The power of mediation amongst clinical teams
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Conflict exists throughout the NHS. The interests-based approach taken by Globis Mediation Group has yielded proven results in creating better working relationships.

In this case study, taking conflict resolution to the next level, Globis Mediation Group urge health leaders to embrace learnings from conflict situations and utilise the power of the Schwartz Round to enhance organisational culture.

Best wishes,

Chris Hopson
Chief Executive, NHS Providers
Globis Mediation Group was founded 18 years ago and since then, we have continually supported organisations to build better relationships in the workplace and we are dedicated to improving working lives. We apply business psychology to our interventions responding flexibly to client needs to deliver a personalised service which is always delivered with the highest levels of commitment and confidentiality. We are the UK’s thought leader on conflict management and our services include both preventative and remedial solutions.

Interventions by Globis Mediation Group deliver practical and effective solutions to develop optimal workplaces. Our chief executive is a former non-executive director of a large acute trust, and this insight has enabled us to support many organisations in the health sector. With the NHS experiencing a prolonged period of unprecedented pressure, we have experienced an increase in calls to support clinical teams that are experiencing conflict. We have supported teams in conflict across a large number of NHS organisations and have achieved transformational success that prior to our interventions, seemed impossible. The root causes of conflict have been different across the cases that we have mediated, however reoccurring themes have included working styles, psychological opposites, lack of resources, culture and change.

This case study captures the experience of one team that we supported and achieved profound results with. Due to the highly sensitive nature of the mediation, the parties, whilst happy to share the learning outcomes of the case, have requested anonymity. The learnings of this particular case have had such an impact on its parties, that it has prompted new thinking around utilising mediation learnings in a way similar to that of the established Schwartz Rounds which we feel health leaders could utilise to support positive cultural change in their organisations.
A ‘rights’ vs. ‘interest’ approach to dispute resolution

We have long advocated for conflict to become a matter of governance for NHS trusts and are increasingly engaging with health leaders to share this message. We have recommended that training in skills such as how to have a difficult conversation becomes part of the mandatory training framework. We believe that recognising the importance of investment in conflict resolution and team working strategies could save the NHS significant financial sums at a time when the institution is under unprecedented financial pressure.

Unfortunately, in the absence of this investment, approaches to conflict resolution are largely formulaic and 'rights' based – lodging formal complaints and going through oftentimes gruelling grievance processes. In a recent case, the leader at a large NHS trust we work in partnership with across a range of areas contacted us for a conflict resolution intervention. A dispute between colleagues resulted in a formal complaint being lodged by two direct reports about their line manager’s general behaviour and management style within their division. Although an entire department had been impacted for several months by the behaviours and experiences under the microscope during this process, just three colleagues were at the centre of the case – the two complainants and the 'accused'. Health leaders are becoming increasingly aware of the impact conflict has on the wider culture.

Regrettably, the overall outcome of the formal complaints process was unsatisfactory for the two complainants. Both had developed fairly entrenched perspectives on what had taken place and the impact on their working relationships over the period during which the investigation occurred.

Experience informs us that this is a somewhat unfortunate but typical result of a ‘rights—based’ approach to workplace disputes, where individuals are more likely to definitively assert what they want as an outcome of the process, and to defend their position with much emotional investment. This can make effective problem solving and reaching mutually agreeable resolutions challenging, when the 'right-based' outcome is not what the complainants hoped for.

In this instance though, one outcome of the complaints process was the recommendation that the three individuals participate in mediation. Workplace mediation is a process that invites parties to be creative, collaborative and responsible for solutions. It is future orientated and not concerned with deciding who is right or wrong, rather with solving problems so they don't occur again.
By the time they reached mediation, the individuals at the trust had been through a lot. The case had a significant emotional impact on all involved, however, each individual had different levels of perceived trauma and longer-term consequences - both professional and personal. The complainants in particular had started to question whether making the complaint was even the right thing to do. They had anticipated a supportive process (and team) but had slowly come to understand the wider departmental and cultural implications of their decision to initiate a ‘rights-based’ approach to resolving the conflict, which was not widely considered a culturally acceptable thing to do within their organisation/sector.

However, the shift to a more ‘interests-based’ approach to tackling their issues via mediation helped them reflect on why certain desired outcomes had felt so important during this time, and encouraged them to reflect on what was at the core of their disagreement, whilst engaging directly with the accused in a calm and less defensive manner.

In mediation, the three individuals were able to explore the issues together, reflecting on each parties’ needs, values and expectations and all three parties considered it a transformational success. Indeed, although there was some reluctance and trepidation following the internal investigation that led to mediation being recommended as a way forward, all felt it was ultimately invaluable.

“The positive thing for me was just being able to feel like I had the freedom to be honest about what actually happened. I suppose just to get everything off my chest.”

“What I got out of it was just feeling comfortable around that individual at work. Being in that environment where we could all talk freely.”

“It made such a difference to have someone (external). It felt like we needed someone of Clive’s stature. You came away from him feeling like you’d learnt something. You didn’t feel like he hadn’t put complete balance across it. You just felt the right thing had been done. I was very anxious going in and calm coming out. That felt good.”

Critically, the process was both key at an organisational level (e.g. assisting with their ability to maintain good working relationships and in demonstrating to the wider team/division that a resolution had been reached) and at a personal level (e.g. addressing the impact of events on their own physical and mental health).

“It was a very civilised process and it served its purpose for me. It was key to enable me to move on.”

“The main thing for me was that this individual to recognise that they had behaved inappropriately. I did receive an apology and that was what I wanted.”
A case for broadening the benefit of interests focussed workplace resolution

Mediation is a private and without prejudice process, with the content and outcomes of the session or sessions treated strictly confidentially and not discussed with anyone outside of or on the periphery of the process. But equally prevalent is the reality that many others in a team, department, division or organisation can be affected by the events that proceed mediation. This is an exceptionally important consideration in the pressurised working environments of trusts.

