

- The success of mediation was very high, with 9 out of 10 mediations resulting in an agreement. Around one third of cases referred did not proceed to mediation. Awareness of the availability of mediation was very high both among interviewees and also managers surveyed. The evidence clearly suggested that it was mainly used as an early intervention.
- Most respondents who had been through the mediation process felt that their situation had improved as a result. Over three quarters of those who completed mediation evaluations said that they would recommend mediation to a friend, and satisfaction with the role played by mediators was high. Nonetheless, parties to mediation found the experience extremely challenging.
- Managers were generally positive about workplace mediation and almost 6 out of 10 managers also felt that mediation improved their ability to manage conflict. However, there was some concern from front-line managers that mediation could be seen as a default option for a difficult situation, particularly where performance issues were involved. In some cases this did not allow them to counter accusations of bullying that they felt were unfair.
- Some participants expressed worries that using mediation in dignity at work cases could allow bullying to go unpunished. However, such cases were often complex and interlaced with performance issues and personality conflicts. Respondents felt that there was a need to make sure that issues were appropriate for mediation.
- Most of those respondents who had been involved in team facilitations felt they had been beneficial to some extent. Facilitations had highlighted deeper issues which then required further action over a longer term i.e. mediation, training or conflict coaching. Respondents who had been involved in the full range of interventions reported that they had a positive impact in beginning to address dysfunctional relationships within teams.

The culture of conflict management

- Almost three fifths of managers saw the dominant culture as being collaborative, that is, involving joint working or problem solving. This was also reflected in the relationships between key organisational actors and the roles that they played in responding to and attempting to resolve workplace conflict. There were very close working relationships between HR, the mediation service and the occupational health team (including psychologists and counsellors).

- Both survey and interview data suggested mediation had become part of the toolkit for most managers in the Trust. Furthermore, the work of those involved within the mediation service in developing a range of interventions had increased the profile of the issue within NHCT and played a significant role in creating an environment in which early and less formal approaches to conflict resolution were encouraged.
- The overwhelming preference of NHCT managers that were interviewed was to resolve problems at an early stage through informal discussion. This was also the view of HR practitioners and trade union representatives. To this extent, there was evidence that a culture of early resolution was embedded within the organisation.
- Around 70 per cent of managers had received training in handling difficult conversations. Almost all respondents agreed the training helped them to do their job more effectively and to raise their confidence in dealing with the issues. Managers were generally confident about their ability to handle conflict and felt that it was valued by senior management. However, evidence suggested that training was not routinely reaching lower levels of management and the workload associated with people management responsibilities could pose problems for less experienced managers.

Conclusions and implications

- This case study provides a unique example of an organisation that has adopted a strategic and systematic approach to conflict management. Furthermore, there is persuasive evidence that this has led to the development of a culture in which early resolution and a collaborative approach to conflict is embedded.
- The approach developed by NHCT points to a number of key factors that are central to effective conflict management: an acceptance that conflict is inextricably linked to well-being and employee engagement; a view that conflict management is as a core managerial competence; effective structures of representation and a partnership approach to conflict resolution; the flexible and pro-active deployment of trained mediators to intervene to resolve conflict and develop skills.

1. INTRODUCTION

The need for a new approach to workplace dispute resolution has become a central focus of public employment policy (Gibbons, 2007). In particular, it has been argued that more emphasis needs to be placed on early responses to individual employment conflict and the increased use of alternative dispute resolution (ADR) (BIS, 2011). In the UK, ADR in the workplace has been largely limited to the use of mediation and the development of in-house mediation capacity. Research conducted to date points to the potential direct benefits of mediation, and it has also been argued that mediation can have positive 'upstream' effects and act as a catalyst for wider changes in the way that organisations manage individual conflict. However, there has been little evidence of more sustained and strategic approaches to conflict management (Saundry et al., 2014).

This research examines an attempt to develop a systematic approach to the management of conflict within Northumbria Healthcare NHS Foundation Trust (NHCT), located in the North East of England. NHCT manages hospital, community health and adult social care services and is one of the North East's largest employers, with almost 9,000 staff delivering care to over half a million people. While an internal mediation scheme provides the foundation for conflict resolution within the Trust, a seemingly unique development is the extent to which mediators are involved in broader conflict management activities and the development of conflict competence in the organisation. Therefore, this report:

- Explores the attitudes of, and roles played by, mediators, managers, HR practitioners and trade union representatives in relation to the management of conflict;
- Examines the introduction, the evolution, and impact of workplace mediation within NHCT;
- Assesses the extent to which the approach developed at NHCT represents an integrated conflict management system;
- Evaluates the impact of the approach developed by NHCT on the nature of conflict management and the attitudes of managers to conflict resolution; and
- Examines any consequent implications for policy and practice.

2. MEDIATION AND SYSTEMS OF CONFLICT MANAGEMENT

Growing concerns over the cost and impact of workplace conflict have seen increased attention being given to alternative systems of dispute resolution. Much attention has focussed on the potential of workplace mediation. Proponents of mediation have long argued that it offers demonstrable advantages over slow, complex and adversarial grievance and disciplinary procedures which tend to focus on rights as opposed to interests (Reynolds 2000; Pope 1996). Mediation is argued to be cost effective and more likely to restore the employment relationship, avoiding long-term absence and making litigation less likely (Corby 1999; Kressel 2006). Critically, it provides an environment in which employees may feel more able to voice their concerns (Barsky and Wood 2005). Gazeley (1997:623) argues that mediation can be cathartic, allowing individuals to have their 'day in court', while allowing them to express their feelings in a relatively safe and secure environment (Seargeant 2005; Singletary et al. 1995; Sulzner 2003). US evidence points to high levels of participant satisfaction with both process and outcome (Bingham et al., 2009; McDermott et al., 2000; Kochan et al., 2000) while in the UK, data suggests resolution rates (full or partial) of around 90 per cent (or more) (CIPD 2008; Latreille, 2011; Saundry et al., 2013; Saundry and Wibberley, 2012).

At a broader level, the introduction of in-house mediation schemes may have an impact beyond the specific disputes that are mediated. For managers, mediation training can have a positive impact in conflict handling skills (Bingham 2004; Saundry and Wibberley, 2014). A detailed, longitudinal study of the USPS REDRESS initiative (see Bingham 2003) found that supervisors who underwent mediation training and/or mediation "listen more, are more open to expressing emotion, and take a less hierarchical top-down approach to managing conflict" (Bingham et al., 2009:43).

It is also argued that these broader organizational benefits are more likely to be realised when organizations introduce complementary alternative dispute resolution (ADR) practices (Bendersky 2003) as part of an overall strategic approach. The potential for integrated conflict management systems (ICMS) has gained widespread support in the US (Lipsky et al., 2012; Lynch 2001, 2003). For example, Lipsky and Seeber (1998) argued that this approach reflects a change in the organisational 'mind-set' in regards to conflict management (23). As opposed to approaches to dispute resolution whereby rights and interest based processes operate independently, conflict management systems represent a new 'philosophy of organizational life' (Lynch, 2001:208) and underlying sources of discontent can be addressed.

In relation to the design of ICMSs, Lynch points out the importance of an organisational champion to drive the development of conflict management. Furthermore, while integrated approaches may be triggered by 'crisis', the need for regulatory 'compliance' and a desire to reduce 'cost', they may also be driven by the pursuit of 'cultural transformation' in order to underpin their broader strategies. Lynch also suggests that a crucial difference between ICMSs and more conventional dispute resolution processes is that the former 'foster an environment in which

managers are expected to prevent, manage, contain and resolve all conflict at the earliest time and lowest level possible' (Lynch, 2003:212). In this way an ICMS creates a 'conflict competent culture' where all conflict may be safely raised and where persons will feel confident that their concerns will be heard, respected, and acted upon...' Lynch, 2001:213).

In some respects, the rhetoric surrounding the promotion of ADR in the UK reflects the claims made for ICMSs. The government's promotion of mediation for example, is based on a belief that mediation can transform organizational cultures and high-trust relationships (BIS 2011). However, in both Great Britain and Ireland there is, to date, little evidence of organisations adopting more integrated approaches which locate conflict resolution as a central element of HR strategy (Roche and Teague, 2011). Therefore, the case discussed in this report provides a unique opportunity to examine the potential of a strategic and systematic approach to the management of workplace conflict.

3. METHODOLOGY

A mixed methods approach was adopted in this research in order to provide both a broad overview of the management of workplace conflict but also a deeper examination of the way in which managers and employees interact within different processes of dispute resolution.

The first stage of the research involved the examination of existing documentation regarding individual dispute resolution. This included policies and procedures relating to grievance, discipline, capability, and bullying and harassment. In addition, data regarding disciplinary and grievance cases between 2008 and 2014 and also NHS staff survey data between 2005 and 2013, was analysed. Records in relation to mediation were also examined. This included details of case types, durations and outcomes, and also anonymised evaluations completed by mediation participants between 2006 and 2014.

The second stage of the research was to conduct interviews with a sample of mediators, HR practitioners and trade union representatives. These interviews were designed to provide an overview of the key issues and explore the nature of conflict resolution in NHCT; the introduction and operation of the mediation service; and the extent to which this had shaped the way in which conflict was, and is, managed. In total, 16 interviews were conducted which lasted between 35 minutes and 90 minutes.

The third stage was a survey that sought to explore line managers' and supervisors' experiences of, attitudes to, and approaches for dealing with work conflict, and the effects of such conflict on them and their team. Crucially, the survey was also designed to evaluate the two innovative training sessions provided by NHCT for managers and supervisors on handling difficult conversations and dealing with conflict.

The survey instrument was developed with reference to the existing literature on workplace mediation and conflict management, drawing on themes emerging from the initial in-depth interviews. This process was undertaken iteratively and with feedback from NHCT in the form of the mediation coordinator and a colleague in Occupational Health, who also piloted the final draft of the survey, administered online using the Qualtrics survey software, for timing and final sense-checking.

At the advice of NHCT, invitations and the survey link were initially provided to top layers of management in each of the business units to be cascaded down. This approach reflected internal resource and Data Protection constraints, as well as the need to recruit participants who had undertaken the training identified above and a corresponding sample of those who had not. It was also felt this approach would secure higher response rates, which were further incentivised by a prize draw¹.

The survey questions examined: basic demographics of the individual and job (sex, age, tenure, length of time as a manager/supervisor, number of staff

¹ The survey instrument, method of recruitment and incentive, as well as data handling/subject protection and prize draw protocols all received ethics clearance from Sheffield University Management School.

managed/supervised, occupational group and pay band); training receipt in relation to conflict handling and views about its impact; experience of conflict at work and its handling; awareness of mediation and views towards this and wider approaches to conflict; and final thoughts. Participants were also invited to take part in follow-up interviews; 54 offered to do so.

The survey went live on 15 April 2014 with two reminders issued, the first after two weeks. The final sample size was 237 completed responses, an estimated response rate approaching 50 per cent².

Because participants did not have to complete the survey in a single session but could save and return when convenient, the median is a better guide to the time taken to do so than the mean (which is affected by a small number of responses with very long durations, the maximum being around 23 days). The median length of time taken was just over 11½ minutes, with just 10 respondents taking longer than one hour, and the shortest just under 4 minutes.

Table 1 below provides basic information on the characteristics of the sample. As can be seen, the vast majority (almost four in five) of respondents are female, with the majority (80 per cent) being aged between 40 and 59. As a group they are characterised by long tenure, with two thirds having worked at NHCT for 10 years or more. In terms of occupational group, the single largest representation was among Registered Nurses, who accounted for 35 per cent of the sample, followed by the Wider Healthcare Team (which includes administration and clerical staff, central services such as HR, finance, IT, and maintenance and ancillary functions), Allied Healthcare Professionals/Healthcare (e.g. occupational therapy, physiotherapy, pharmacy, clinical psychology), and Medical, each accounting for 14 per cent. General Management is the only other category that exceeds 10 per cent³.

In relation to management experience, around 30 per cent of respondents had been managers/supervisors for between five and ten years, with more than 40 per cent holding such a position for ten years or longer. On average, respondents supervised/managed 58 staff (median of 15); seven said they did not in fact manage

² A further 80 responses were incomplete. Because respondents may have abandoned and re-started, these are excluded from the reported analyses (40 of these did not answer any questions). However, checks reveal key results are qualitatively unaffected by the inclusion of these additional observations where responses were provided.

³ It is difficult to determine precisely how representative these data are of the underlying *management/supervisory* population due to the way the HR database works. Searching on jobs with manager in the title (which is likely to under-report those with supervisory responsibilities in lower pay bands and also excludes medics), reveals 460 staff meeting this criterion. Of these, there is a predominance in bands 7 and 8 or above, as also evidenced in the survey data. They also seem broadly in line with the 2013 NHS Staff Survey for NHCT, in which 19 per cent were male and 72 per cent were aged 41 and over. The occupational distribution evidences some differences. These include a higher proportion of Registered Nurses and General Management in the current survey, and fewer in the broad Wider Healthcare Team. While the survey instrument used very similar categories to the Staff Survey, these differences likely reflect the use of top-line headings only. As might be expected of a managerial/supervisory cohort, average tenure in the present survey was substantially longer than for the broader sample in the Staff Survey, in which 42 per cent reported having worked for NHCT for 11 years or more compared with 67 per cent here.

or supervise anyone else, while at the other extreme, one respondent managed well over 1,000 staff. Most respondents were in pay bands seven or eight and above (74 per cent), with a further 14 per cent in band six and 12 per cent in bands three to five combined.

Finally, interviews were conducted with operational managers (of all grades) and mediation participants. A number of interviewees were selected due to the fact that they had been involved in mediation service interventions and/or worked in areas which had faced particular challenges in respect of workplace conflict. This was supplemented by respondents to the questionnaire who indicated that they were prepared to take part in an interview to discuss their views in greater detail. Overall, 35 interviews were conducted, lasting between 20 and 90 minutes.

Table 1: Respondent characteristics

Characteristic	Frequency (per cent)
<i>Sex</i>	
Male	22
Female	78
<i>Age</i>	
Less than 40	17
40-49	43
50-59	37
60 and over	3
<i>Tenure</i>	
Less than 1 year	3
1 to less than 2 years	5
2 to less than 5 years	13
5 to less than 10 years	14
10 years or more	65
<i>Length of time as manager/supervisor</i>	
Less than 1 year	5
1 to less than 2 years	6
2 to less than 5 years	17
5 to less than 10 years	30
10 years or more	43
<i>Occupational group</i>	
Allied Health Professionals/Healthcare Scientists/Scientific and Technical	14
Medical	14
Registered Nurses	35
Nursing or Healthcare Assistants	6
Social Care	5
Wider Healthcare Team	14
General Management	11
<i>Pay band</i>	
Band 3	3
Band 4	4
Band 5	5
Band 6	14
Band 7	35
Band 8 or above	39

Note: Due to item non-response, N=235, 235, 234, 233, 236 and 226 respectively for each block in the table.

Interview respondents were provided with detailed information sheets and all signed appropriate consent forms. All but four interviews were conducted face-to-face and all but one were recorded and transcribed; in that one case, handwritten notes were taken. Interviewees were also given the opportunity to review and amend transcripts, which were anonymised.

4. FINDINGS

4.1 Background

Northumbria Healthcare NHS Foundation Trust (NHCT) provides services to over 550,000 people spread over a large geographical area in the North of England. This involves three district general hospitals and six community hospitals in addition to a wide range of primary care services provided in the community. In 2011, 1,701 staff who worked in the community to provide healthcare or health services, such as district nurses and health visitors were transferred from Northumberland Care Trust, and responsibility for adult social care services were delegated to Northumbria Healthcare NHS Foundation Trust. In total NHCT employs over 8,900 staff.

4.2 Defining the challenge

4.2.1 The nature of conflict at NHCT

Our survey of NHCT managers suggested that the most common cause of conflict within the Trust was personality clashes (34 per cent). The second most frequently reported specified cause was poor performance management (nine per cent), followed by clash of values and heavy workload/lack of resources (both seven per cent), and stress (six per cent). Furthermore, asked to think about the most recent conflict involving members of their team/section, the majority reported the situation as having been between two or more colleagues whom they manage (69 per cent), with 20 per cent saying the conflict involved them and one or more of their reports, and 12 per cent that the conflict was between them and a colleague or colleagues from outside their team/section.

Our interviews reflected this pattern. In broad terms, conflict tended to fall into two categories. First, it was often triggered by difficulties in relationships between line managers and team members, with the latter perceiving the approach taken by the managers as 'bullying' and 'unreasonable'.

'the majority that I've been involved in... there are some underlying performance issues. When you're trying to manage performance, you inherently get complaints of, "I'm being bullied and harassed, I'm being victimised, I'm being picked on," or they go off sick and you have to manage them through a process then.' (Mediator)

Second, and perhaps more commonly, respondents referred to problems which were often related to issues outside the workplace. Here, personal issues could spill over into work and vice versa, with what may have seemed like trivial issues escalating and having serious consequences for the staff involved and the organisation:

'Typical one would be communication issues, lack of respect, minor difficulties rolling into something that they shouldn't have been, misinterpretation of behaviours, misinterpretation of intention, paranoia about people's intentions perhaps, reading more into it than there really was, often long history of

conflict between individuals, whatever it was going on, and on and on...
(Mediator)

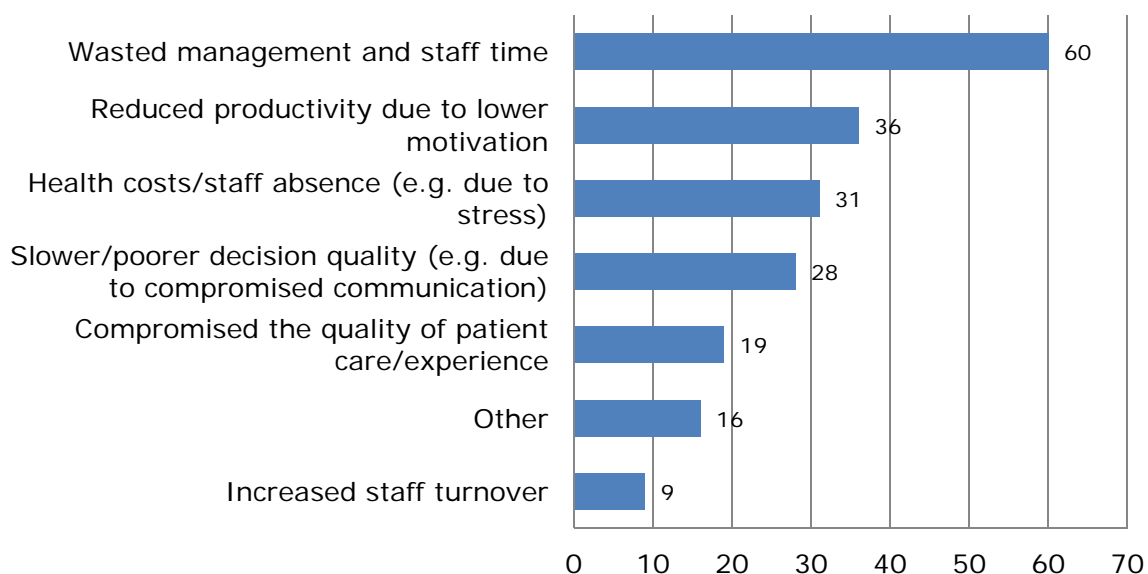
There was also an acknowledgement that conflict could be exacerbated by boundaries and objectives not being made clear and also by managers failing to address problems at an early stage:

'...it often arises when there's a difficult conversation about somebody's performance and that might have resulted from either poor direction, not clear set objective... It starts with somebody struggling in their role and it is branded as performance. It then often gets the reaction of "I am getting bullied or harassed".' (Manager)

4.2.2 The cost of conflict

According to Trust managers, wasted staff and management time was the greatest perceived cost of conflict (see Figure 1). The survey data revealed that conflict experienced by managers was typically lengthy: 29 per cent of the most recent disputes lasted for more than 12 months, with a further 14 per cent lasting between six and twelve months and 17 per cent for between three and six months. In terms of the time spent by respondents in dealing with the situation, just over a quarter said less than a day, 37 per cent one to five days, nine per cent six to ten days, and more than a quarter (27 per cent) that they spent more than 10 days. As this shows, the distribution is relatively bimodal: disputes are either resolved relatively quickly and with modest managerial time cost, or can be of substantial duration with correspondingly higher cost.

Figure 1: Costs of most recent conflict



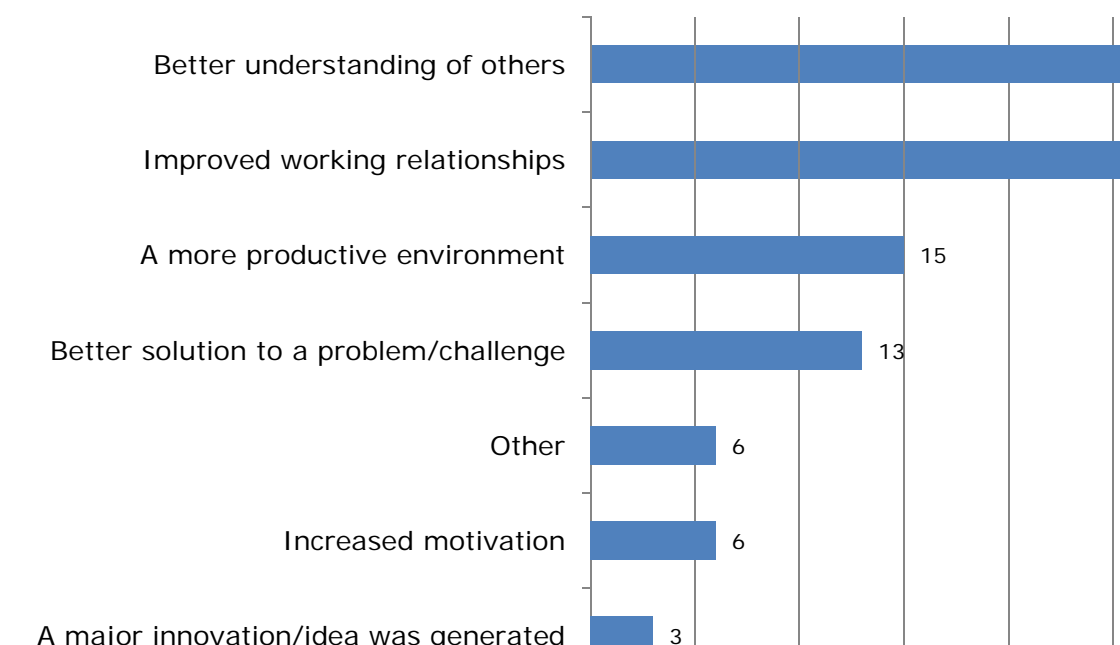
Note: N=176.

However, there was also some evidence that conflict had a more direct impact on both performance and well-being. Over a third of managers felt that conflict reduced motivation and consequently productivity, while 28 per cent reported that it had a negative impact on decision making. In addition almost a third felt that it led to increased health costs or staff absence. Strikingly, almost one in five respondents mentioned conflict as having compromised the quality of patient care/experience. Critically, this suggests that the management of conflict has wider strategic implications:

'I feel if we get the staff experience right, then do you know what? We'll never have to worry about the patient experience... a few people that have said to me, "You're not here to be social workers". I said "You're right we're not, but you're not going to be productive if you've got an issue, if there's something wrong with your child or you've had an argument with your partner you know or your mum's ill or you're robbing Peter to pay Paul."' (Manager)

The data presented here highlight the conventional view that conflict, especially in teams, is often 'dysfunctional', resulting in negative outcomes including for team performance (Pondy, 1967) "because it produces tension, antagonism, and distracts team members from performing the task" (De Dreu and Weingart, 2003: 741). Conversely, 'functional conflict' may result in positive performance effects due to 'consultative interactions' that stimulate innovation and solutions to problems. Positive consequences of conflict were evident in the survey here, as shown in Figure 2.

Figure 2: Benefits of most recent conflict (per cent)



Note: N=179.

As can be seen, almost a third of those with experience of conflict reported no positive benefits. However, similar proportions (35 per cent) reported improved working relationships and better understanding of others as having arisen from the conflict, although there is little to support the notion of conflict giving rise to *major*

innovations/ideas, suggesting any such improvements are more incremental. It might be argued that benefits from conflict are likely to arise from the *processes* of resolution – certainly, this was supported by the interview data, as we set out below.

4.2.3 Managerial confidence and training

A key challenge facing the organisation was the confidence of line managers in dealing with difficult issues. The findings here reflected previous research (see for example Saundry and Wibberley, 2014) that has identified the approaches often taken by line managers as a barrier to early resolution.

Managerial concerns over managing conflict stemmed from three main issues. First, some managers were worried that addressing poor performance or behaviour would escalate and potentially result in grievances from the staff concerned, undermining their authority. Thus, there could be a tendency to avoid the issue altogether:

'...some of the staff that we've got, they're quite switched on and they're clued in and the managers feel like they lose the upper hand there so they don't do anything about it, either because they might lose the upper hand, or because they know they're potentially going to get into a bit of a conflict situation... so the easiest way to avoid that fight is to avoid the issue.' (HR practitioner)

Managers often faced internal organisational pressure to deliver improved performance but this could lead to resistance from staff. Second, a number of managers suggested that operational pressures could 'crowd out' the need to spend time talking to team members to uncover and resolve complex and difficult issues. Furthermore, there was a danger that attempts to deal with conflict were not very visible and therefore could go un-noticed:

'...dealing with some conflict between a couple of individuals, and that is really hard to put on paper or to demonstrate that's what you've done, but actually if I hadn't done that, and it's an expectation of my job, somewhere down the line it's going to become an even bigger problem.' (Manager)

Third, training was identified as a key issue in explaining levels of confidence in managing conflict. Certainly, there was an acceptance that, in the past, new managers were not necessarily equipped to deal with difficult issues:

'I don't think in the past that if a new manager comes in that we say "Right here's a whole package of training or development that we're going to deliver to you to support you to deal with certain types of issues around performance management or sickness management or just general communication with your teams." I don't think as an organisation we set a clear expectation around the communication we expect managers to have... the manager doesn't know the member of staff well enough so when they have to have a difficult conversation it's really awkward and that jars with both people...' (HR practitioner)

4.2.4 The problem with procedure

The nature of work within NHCT and the importance of patient care means that setting clear standards is crucial. Consequently, the application of formal procedure was inevitable in some situations. However, interview respondents also identified that in the past, grievance procedures had been complex, time consuming and stressful for all involved – and rarely led to clear and accepted outcomes:

'...we were probably pretty poor in all that sort of stuff, so it used to get embroiled in formal process. We'd have grievances that went on for ages because we were trying to solve interpersonal relationships with grievance investigations, where all you end up with is 'he said, she said' on a bit of paper.'
(HR practitioner)

A key concern was that procedures failed to deliver any sense of justice for the individuals involved. Typically, grievance procedures would result in outcomes which were satisfactory neither to the aggrieved nor those to whom the complaint was directed. Moreover, the ambiguity of resolutions for participants could exacerbate workplace conflict:

'if you say put in a grievance against someone because you have been bullied... after the investigation they've no feedback you don't get any feedback in terms of what actually happened to that person. So yes, the process would have been carried out appropriately but the end result might not be satisfying to the victim... They end up with nothing to say this has been addressed... It gets dragged out a lot and it brings in a lot of people and it is quite expensive.'
(Manager)

A similar point was made by a mediator who pointed out that participants rarely felt that grievances produced a satisfactory outcome. Thus the process itself could have a very negative impact on the nature of the relationships between those involved:

'The problem with the grievance, you've normally got to come down on one side or the other... the person that was unsuccessful in the grievance always felt as though they hadn't been heard, not listened to, and it was a divisive action.'
(Mediator)

4.3 Developing a conflict management system?

4.3.1 Conflict as a strategic issue

The development of NHCT's approach to conflict management can be traced back to two key issues: first, senior staff became aware of a significant number of cases involving relationship problems between colleagues were being referred to NHCT's counselling service; second, staff survey results suggested that bullying and harassment was an issue for a proportion of employees. In 2005, the NHS staff survey found that 18 per cent of employees reported experiencing bullying and harassment from other staff and 42 per cent suffered from workplace stress; both of these were above the average level for acute trusts in the NHS.

At the same time, stress management standards, introduced by the Health and Safety Executive in 2005, focused (among other things) on the promotion of 'positive working to avoid conflict and dealing with unacceptable behaviour' and the need for organisations to: have systems in place to respond to individual concerns; promote positive behaviours at work to avoid conflict and ensure fairness; have agreed policies and procedures to prevent or resolve unacceptable behaviour; and systems to enable and encourage managers to deal with unacceptable behaviour. This triggered a concerted response from occupational health psychologists at NHCT, HR practitioners and trade union representatives, who started to try to analyse available statistics to identify conflict 'hotspots' in order to take pro-active steps to manage the issue:

'...we looked at issues around sickness statistics, disciplinaries, grievances that were happening across NHCT with any particular hotspots... if there were situations where there was an issue... we'd get in there and try to do some hands-on stuff and a bit more proactive work as opposed to just waiting until things went pear-shaped...' (Trade union representative)

The approach developed by NHCT to meet the challenges outlined in section 3 reflected a belief that conflict and how it was managed were closely related to broader issues of employee well-being. In this sense, from the start it reflected priorities that could be seen as strategic rather than transactional. The champion of these changes was a consultant clinical psychologist in NHCT's occupational health department and there was also palpable commitment from senior management. Her view was clear that from the outset, there was an intention to change the culture of conflict management:

'...it was about culture change I think, we thought that really from the outset, that it wasn't just about getting a group of people trained in Mediation skills, and providing a Service, it was about looking at embedding informal Conflict Resolution into the whole organisation' (Consultant Occupational Health Psychologist)

A number of respondents cited the importance of clear leadership in driving a more integrated approach to conflict management which began to link conflict with productivity and performance:

'...our occupational [health] psychologist is absolutely the key person in all of this... after she joined us really started to talk about conflict and how we can manage conflict and link between the conflict and things like sickness absence... if you manage conflict you don't have people who are going off work who are stressed, that you can improve your productivity... I would say those two people have been pivotal to saying this is important, pushing it through and making it key to the HR strategy.' (HR Practitioner)

The centrality of conflict resolution within HR strategy was also helped by the involvement of a number of HR managers as mediators. However, all those HR practitioners interviewed who had no active involvement in the mediation service saw it as positive and actively advocated its use where appropriate.

4.3.2 The role of mediation

The starting point of NHCT's 'system' was the establishment of an internal mediation service. Initially a cohort of 12 staff was trained, drawn from a range of posts within the organisation including consultants, managers, nurses, HR staff and trade union representatives⁴. This reflected a deliberate attempt to embed the service in different areas of the organisation. Subsequently, a further seven mediators, from what had been the Northumberland Care Trust, were trained in 2011. The consultant occupational health psychologist who championed the scheme argued that mediation was important in providing an alternative to conventional grievance handling:

'...we did want [mediation] to be a first port of call, rather than grievances, because I think when I came into post and worked in Occupational Health we used to see a lot of people who were heartily sick of the only option for them was to go down a formal route, and often that was what they were advised by their staff side rep who was also feeling pretty hopeless about that, as the only option too, causing stress and inordinate amounts of time off...'

In broad terms, trade union representatives welcomed the idea of mediation but there was initially some suspicion that it undermined their ability to challenge unfair treatment and therefore fully represent their members:

'...I've got colleagues in there who were arguing that mediation was a way for the Trust to try and water down staff's grievances... and they would use it to dismiss justifiable and perfectly acceptable grievance cases. And that was a fear and I could understand that. It probably was a fear of the unknown.' (Trade union representative)

However, unions also saw a need to explore less formal channels of resolution which were less time consuming and arguably obtained more positive results for their members:

'...it [mediation] was something that we were keen to look at because we were conscious that there were a number of grievances and disciplinaries that are incredibly time consuming and incredibly expensive as much as anything else and we just thought that there must have been a way of trying to resolve this without going down the formal route...' (Trade union representative)

4.3.3 Procedural change – a focus on resolution

Importantly, existing procedures and processes were also revised to include mediation as an option. For example, NHCT's Grievance Procedure states that 'only in cases where local resolutions cannot be found and mediation is not seen as viable should the formal grievance process be invoked'. In addition, an appendix to the procedure sets out details of the mediation service.

Perhaps more significantly, the Dignity at Work Policy, which sought to deal with complaints of bullying and harassment, was redesigned to include not only mediation

⁴ The training of mediators and conflict coaches was carried out by the TCM Group

but to acknowledge the importance of dealing with conflict at work. Para 7.2 of the policy states:

'In some circumstances a certain amount of conflict can be helpful and healthy in teams. However, unresolved conflict often leads to an atmosphere of hostility, irritability and rudeness, and is a major cause of escalating stress in the workplace. This leads to decreased productivity, poor performance and increased absenteeism.'

Moreover, para 8.2 goes even further in establishing the importance of resolving conflict at work through early intervention:

'Conflict in the workplace can have an adverse effect on employee's morale and team relationships. Conflict impacts on staff retention, stress related sickness absence and disrupts service delivery and patient care. Where conflict is between two or more parties, or members of staff have working relationship difficulties, formal procedures such as the Grievance Policies very rarely lead to an improvement in the working relationship and may serve to escalate the problem. The key to dealing with conflict or working relationship difficulties is early identification of issues and where possible informal resolution and not through the Grievance Procedure.'

This situates dignity at work issues in the wider context of conflict management and provides a clear and demonstrable link with resolution processes.

Critically, once a concern has been raised under the Dignity at Work policy, mediation is the first consideration, and employees and managers are explicitly advised that 'an informal dispute resolution method such as mediation is tried before resorting to formal procedures.' The policy then describes the mediation process at some length and sets out its potential benefits as follows:

'The emphasis on mediation is of restoring relationships and harmony between people. The process aids communication between the parties; provides an understanding of the breakdown in that relationship and creates mutually beneficial solutions to develop a better working relationship. Mediation has the advantage of being a voluntary process, where staff feel their dispute may be remedied by discussion, thereby avoiding the negative and time-consuming aspects of formal processes.'

It also advises that mediation is likely to be effective when there is a willingness from both parties to seek to resolve their differences and also where there has **not** been a serious breach of workplace policies or procedures.

4.3.4 More than mediation – analysis and flexible interventions

The extent to which the role of the mediation service is intertwined with broader approaches to managing conflict and its consequences is not limited to policy and procedure. In addition to initiating and co-ordinating NHCT's mediation service, occupational health psychologists were also central to the development of a structured and systematic approach to identifying conflict 'hotspots' within the organisation by

analysing a range of key indicators including: absence rates; turnover; counselling referrals to occupational health; the number of formal disciplinary and grievance cases; the number of violent incidents; conflict; and the existence of organisational change. This information is considered by a Health and Well-being Steering Group chaired by the co-ordinator of the mediation service and involving: senior managers; staff from HR, Occupational Health and Health and Safety; consultants; and staff-side representatives.

Once these hotspots are identified, a range of interventions may be considered. This can include a stress risk assessment within the part of the organisation identified and potentially followed up by individual mediation, targeted training, team facilitation and conflict coaching. Team facilitation involves groups of staff discussing issues that are leading to conflict. This will be facilitated by members of the mediation service and also often involves HR and more senior managers. The process is not voluntary and is therefore distinct from individual mediation⁵. In addition, trained mediators can be used to facilitate discussions between two staff members over issues when 'full-blown' mediation may not be deemed necessary. Conflict coaching is a new initiative which involves working closely with individual managers to develop their confidence and capability in handling difficult issues. A number of mediators have received specialist training to carry out this role.

Training in relation to conflict resolution within teams is offered through the occupational health psychologists and also training in handling difficult conversations is being rolled out to line managers by the HR Department but designed and delivered by one of the more experienced workplace mediators (and senior HR managers) in NHCT. Critically, this is a central aspect of the HR strategy and also reflected in the development of key managerial competencies within the organisation.

In our research we found examples of multiple interventions being implemented. Of course such interventions do not preclude the use of formal rights-based disputes procedures as and when appropriate. Nonetheless there is clear evidence here of the development of a strategic approach to the management of conflict and a combination of rights and interest-based processes typical of integrated conflict management systems (Bendersky, 2003; Lipsky et al., 2003).

4.4 Assessing the outcomes of conflict management at NHCT

4.4.1 The incidence and resolution of disputes

In relation to disciplinary and grievance cases, data were only available from 2008 onwards, making it difficult to draw any inference as to the impact of conflict management at NHCT. Nonetheless, the incidence of employee grievances and also disciplinary action was low by comparison with other public sector workplaces. If one takes 2011, the rate of grievances at NHCT was 0.25 per 100 employees, compared to 1.3 per 100 employees for public sector workplaces surveyed as part of the 2011 Workplace Employment Relations Study. The average rate of disciplinary sanctions in

⁵ NHCT do not provide group mediation, but offer voluntary individual mediation for issues involving two or three persons; team facilitation in contrast, can be any group size of four upwards and as noted above, is mandatory.

all British workplaces was 4.8 per 100 employees according to WERS2011 (van Wanrooy et al., 2013) – the rate at NHCT in 2011 was 0.9 per 100 employees.

In addition, over the last five years there has been a reduction in the number of grievance cases that are triggered by accusations of bullying and harassment, which could suggest that conflict which could otherwise escalate are being resolved at an early stage.

Table 2: Grievances (by cause, 2008-2013)

Cause	2008	2009	2010	2011	2012	2013	Total
Bullying and harassment	6	8	5	1	2	2	24
Discrimination	2	1	0	3	1	1	8
Terms, conditions and application of policy	7	6	5	9	13	11	51
Other	6	5	2	4	4	1	22
<i>Total</i>	<i>21</i>	<i>20</i>	<i>12</i>	<i>17</i>	<i>20</i>	<i>15</i>	<i>105</i>

It is also notable that mediation was only recorded as being recommended as an outcome in 4 grievance cases across the entire period, which possibly suggests that in contrast with some other case study organisations (Latreille, 2011; Saundry and Wibberley, 2014), it tends to be used at an early stage as opposed being a 'last resort'.

Table 3 contains data from the NHS National Staff Survey. This suggests a reduction in the proportion of staff reporting bullying and harassment in the wake of the introduction of mediation service and the development of conflict management within NHCT. In 2005 this figure stood at 18 per cent; 2 per cent above the national average for acute NHS trusts. This fell to a low of 11 per cent in 2010, before increasing to 21 per cent in 2013.

Table 3: Summary of key findings – NHS Staff Survey 2005-2013

	Staff reporting bullying and harassment from other staff	Staff suffering work related stress	Staff job satisfaction
	per cent	per cent	Score
2005	18 (16)	42 (35)	3.34 (3.40)
2006	17 (18)	34 (32)	3.31 (3.39)
2007	13 (19)	32 (32)	3.34 (3.38)
2008	17 (18)	27 (27)	3.42 (3.46)
2009	15 (18)	24 (27)	3.55 (3.48)
2010	11 (15)	25 (28)	3.57 (3.50)
2011	15 (15)	27 (29)	3.59 (3.48)
2012	16 (24)	30 (36)	3.69 (3.58)
2013	21 (24)	33 (36)	3.74 (3.61)
2014	17 (23)	32 (37)	3.82 (3.60)

Source: NHS Staff Survey; figures in parentheses represent averages for acute NHS trusts.

This increase coincided with a significant programme of organisational change including the merger with Northumberland Care Trust. However, NHCT still remains below the national average and the increases in the 2010-2013 period possibly reflect

broader changes in the NHS in a context of increasing cost pressure and scrutiny over standards. There was certainly some evidence from our interviews that attempts to manage performance more robustly and rapid organisational change had created an environment in which such conflict was more likely. Perhaps not surprisingly, while managers and union representatives agreed on the core issue, they had different interpretations of this.

For example, an HR practitioner explained that managers were increasingly encouraged to address poor performance and negative behaviours:

'...as an organisation[we're] becoming much tighter in terms of our expectations of staff...we are less accepting of poor performance than we used to be, we are training managers to have difficult conversations to challenge issues that aren't correct...often a new manager will come into a service and they see the issues and they start to tackle them but they have been issues for years but the previous manager has not managed them so you can see why the member of staff feels affronted...' (HR practitioner)

Therefore action to address and resolve issues at an early stage could lead to an increase in observable conflict by bringing matters into the open that might have otherwise been left and ignored. This might also explain the increase in disciplinary action in the last two years, noted above. However, for some trade union representatives, this could go too far. One respondent reported that there was an increase in stress related issues and members felt that there was a focus on:

'...performance, performance without any kind of the right support and people are pushed to the limit.' (Trade union representative)

As we will see later in this report, this had particular implications, and threw up specific challenges, for workplace mediation. However, NHS staff survey data for 2014 reveal the bullying and harassment figure has fallen back to 17 per cent, the best nationally for an acute trust (compared with the average for such trusts of 23 per cent). It is also important to note that NHCT was in the best 20% of acute trusts in respect of support from immediate managers, staff job satisfaction, recommendation of the trust as a place to work or receive treatment and staff motivation at work.

4.4.2 The Impact of Mediation

As described in 4.3.2 (above) the fulcrum of NHCT's approach to conflict management was the establishment of an internal mediation service. We analysed details of 90 anonymised mediated cases which had taken place since the inception of the scheme. Cases that were subject to mediation were drawn from across NHCT, with around a third coming from what could be termed clinical departments such as wards and theatres. In terms of the subject of the dispute, the information available was limited. However, the most common definitions were bullying/intimidation/unfair treatment (24 cases), poor communication (11 cases) and poor relationships/relationship breakdown (36). According to one of NHCT's mediators, most of the cases that s/he dealt with had their roots in personal disputes often over seemingly trivial issues:

'...a lot of times when people were sitting in front of us... who used to get on, who used to be best friends, who used to be thick as thieves... and then something had changed and there was an absolute divide.' (Mediator)

This is fairly typical of mediated disputes in other research. Respondents generally argued that where there was a very clear evidence of mistreatment or misconduct, formal procedure was more appropriate, but there was a view that mediation could apply to a fairly wide range of cases:

'I think if there's a situation where its nailed on that someone's acted completely inappropriately whether that was with a client or a patient or another staff member... then obviously that needs to go down the policy route... The bulk of the issues that tend to go down the mediation route and that I tend to deal with are conflict between staff members, conflict between the Manager and the staff member, any issues like that and that seems to be relationship [based] actually, I'm at the point now where I bend over backwards to try to get the members to go down the mediation route because... it saves so much pain further down the line.' (Trade union representative)

Almost one-third of the cases referred (27) did not proceed to mediation for a number of reasons. These included where: the issue was resolved prior to mediation taking place; staff involved moved departments or left the organisation; and where one or more of the parties decided that they did not wish to enter into mediation. Of the 60 cases, that were mediated, 54 (90 per cent) were completed with agreement while just 6 mediations did not result with an agreement or the agreement broke down soon after mediation. In addition, Trust mediators have been requested to take part in facilitated meetings in 11 cases. Of these, six ended in a formal agreement, two were completed but the parties chose not to conclude a formal agreement. Two cases did not proceed after referral and one case has not been scheduled as yet.

Another way of assessing the success of individual mediations is through mediation evaluations (Table 4). All parties are provided with a self-completion questionnaire following their mediation and a second questionnaire, three-months later. In total, 39 participants returned the initial mediation evaluation, a response rate of approximately 22 per cent, and 14 participants returned the follow-up questionnaire. Given the numbers of responses we should be careful about reading too much into analysis of the questionnaires but they do provide some useful insights.

Table 4: How would you rate the effectiveness of mediation?

	Immediately after mediation per cent	Three months after mediation per cent
76-100 per cent effective	33	33
51-75 per cent effective	22	27
25-50 per cent effective	14	20
1-25 per cent effective	19	20
0 per cent effective	11	0
<i>N</i>	36	14

Of those participants who completed the evaluation after the mediation, just over half (55 per cent), felt that the mediation was 51 per cent effective or more. Nineteen per cent felt that it was only effective between 1 and 25 per cent, and 11 per cent (four respondents) rated mediation as completely ineffective. The responses three months later were more positive, although this could be explained by those that were dissatisfied failing to engage with the evaluation process. About two-thirds of respondents in both time periods reported that the situation had improved, with 40 per cent saying that it had improved a lot. This profile was largely supported by qualitative analysis. The interview data certainly suggested that both parties and those who had referred issues to mediation felt that mediation was an effective way of resolving issues without recourse to more complex and lengthy procedures:

'I think it was definitely one of the best things that we did from the Health and Wellbeing point of view but also just from the fact of tying as many staff up in informal meetings and it was also just a way for folks not to lose face because obviously whatever the mediation issue is, there's always someone that thinks they're right and someone that thinks someone else is wrong and it was just an opportunity for folks to go into it and to come out the other side either accepting they had behaved inappropriate or they had said things... that possibly they shouldn't have said or they'd done things that meant someone feels really upset about... as opposed to folks going headlong in the policy and then it was a case of who was going to be the winner, who was going to be the loser and then effectively these folks still had to go back and work in the same team or the same office and nothing had really been resolved...' (Trade union representative)

Importantly, mediation also had benefits that were less tangible. For some participants, mediation provided a safe environment in which to voice their views and concerns:

'Mediation in my view was very helpful... I felt a lot better solving my issues this way rather than hoping they would solve themselves. I went in nervous, unsure and came out calm, confident and happy with the results. I felt my issues were solved and it was a great relief for me to be able to talk about these issues and not be judged.' (Mediation evaluation)

But we need to be cautious about judging the success of mediation by the proportion of cases that result in agreement. Unfortunately, the evaluation data on this point are very limited – only 14 participants completed the follow up evaluation questionnaire. Of these, six reported that the mediation agreement had been stuck to completely and three that it had been partially adhered to. In five cases it was no longer in force and in three of these, it had never been applied.

In addition, an 'agreement' may not necessarily signify any underlying improvement in the relationship. Thus, in some cases, agreements were reached which did not result in a fundamental change in the nature of the relationships. However, mediators accepted that in some instances a pragmatic resolution was both the best outcome that could be attained and a positive step forward:

'[Mediation] can have that kind of resolution that's fantastic and then you get one of those where it's kind of corporate where you feel like 'yes you're agreeing and probably you're going to stick to it because both of you want it to work' but from a personal point of view at terms you feel like that's just on the edge of something kicking off again.' (Mediator)

Evaluations also shed some light on the actions that individuals might have taken had they not entered into mediation. Around half said that they had either already or would have raised the matter with the other individual concerned. But other responses suggested that mediation could have avoided negative consequences – almost a third suggested that they would have raised a formal grievance, while almost 30 per cent said that they would have considered moving departments. Eighteen per cent said that they would have looked to get another job outside NHCT and 14 per cent reported that they would have commenced sick leave.

Over three quarters of respondents (in both time periods) confirmed that they would recommend mediation to a friend (Table 5). Perhaps not surprisingly, recommendation was positively linked to outcome. However, it should be noted that almost half of those who rated the effectiveness of their mediation poorly at between 0 and 25 per cent would still recommend mediation to a friend. This perhaps also reflects the very high levels of satisfaction of participants with the role played by the mediators themselves.

Table 5: Recommendation of mediation by effectiveness

Would you recommend mediation to a colleague or friend?	How would you rate the effectiveness of mediation?					Total
	76-100 per cent	51-75 per cent	25-50 per cent	1-25 per cent	0 per cent	
	<i>per cent</i>	<i>per cent</i>	<i>per cent</i>	<i>per cent</i>	<i>per cent</i>	<i>per cent</i>
Yes	100	71	80	57	25	74
<i>N</i>	12	5	4	4	1	26
No	0	29	20	42	75	26
<i>N</i>	0	2	1	3	3	9

This was also supported by the comments of those completing the evaluations and those participants interviewed. A number of respondents saw mediation as having potential benefits even if in their case it had not produced a positive outcome. Indeed, while the parties to mediation found the experience extremely challenging and (in many cases) traumatic, most respondents accepted that this helped to deal with the issue quickly and the majority still felt that mediation had been beneficial:

'Whilst necessarily traumatic, the overall benefits have been excellent. It has made my working life significantly better.' (Mediation evaluation)

'The mediation process is not one I would like to have to repeat but it has certainly been well worth going through to resolve some very long standing issues and personal relationships.' (Mediation evaluation)

It has been argued that the effectiveness of mediation will decline if it is employed to resolve long-standing problems rather than at an earlier stage. Certainly, interview respondents believed that success was more likely if mediation was used at a relatively early stage when differences between individuals had not yet become deep-seated and entrenched. For example, when mediation was recommended at the conclusion of a formal procedure, success was more elusive:

'... at the end, the recommendation comes for mediation and then, it doesn't mean it won't work, but I think it's more difficult to get it to work because it's strained because they've been through that disciplinary process, and often they end up with some sort of warning on their file, usually for something like that it's often just a verbal warning, initially for the first time, but still they've got something on their file, so that again just makes it harder to get some sort of resolution.' (Trade union representative)

Interestingly, the way in which mediation was used had changed over the lifetime of the service. When it was first introduced, there were a number of very longstanding cases which other methods had failed to resolve. These were particularly difficult and success was limited as a result.

'... when we set things up, we were getting previous cases... they'd stewed a long time, they'd cooked a long time, there'd been people thinking about what to do with it... and there's one thing we kept saying, we need to be involved earlier and I think then we influenced the HR policies... so that we became suggested as a device earlier in the process for other managers to use... So we definitely shifted from clients, who'd been there a long time, to maybe slightly earlier.' (Mediator)

As the service matured, and as policies were adapted to suggest mediation as an alternative to formal process, mediation was increasingly used to avoid formal grievances or complaints under the Dignity at Work procedure.

4.4.3 Team facilitation and conflict coaching

As outlined above, in addition to mediation, the mediation service also offers other interventions in the form of team facilitations and conflict coaching. Team facilitations have become quite widely used in response to problems being identified within a particular part of the Trust.

Most of those respondents who had been involved in team facilitations felt they had been beneficial to some extent. Furthermore senior managers were particularly positive about their impact. However, it was also pointed out that facilitations sometimes highlighted deeper issues which then required further action over a longer term – this could be mediation, training or conflict coaching. In this sense team facilitations were commonly one part of a broader intervention.

For example, an HR practitioner explained that a team facilitation had improved relationships but in itself had not dealt with fundamental personality issues that were fuelling conflict:

'I'm aware of a team in my patch who have been through it and I think it did improve overall relationships but then there were specific relationships within that team that were obviously there beforehand and probably influenced the team dynamics generally and they were still there at the end of it...so in that sense it wasn't successful but then it was probably never going to, they probably needed individual mediation.' (HR practitioner)

Similarly a manager explained that facilitation had initially uncovered a variety of issues which led to further intervention in the form of conflict coaching for individual managers:

'I think it was good for the [team] to get together and talk and be part of that, it is good to talk definitely. And it went on actually that we gave them all an individual coach, that was the next step...and then that was then seen as a punitive thing initially... I think some got more out of it than others...I can see the difference and a couple of them actually are more confident in their roles, they have almost been given permission to be a manager.' (Manager)

Survey responses and interviews revealed some concerns about the potential power dynamics within team facilitations however, particularly where the concerns of a group were focused on one individual. Some respondents were concerned that it could be difficult for some individuals to talk openly:

'I think it's very difficult for people to open up in team; I think it could take you quite a while and I think when it does open up, sometimes it can target one or two individuals and that can have an impact on those individuals.' (Mediator)

A trade union respondent suggested that this can be particularly difficult when the issues revolve around managerial approaches and style:

'...if it's the Manager that's been causing some of the problems or is part of the problem... if I'm a Manager why do I want to go and sit in a meeting with twelve of my staff when eight of my staff might want to raise things about my practice... well it can be a bit awkward around that. So I think that's a bit problematic.' (Trade union representative)

This was also illustrated by the following comment from a manager who responded to our survey:

'I had a facilitated meeting with staff I managed. I was supported but the staff member was a liar and I felt this part never got resolved. Also the member never told any responsibility for her own behaviour. I feel I needed support after the facilitated meeting. It was a wake up for the staff member that I was not going to be disrespected but I felt she walked away for this conflict with very little acknowledgement of her actions, behaviour, attitude.' (Manager – survey respondent)

This suggests the need for careful consideration as to when such interventions are appropriate and also how they are managed. Furthermore, it is important that team facilitations are seen as part of a wider programme of interventions.

At the time of the study, conflict coaching was relatively new to the organisation and as such it is difficult to provide a detailed evaluation. Indeed, a number of coaches that we interviewed were themselves working their way through the process and keen to have some feedback as to their progress. It was clear, however, that they found conflict coaching very different to conventional mediation:

'Conflict coaching I found was very different because mediation is about getting the issues out there and not challenging anybody's views whereas conflict [coaching] you can, you know "Why are you doing that, why do you feel like that?"' (Mediator)

Nonetheless, the early signs suggested that it was having a positive impact. The same respondent explained that although it was difficult to isolate the impact of the coaching, the individual they had been working with had 'a more open mind' and 'a much different attitude' and although they faced similar problems they had 'dealt with them a whole different way'. Moreover, for one senior manager, conflict coaching had given managers:

'Courage, and actually realising they are in their right as managers, they have a right to say this, they have a right to expect certain things from staff, rather than always backing down because staff are being aggressive or confrontational.' (Manager)

More broadly, a number of respondents had been involved in the full range of interventions that targeted dysfunctional relationships within teams. Overall, these were seen as having a positive impact. The following comment from a survey respondent is indicative of this:

'I have been closely involved in the management of an area where conflict within teams was severely undermining performance of that service. Proactive intervention involving team stress risk assessment and mediation had a major impact on this team and transformed the working environment, productivity and reduced absence rates. I am highly supportive of this work.' (Manager – survey response)

4.4.4 Skills for managers – filling the confidence gap?

Training was and is a central issue for NHCT. Two main formal forms of conflict handling training for its managers/supervisors have been introduced in recent years: 'handling difficult conversations' and 'dealing with conflict, bullying and harassment'. It is important to note that the former was developed by a senior HR manager who is a trained mediator and the latter was developed, and is delivered by, occupational health psychologists who are part of the mediation team. In this way key mediation skills underpin, and are integrated into, training for front-line managers.

Table 6 provides data on receipt of these two types of training. As can be seen, around 70 per cent reported having received training of the former type, with the majority having done so in the previous 12 months; a slightly smaller proportion (two thirds) had received the latter type of training, with most of these reporting the

training as taking place more than 12 months ago. Around 57 per cent reported receiving both types of training, while 21 per cent said they had received neither type.

Table 6: Conflict handling training received (per cent of total responses)

		Dealing with conflict, bullying and harassment in teams			
		Yes, last 12 months	Yes, more than 12 months ago	No	Total
Handling difficult conversations	Yes, last 12 months	20	11	10	41
	Yes, more than 12 months ago	3	22	3	27
	No	2	8	22	32
	Total	25	41	35	100

Note: Pairwise N=231.

Despite this generally positive picture, comments provided by survey respondents suggested that there was a clear need for further training, particularly for more junior managers. The following was indicative of this:

'I consider myself at the "lower rank" of management... Apart from an odd half-day course in difficult conversations and a day's course 4 years ago in conflict resolution, I feel that training around this area is aimed at higher grades of management (maybe in management courses). I feel I lack experience and confidence in handling these situations and don't necessarily feel I handle them the best way I can - therefore letting my staff down. I feel we would benefit from more training.' (Manager)

Interviews with managers also suggested that training was not routinely reaching lower levels of management. Furthermore, the workload associated with more general people management responsibilities was growing which could pose problems for less experienced managers:

'... even though I'm getting a bit more confident, the anxiety is getting worse... the [managerial] role is actually only a tiny part of my role, so I'm expected to put [the operational role] first and only maybe spend half a day or one day a week on [managerial] role and it isn't that... Doing appraisals, now there's one-to-ones coming in, sickness management... appraisals, interviews, a new interview system coming in...' (Manager)

Thus, there was significant reliance on the extent to which middle and senior managers were able and prepared to guide and informally 'coach' members of their teams.

Those who received each type of training were asked in the survey to assess the frequency with which they had used it and the extent to which it helped them undertake their job more effectively and to be more confident dealing with the issues covered by the training. As Table 7 below reveals, more than 55 per cent of respondents used the skills and knowledge gained from the handling difficult conversations training either continuously or frequently; the corresponding figure was just over 20 per cent for dealing with conflict, bullying and harassment in teams.

Table 7: Perceived value of conflict handling training (column per cent)

	Handling difficult conversations	Dealing with conflict, bullying and harassment in teams
<i>Frequency of use of skills/knowledge</i>		
Continuously	9	3
Frequently	47	18
Occasionally	41	66
Never	3	12
<i>Extent to which helped to...</i>		
<i>... do job more effectively</i>		
Substantially	29	21
Somewhat	66	65
Not at all	4	13
<i>... be more confident dealing with the issues covered</i>		
Substantially	38	27
Somewhat	55	62
Not at all	7	10

Note: N=158 and 153 for the top panel, 157 and 150 for the upper part of second panel and 146 and 143 for the lower part of the second panel.

While almost all respondents agreed the training helped them to do their job more effectively and to raise their confidence in dealing with the issues, the perceived utility of the training was again higher for handling difficult conversations. This seems likely to reflect that this is a more routinely applicable skill (as evidenced by the preceding result), whereas incidents of bullying and harassment in particular should be exceptional. Importantly, almost 40 per cent of those receiving difficult conversations training felt this 'substantially' increased their confidence.

Participants who had received either type of training were asked to assess the benefits (prompted) they thought had occurred in their own team/unit as a result of the training. The most commonly cited benefits (in descending order) were improved team morale (42 per cent), improved team performance/productivity (37 per cent) and reduced numbers of disciplinary and grievance cases (26 per cent). Conversely, almost three in ten (29 per cent) said there had been no benefits.

Perhaps unsurprisingly, respondents who had received either type of training within the last 12 months were more likely to report an absence of benefits, reflecting a shorter period to apply the training and hence for any benefits to become evident. Those who had received both types of training were also less likely to report an absence of benefits (25 per cent cf. 40 per cent, $p=0.043$), and significantly more inclined to report reduced numbers of formal disciplinary and grievance cases (32 per cent compared with 10 per cent, $p<0.01$). This suggests there may be synergies and/or reinforcement effects between the two types of training.

Despite the acknowledged challenges of increasing line manager confidence, HR respondents and senior managers argued that this was both a priority for NHCT and was also improving. A key part of this was the fact that competency frameworks for senior managers now reflected people skills. Whether this extended to lower levels of management was less clear – it was accepted that this was a work in progress but there was a general view that things were moving in the right direction. Nonetheless, a number of respondents argued that changes to recruitment were particularly significant in creating a culture of resolution. This entailed a clear shift away from recruitment and development based on clinical skills towards broader competencies and core 'values'. An HR practitioner explained this as follows:

'...in the past the managerial skills probably weren't the key thing so if you were appointing a ward manager you'd be looking at their clinical background first and their ability to manage projects I would guess but not necessarily the people skills quite so much but we are moving to more of a competency based system... values-based recruitment so again I think we're changing our focus and to manage a group of thirty of forty people you'd need to be competent in these areas.' (HR practitioner)

Therefore, senior managers and clinicians had to demonstrate a much wider and people oriented skillset:

'Band sevens and above... you have to go through an assessment centre...you have to have a thirty minute role play about a performance management issue with a member of staff and you have to discuss with the member of staff your marks and the competencies you displayed, things like leadership, problem solving, being able to tackle issues. So I think in terms of, it is right, they are definitely promoted more on their clinical skills but we've got a consultant competency framework so they're not just recruited on the fact that they're a consultant.' (HR practitioner)

To this end, the Trust is in the process of developing a new accredited competencies-based training course for managers at different levels. Again this involves occupational health psychologists (together with HR and Learning and Development staff) who play a central role in the mediation service.

4.4.5 Workplace mediation – changing perspectives and enhancing skills

In addition to training, our research also suggested that involvement in workplace mediation had a positive impact on the conflict handling abilities of managers. Those respondents who were trained as mediators believed that this had wider benefits for themselves and the organisation. Interestingly, a number of mediators who were interviewed believed that this had helped them to deal with and manage issues more effectively outside the mediation room. One mediator who also managed a team explained the impact on his own practice:

'it's been useful for the Trust but it's actually been useful to me... I one, address things early, and two, communicate with the team especially on how you're expecting them to work and address performance issues as soon as possible before they get out of hand.' (Mediator)

Similarly, another member of the mediation team found the skills that they acquired during training very useful in responding to difficult issues:

'I think that helped my management skill a lot and I still rely a lot on the training that I had... I think that's a fundamental skill that should be rolled out to all managers, even in a summary form because it just helped you to think about phrases, sayings, or looking at a particular issue and think... It just made you think of things differently and made you think about things more carefully, not to jump to assumptions or conclusions, but in terms of dealing with conflict and being calm, rephrasing, I found it an excellent tool.' (Mediator)

The evidence from managers suggested that the experience of mediation had led most (although not all) to reflect on the way they deal with difficult issues and improve their practice accordingly. For example, one manager who had been involved in an unsuccessful mediation nevertheless had changed the way that he/she responded to conflict:

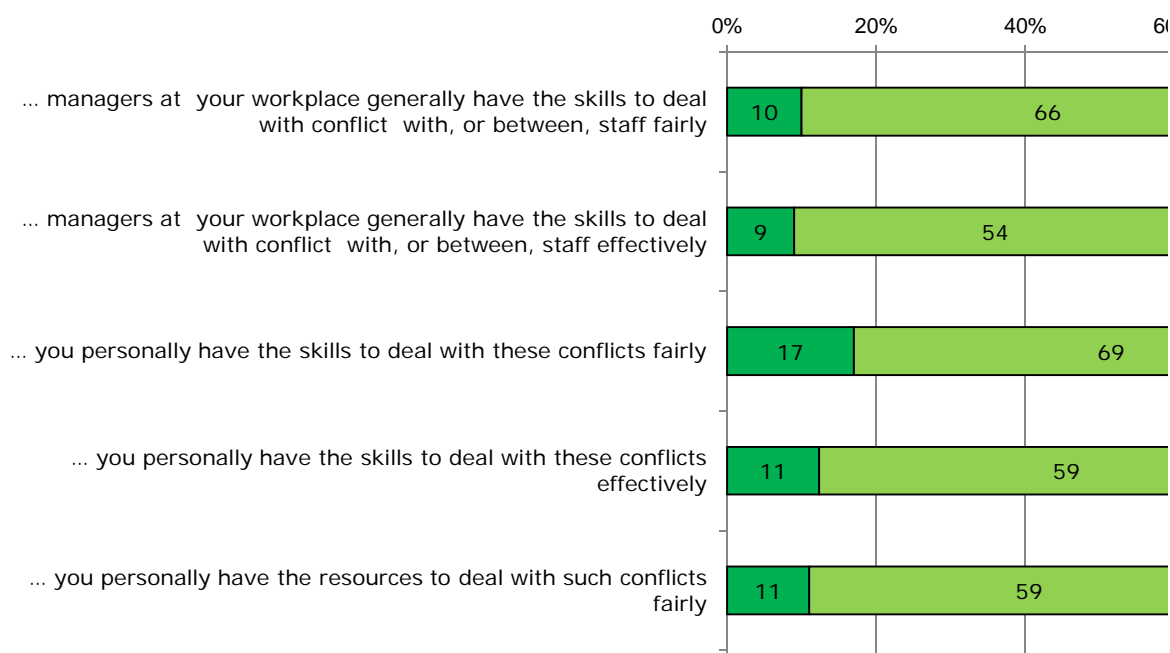
'I was probably more a person that would reach for the policies and procedures and wait necessarily until someone wanted to make it a formal process, not anymore... I'd spend twenty minutes with someone who's upset or whatever but it doesn't matter, it nips it in the bud, the person has been listened to and we discuss what their options are and what they want to do and what we're going to do going forward.' (Manager)

4.4.6 Managing conflict – the role of front-line managers

The evidence from the survey of managers (Figure 3) suggested that managers generally felt that they had the relevant skills for dealing with conflict: slightly more than three quarters agreed that managers at their workplace possessed the skills to do so fairly, while more than three fifths said they had the skills to do so effectively. This is notable given broader evidence that suggests that front-line managers find that the skills required for conflict management and handling difficult conversations are the most difficult to apply (CIPD, 2013).

Figure 3: Extent of agreement or disagreement concerning managers' and own skills and resources to deal with conflict

Extent to which respondents agree or disagree that...



Note: N=233, 233, 235, 232, 233 and 231 respectively.

Analysis of binary versions of the last four variables (agree/disagree around personal skills and resources) suggests respondents are marginally more likely to agree that they have the skills and resources to deal with conflict effectively where they have received training, and in particular if they have received both types of training. However, these differences are only strongly statistically significant for the questions concerning resources, and not significant for skills in dealing with conflict fairly ($p=0.348$, $p=0.051$, $p<0.01$ and $p<0.01$ respectively).

Managerial perceptions of skillsets were also echoed by a broadly positive picture of manager and supervisor confidence in conflict handling (Table 8). Three-quarters of managers felt quite confident or very confident in exploring causes of unresolved conflict, managing difficult staff and also acting as a facilitator for staff in conflict. Interestingly, a lack of confidence was most evident in respect of bullying and harassment issues and also the fit between mediation and disciplinary and grievance procedures.

The managers' survey also suggested that conflict handling was valued by senior management. As Table 9 below shows, 60 per cent thought this was either 'Critically important' or 'Very important', with a further 30 per cent saying they felt it was 'Moderately important'. This sits squarely with the inculcation of conflict handling as a strategic issue and its inclusion in strategic documentation.

Table 8: Confidence in conflict handling

	Very confident (per cent)	Quite confident (per cent)	Not very confident (per cent)	Not at all confident (per cent)
Exploring causes of unresolved conflict	14	61	25	>0
Identifying relationship problems among colleagues	21	69	9	1
Referring issues to the appropriate persons (Staff Counselling, Occupational Health, HR, staff side, mediation service)	37	49	12	2
Dealing with allegations of bullying or harassment	15	51	32	1
Managing difficult staff	16	61	22	1
Acting as a facilitator for staff in conflict	16	59	23	2
Providing feedback on poor performance	20	64	14	2
Understanding how mediation fits alongside grievance and disciplinary processes	13	50	33	3

Note: N=236; >0 indicates a non-zero percentage below 0.5.

Table 9: Perceived importance to senior managers of conflict handling as a management / leadership skill

Perceived importance	All (per cent)	Pay bands 3-5 (per cent)	Pay band 6 (per cent)	Pay band 7 (per cent)	Pay band 8 (per cent)
Critically important	15	14	0	19	17
Very important	45	29	57	39	55
Moderately important	30	50	32	30	20
Not very important	9	4	7	13	7
Not at all important	1	4	4	0	0

Notes: N=197, 28, 28, 70 and 69 respectively.

But, interestingly, responses reported in Tables 8 and 9 varied according to seniority, with more junior managers less likely to respond positively both in terms of confidence in dealing with conflict and perceptions of senior managerial support. Newly promoted managers also faced particular pressures as individuals who were once colleagues were now in a hierarchical relationship. This could make it extremely difficult to address issues with such colleagues and to achieve a balance between maintaining good working relations and retaining a degree of authority. One front-line manager explained this as follows:

'...a lot of the colleagues who are working alongside me are on the same band, now I'm a step higher... it's learning that fine line, you've got to be friendly with them and listen to them, but also have that bit of authority as well... It's something that I've struggled with, I don't think I'm a naturally born manager, I think I've got a lot of skills that I can put to use, but the actual, I don't like this bit, because you want to stay friendly with the person and approachable.'
(Manager)

4.5 Assessing the culture of conflict management?

4.5.1 Conflict culture and early resolution at NHCT

Research has generally suggested (see Saundry and Wibberley, 2014) that a lack of confidence among line managers can lead to formal and risk-averse approaches to conflict handling. However, it was noticeable that the overwhelming preference of NHCT managers that were interviewed was to resolve problems at an early stage through informal discussion. This was also the view of HR practitioners and trade union representatives. To this extent, there was evidence that a culture of early resolution was embedded within the organisation. This was also reflected in survey data – asked about the extent to which management generally preferred to deal with problems informally rather than follow formal rules, more than two thirds agreed (68 per cent), suggesting that the broad approach is towards informality, although a sizable minority (15 per cent) disagreed. According to the survey, most disputes (87 per cent) were now resolved, with the most common method of resolution being informal intervention by a manager (36 per cent).

It was argued that reform to NHCT procedures (outlined above) has provided managers with greater scope and encouragement to pursue 'informal' processes of resolution and reinstalled the 'human element' in conflict handling:

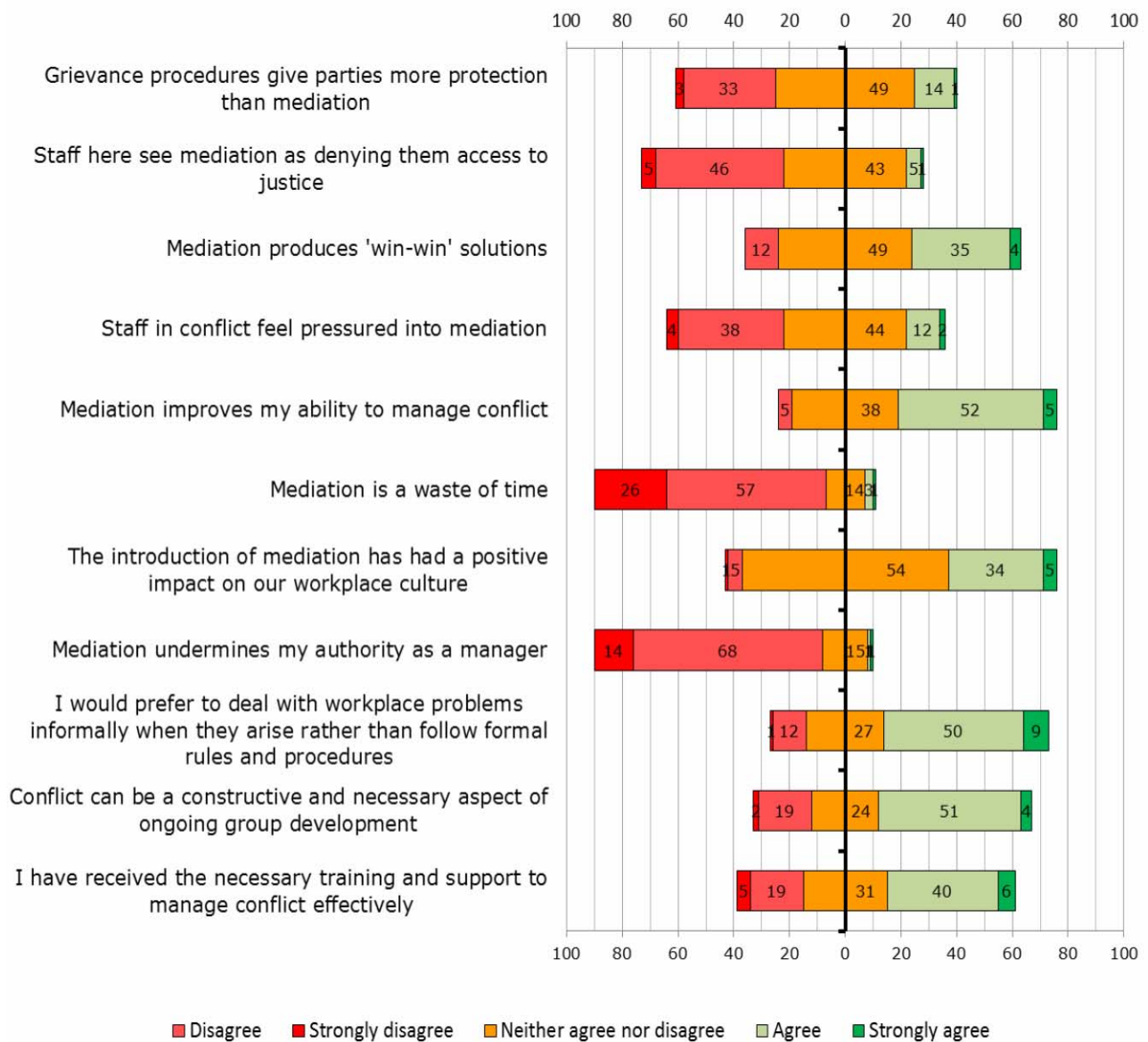
'... the policies and procedures gave people... something to hide behind... you didn't have to think, you know it felt like we had a flowchart to work to... But I think recently I get a sense that people are questioning...Is there something that we can do before we get to the formal process, so it feels as if the human element has come back into it.' (Manager)

Furthermore, awareness of the availability of mediation among managers was very high, with 91 per cent of respondents saying they were aware of the offering. Both survey and interview data suggested that while mediation was not embedded everywhere, it had become part of the toolkit for most managers in the Trust:

[Managers] think, right okay, this is probably a better alternative than going down that... an official path, which takes up such a lot of time. So I think culturally, people now see it as just part of the tool kit they've got as a manager to deal with conflict and difficulty, whereas they didn't before... So I think there's a change of a... change of cultural acceptance about the way you deal with conflict to some extent. I don't think that's embedded everywhere."
(Manager)

It has been found previously that resistance among line managers can be a major barrier to the use and expansion of mediation (Saundry and Wibberley, 2014). However, survey responses revealed a positive attitude to mediation. For example, 82 per cent of managers disagreed that 'Mediation is a waste of time' and also that 'Mediation undermines my authority as a manager'. A majority also agreed that mediation improved their ability to manage conflict with just 5 per cent disagreeing.

Figure 4: Attitudes towards mediation



Note: N=199.

For the remaining statements, which are broadly positive, the consensus was towards agreement. For example, while many are neutral, the clear balance was in favour of agreement that 'Mediation produces 'win-win' solutions' and, interestingly, that mediation has positively affected workplace culture, something that has often been claimed for transformative mediation (Bush and Folger, 2005) but is less commonly the case for the more common facilitative models used in most British contexts.

Respondents were also asked to select from a set of statements the one which they consider most accurately summarises the culture at NHCT in relation to workplace conflict⁶ (Table 10). While there is some variation, a clear majority (almost three-fifths) see the dominant culture as being collaborative, that is, involving joint working or problem solving, with a further one in seven saying the culture was compromising (elements of give and take). Few selected more negative cultural descriptors such as resigned, ignoring, avoidant or aggressive.

Table 10: Perceived workplace conflict culture (ranked by frequency)

Culture	All (per cent)
Collaborative (e.g. joint working / problem solving)	58
Compromising (e.g. demonstrating elements of give and take)	14
Accommodating (e.g. agreement with some element of sacrifice)	9
Resigned (e.g. "that's the way it is")	8
Ignoring (e.g. paying lip service)	7
Avoidant (e.g. walking away)	3
Aggressive (e.g. shouting or threatening)	1

Note: N=233.

4.5.2 HR and trade unions – the importance of partnership

This culture was also reflected in the relationships between key organisational actors and the roles that they played in responding to and attempting to resolve workplace conflict. There were very close working relationships between HR, the mediation service and the occupational health team (including psychologists and counsellors). Indeed, the mediation coordinator stressed strong partnership working with the wider occupational health team who use, for example, case conferencing approaches (including managers, HR, staff side) to move cases forward that are stuck because of relationship breakdown at work.

HR practitioners saw early (and where appropriate, informal) resolution as a key objective. This was also informed by mediation principles:

'We would always encourage fact find and meet with the other person to try and unpick all of that and determine an appropriate way forward...if we had concerns there we would approach an independent person and in other words start off on a kind of facilitative approach. So the mediation principles are often applied in the workplace between the manager, employee, HR, trade union.'
(HR practitioner)

In general, the relationship between HR and operational and line managers in the UK is often more complicated, with managers sometimes feeling that they are restrained, directed and even policed by the HR function (see Saundry and Wibberley, 2014). Within NHCT however, while this was the view of one or two managers, the majority view was that HR played a supportive and constructive role within which managers retained autonomy and authority for decision making:

⁶ The statements are adapted from a free online conflict audit offered by The Conflict Resolution Centre (<http://www.conflictresolutioncentre.co.uk>), and used with permission.

'... you tend to work with different people at different time points, but I have to say I've always found them incredibly supportive. My strategy tends to be that I'd go to them with what I think is a plan and I'll talk them through what's happened, what I'd like their advice on and only then if necessary they'll be the policy and procedure... [but] that's not their starting point you know it's always well have you spoken to that person, it's always the informal approach that's recommended first.' (Manager)

Most senior managers and HR business partners enjoyed close and trusting working relationships. One HR manager explained that s/he felt that relationships had improved significantly in recent years:

'... there was a very strong sort of push towards partnership working and actually making that meaningful rather than just well we'll talk to staff side we do genuinely want a good relationship with them and want to involve them in issues and that I think has made a difference so that I suppose they have confidence that we're going to listen to them and try and resolve things but they take some responsibility as well and don't necessarily take the entrenched view anymore.' (HR practitioner)

Importantly, a number of respondents cited the importance of regular face-to-face contact with their HR business partner in building trust and helping to address issues quickly and in a constructive way. For HR practitioners, this also involved an element of coaching and skills development – particularly with less experienced managers. One respondent explained this as follows:

'... we're saying to [managers] look, you don't have to deal with this on your own, so if you've got a problem and you're not sure, give us a call and we'll come and work with you, we'll come and rehearse it, we'll come and work through it. We'll sit down and you can write a script or something, a set of questions, or whatever you want to do to make sure that you're confident to do it.' (HR Practitioner)

Staff-side union representatives were also considered to play a positive role in managing conflict. While managers reported that this could again depend on the individual approach taken by the representative, most felt that union presence, particularly in formal situations, was constructive. It was common for managers and union representatives to be able to discuss issues – off the record – and this could help managers to get to the bottom of an issue or to convey clear messages to the employee involved regarding the potential implications of their actions:

'... we meet with them [trade unions] on a monthly basis to have a bit of an informal what's the issues from our perspective, what's the issues from their perspective, are they aligned, are they at loggerheads and what kind of solutions can we explore.' (HR practitioner)

'I regularly say to Managers where there's conflict within a team, why don't we just organise a team meeting, I'll come along, we'll get HR to come along and

we'll just have a discussion about what the concerns are as opposed to leaving it until the wheels come off.' (Trade union representative)

4.6 Challenges and barriers

While, the findings from the research suggested that early approaches to resolution were embedded within NHCT, there were also some tensions around when and where mediation should be used.

4.6.1 Mediation – the right issue?

In their evaluations, some mediation participants registered concerns that mediation was not necessarily appropriate for serious cases of bullying – if the alleged 'bully' was not prepared to acknowledge or change their behaviour or simply 'played the game' in the mediation room, then mediation could simply cover up mistreatment:

'The mediation left me with a feeling that I was the problem and that a difference of opinion is not respected. The mediators were eager to reach an agreement – there was no opportunity to go to the root cause of the problems.'
(Mediation evaluation)

'I found the whole thing traumatic, neither of the other two parties would apologise and once again they have both got away with bullying... I think mediation is a poor substitute for management's handling of bullying in the workplace... What do bullies have to do before they are called to account for their actions?' (Mediation evaluation)

This echoes arguments in the literature that the use of mediation in cases where there may be a breach of rights is problematic (Bellman 1998; La Rue 2000; Mareschal, 2002) and can simply obscure unacceptable behaviours (Saundry et al., 2013). A management respondent to the survey explained a similar concern that some serial offenders can 'get away with it' (Latreille, 2011: 63) with mediation or similarly 'informal' approaches:

'I have witnessed extremely aggressive verbal harassment and bullying by one member of management staff and interrupted this. The staff member did not recognise that their behaviour was inappropriate and unprofessional so I spoke to their line manager. The matter was dealt with informally but this member of staff has had complaints made before about them on several occasions and it is always dealt with informally and I am aware that some staff who have experienced aggressive verbal harassment and bullying from the individual feel that the person always gets away with it and nothing is done formally.'
(Manager)

However, cases are often extremely nuanced. For example, accusations of bullying may be interlaced with performance issues and also personality conflicts. One trade union respondent acknowledged that while mediation was not appropriate in cases of serious and persistent mistreatment, it could be useful in disputes involving claims of bullying:

'I think there's a stage at which something becomes bullying if it's particularly persistent or it's particularly personal or somebody is picked on to the exclusion of other people where something becomes bullying, but I think people, even as a union rep I would say people are quite quick to say my manager's bullying me, and then they would explain to me what had been going on and I wouldn't consider that to be bullying I would consider it to be more of an interpersonal issue, and there are, and I think mediation could be useful' (Trade union representative)

At the same time, interview respondents reported that employees had concerns about entering into mediation. As for the manager survey, this was particularly the case where there is an apparent power relationship; critically, even if mediators are able to create a degree of balance within the mediation room, it does not change the fundamental power balance outside:

'Folks have said it's been difficult especially if you're a staff member and they're a Manager... it can be quite hard and it can take a lot of guts and determination and confidence within yourself to say well actually this is, there's a couple of situations that I'd like to discuss, this is how you made me feel... I think that's difficult... to feel confident enough because at the end of the mediation you've still got to go off and you've still got to be line managed...' (Trade union representative)

'...although it's a facilitated environment, I've had a lot that have come out and said, "Well, I didn't dare say what I wanted to say because I've got to go back and work and this is my line manager." Or, "this is a colleague and I still don't feel it's resolved." So I feel like I've let people down when we haven't been able to find a resolution because they haven't felt confident enough to bring it up.' (Mediator)

Furthermore, this issue was exacerbated when the mediation involved more than two individuals. One participant in mediation explained this as follows:

'I think mediation, if it had been maybe two of us sitting talking, there shouldn't have been as many people;, it's like if you go for an interview, you don't want 10 people sat at the other side of an interview table, do you?' (Mediation participant)

'I felt more vulnerable than the other two as both of them had issues with me and not among themselves.' (Mediation evaluation)

4.6.2 Managerial resistance

While the majority of managers that we interviewed were positive about mediation, a number admitted to being resistant to taking part in mediation when this was first suggested. One explanation for this was that agreeing to mediation or referring a case

to mediation was an admission of failure of some kind. For example a senior manager, explained this as follows:

'Well I'm a senior manager, why haven't I been able to do this myself? That didn't help. Because in my head I should've been able to do that without mediation...Why didn't I pick up on that before?' (Manager)

Another manager expressed frustration at a case they had been dealing with reaching mediation:

'...there is a sense of frustration that you ... that I didn't necessarily have all the skills to see this particular issue through to fruition.' (Manager)

Furthermore mediation could be seen as a threat to managerial authority particularly in relation to the management of performance. :

'... if you're a Manager that's been around for a long time... and then all of a sudden you find out that someone's really unhappy... something has happened or something you've done and they want to put a grievance in against you but I'm prepared to go down mediation... you might turn around and say well I'm buggered if I'm going to do that, I've been around a long time, I've been a Manager for forty years, who is this person to tell me... it is the bit about maybe losing face or the fact that they feel it's something that can be used against them at the end of the day... I think Managers have got to have a bit of confidence in themselves to go into it because I think it can be seen as them taking a bit of a backward step...' (Trade union representative)

Interestingly, some hesitancy in the willingness of managers to participate in mediation if they were personally involved in a conflict was revealed in the survey data. Indeed, this was more acute if the mediation was with someone in a senior position to themselves, as shown in Table 11 below. Although a majority of respondents reported a willingness to entertain mediation in a dispute, they appeared slightly more reluctant to do so where the other party was senior to them. Issues of power have previously been discussed in relation to mediation (see for example Dolder, 2004; Coben, 2004 and Green, 2006).

Table 11: Likelihood of using mediation in disputes with varying seniorities

Problem experienced with...	Very likely	Likely	Undecided	Unlikely	Very unlikely
... someone in a senior position	15	42	26	12	6
... someone at the same grade	14	50	24	10	2
... someone you manage/supervise	18	47	20	12	3

Note: N=199.

Comments from survey respondents revealed some concern about the extent of support for managers involved in conflict and a perception that sometimes managers could be by-passed through mediation and other processes:

'Managers of departments are targets for many reasons, particularly for staff who are not team players and do not understand the bigger picture. Those in charge of departments need to be given a chance to address situations in the first instance. Often staff are going outside of the department to gain the ear of someone else because they want their own way. Managers are left defenceless and the department out of control when that is responded to. Those outside of the department suggesting mediation will not know some issues that have been enduring with some staff members, such as bad behaviours and attitudes etc.'
(Manager – survey respondent)

This broad theme was also evident in interviews with managers. In particular front-line and middle managers, while supporting the principle of mediation, felt that it could be used as a default option when staff challenged managerial decisions and in particular attempts to manage performance. Here there were two issues: first, some respondents felt undermined when more senior managers suggest that they should attend mediation with staff whose performance the manager was attempting to address. For some managers this reflected a lack of support from more senior management. In short, they were being asked to manage performance more pro-actively and deal with misconduct in a more assertive way but if the matter escalated, they felt that their judgement would be questioned.

Second, there was a view that, while mediation might resolve any personality differences, the performance or conduct issue would still be there after the mediation and would have to be dealt with. These concerns were encapsulated by the following comment from a line manager who had been asked to attend a mediation session:

'I don't think that I'll get anything out of it, I don't want to go to mediation, I don't even know what the issues are so I don't know what I am going to hear. Which I think is hard because I think if it's going to be something personal then, about you know, that I'd like to prepare myself for it. I think that the performance issues are still there and have to be dealt with so I am not sure if that is going to resolve anything in that way... but I'll go and do it and I think that the member of staff will find it beneficial.' (Manager)

Perhaps not surprisingly, managers often felt that they were expected to attend – that they had 'agreed' rather than volunteered. In fact, a number of managers talked of being 'taken to mediation'. According to one manager:

'It was clear that it was a voluntary process, I was given the option to step out of it or not get involved in it, absolutely. But it was hurriedly suggested at the time that it wouldn't have been helpful to do that.' (Manager)

However, the consultant occupational health psychologist who championed the development of the system of conflict management at NHCT argued that in some circumstances, an intervention such as mediation is needed as a way of getting managers to reflect on their practice and to improve the way in which they communicate with their staff.

5. SUMMARY AND CONCLUSION

In many respects, the findings of this research provide further evidential support for the findings from a range of Acas-supported studies of mediation and conflict management (Latreille, 2011; Saundry and Wibberley, 2014; Saundry et al., 2013). Previous case studies and research into the introduction of mediation has provided evidence of the direct benefits of mediation, also found at NHCT (see Latreille, 2011; Saundry and Wibberley, 2014; Saundry et al., 2013). Rates of settlement are relatively high, as is participant satisfaction with the process. Mediation also represents a low cost and comparatively speedy way of addressing and resolving conflict. The way that the mediation was first introduced into NHCT also reflects what is increasingly seen to be best practice, with mediators drawn from a wide range of occupational groups, maximising buy-in from stakeholders such as trade union representatives. However, the approach taken by NHCT is distinctive in a number of respects.

First, the introduction of mediation was accompanied by the development of the grievance and dignity at work procedures. This not only meant that consideration of mediation became an explicit stage in these procedures but also the Dignity at Work procedure was amended to provide a clear statement of the trust's approach to conflict and commitment to using informal and alternative methods of resolution.

Second, conflict management and resolution were integrated into NHCTs' approach to well-being, and key indicators of workplace stress and conflict are examined systematically by organisational stakeholders, with a range of interventions considered and deployed. In this way, workplace mediation is not the only 'tool in the box'.

Third, conflict management is clearly seen as a strategic issue by senior management, and this is reflected by the importance placed on management training in both conflict resolution and 'handling difficult conversations'. Furthermore, people management competencies and core values are increasingly central to processes of recruitment and development within the Trust (Saundry et al., 2014). Taken together, this arguably represents an integrated system of conflict management (Ury et al., 1998; Lipsky et al., 2003), which has received significant attention in the USA but has to date been slow to develop in the UK (Roche and Teague, 2011).

But what is the evidence of the impact of this system? There are clear signs that the approach taken at NHCT has had a number of positive effects. Overall, informal and early resolution appears to be embedded within the organisation. Furthermore, the survey of managers found that the over-riding approach to conflict is one of collaboration. In addition, most managers feel well equipped to deal with conflict, and training both in conflict resolution and handling difficult conversations, appears to be making significant inroads, at least within more senior managerial ranks. Critically, there is a view that conflict handling skills are valued and that conflict management is seen as linked to strategic imperatives in terms of both staff well-being and the delivery of effective patient care. Finally, it is noticeable that since 2005, NHCT has

seen staff survey scores in relation to stress and bullying and harassment move from above, to well below, the national average. Indeed in 2014, NHCT recorded the lowest proportion of staff reporting bullying and harassment from managers or colleagues among acute NHS trusts in the UK.

Of course, key challenges remain. The study identifies a number of barriers to effective conflict resolution, the most significant among these being the role played by front-line and operational managers. Despite, the increased emphasis on training and development, a lack of confidence in addressing difficult issues at an early stage is still an issue, particularly for newer and more junior managers. Furthermore, a context characterised by increasing pressures on managers to increase efficiency and improve performance creates an environment in which conflict is inevitable. In particular, the data suggest that although they are generally positive about the need for early resolution, lower level managers are less convinced than their more senior colleagues as to the use of mediation and other conflict management initiatives. This reflects a tension between the operational pressures they face and the emphasis on less formal and more collaborative approaches to conflict.

Nonetheless, we would argue that this case study has important implications for both policy and practice, as it provides one of the first indications of organisations adopting a more strategic and systematic approach to conflict management. Such approaches are reflected in a conflict culture described by a clear majority as 'collaborative'. Of course we still have little evidence that such approaches are becoming more widespread in either the public or private sectors. Nonetheless, NHCT suggests that the impact of mediation can be maximised when used as part of a broader approach that sees workplace conflict as a central issue in staff well-being and engagement. Furthermore, it provides yet more evidence that the involvement of key stakeholders in the design, implementation and delivery of workplace mediation can underpin the development of more constructive and collaborative approaches to conflict resolution.

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