In this particular case, many colleagues within the department headed up by the accused had provided statements or fed into the internal investigation that the complaint led to. As a result, all three individuals were mindful of this external investment in both the conclusion of that investigation and in the overall impact and outcomes of the mediation process. So, in discussion with Globis, they decided to hold a departmental meeting in which they could speak of their experiences and communicate outcomes to those on the periphery of the investigation, some of whom had also been impacted by the behaviours under review.

There were four key motivations for this post-mediation meeting:

1. Shared resolution

Bringing the situation to a (public) conclusion and drawing a line under it to ensure all parties could move on and continue to work together unimpeded.

“*The best thing for me was the impact that it might have had on people who were outside of the complaint who had a biased view to be able to think, they’ve drawn and line in sand, I can too.”*

“*For those who have being impacted, hopefully it helps them draw a line in the sand as well.*”

2. Shared knowledge

Ensuring colleagues felt informed whilst simultaneously shutting down the perceived ‘rumour mill’.

“*You know what the rumour, jungle drums are like when people know there’s something going on. I had lots of people coming up to me and saying they assumed nothing happened because (the subject) is still thriving in the organisation. So I think that’s way we needed to get that communication out there. People were like, ‘What’s gone on there?’”*

“*Organisations of this size, any size, you speak to one person and it becomes a slightly different story to the next person and I had this thing that I wanted it clear to all.*”
3. Shared message

Consistency and clarity of communication – an opportunity to deliver a one source, mutually agreed, cohesive message.

“It’s all well and good speaking to people individually but if you speak to them as a group it’s a unified message and everyone hears the same thing. And there’s no miscommunication in between everyone.”

“I just have that thing that if you don’t throw something off it’s always there. So, to me it’s a case of giving people the outcome. And it’s a single message.”

4. Shared benefits

Managing their professional brand and the political impact.

“Being able to have the message out there that we all just want to move on – it was a bit political for me as well – maybe they would have less of a view on me as well.”
The three individuals at the trust involved in the mediation process agreed on content for this post-mediation meeting and made sure they were all happy with the level of information being shared and the amount of interaction they all felt comfortable encouraging from the wider group. The meeting was well-received by their colleagues – it helped ensure everyone touched by the complaint felt informed and, perhaps more importantly, it gave them space to reflect on the learnings and the ‘permission’ they needed to draw a line under the events that had taken place too.

“Everyone who was asked came. And we also agreed the invite list as well. All of us spoke. And people openly fed back that it was really helpful.”

“I suppose it is a powerful message to be able to say to people that we’ve worked through our grievances and we want to move forward and we need everybody else’s support to enable that to happen. What I wanted to say to people is that we’ve all agreed to move on, you need to move on to. I would definitely recommend it to other organisations.”

“The concept of getting people outside of a complaint together to make sure that communication has been cascaded effectively and for rumours to stop and the conversation to stop and for everyone to move on – I think that’s important. There is benefit there, I believe that.”

“For me I felt a lot better walking out the room. I had said what I needed to say to the people in the room and it felt like a weight of my shoulders. I talked and they listened and for me that was really important.”

Understandably, the meeting inevitably required a degree of transparency and bravery on behalf of the individuals involved and it was deemed vital they protected themselves to some degree from further scrutiny in this space and maintain a degree of confidentiality regarding the specifics of their mediation experience. That said, all parties independently agreed that although it wasn’t an easy activity to undertake, it was worth it.

“In principle it feels straightforward but in practice you’re never as brave as you think you are. In the moment I felt sick. But it was an important thing to do to remove doubt.”

“It wasn’t easy. It was really awkward actually. Really awkward. But I know the team were really supportive.”

And importantly, all were fundamentally aligned to the organisational benefit of the session – the meeting itself working to bring vital focus back to the wider organisation.

“It did put back into perspective that the division is greater than the people within it.”
The post-mediation meeting was a powerful solution for all parties in this case but they learned some valuable lessons along the way. This includes things that could be done in the future to extend the meeting's potential as a source of support, and an opportunity to reflect and mentally process the implications of workplace disputes. A post-mediation meeting would also allow participants to learn more from, and about, their colleagues’ experiences of difficult workplace situations, making them more akin to the well-established Schwartz Rounds.

“I just felt like everything has an end point and if I didn’t do it with everyone I wouldn’t have got to that point.”

One important observation is the recognition that this should never become a one-size-fits-all approach. Just as there are many ways to approach the mediation itself, broadening this ‘interests-based’ approach out to the wider team for support, reflections and learning should be done in a way that feels right for the team in question. Additionally, consideration of the ways in which discussion and dialogue are handled in this space is vital – it’s essential the session does not put the onus on the individuals at the centre of a case to relive their experiences and trauma or to justify outcomes.

“I suppose in hindsight I probably would have given people a little more time to ask questions. I think that would be important. But I don’t think we all wanted people to start picking at what we’d just been through. And we all wanted a degree of confidentiality. But if people don’t have the opportunity to ask question there are going to be a lot of … unanswered questions. You’d need to have the confidence to say that we’re not going to talk about specifics.”

And whilst acknowledging the obvious benefits to this approach, it’s important to address the challenges upfront and to ensure any individuals participating in this process in the future are properly prepared for the experience and briefed on the potential challenges before going in. This is where Globis Mediation Group can offer our years of expertise, from specialist advice and coaching in preparation for these sessions and with facilitation of the meetings themselves.
Advice for health leaders

This case study demonstrates the importance of managing conflict with an interests-based tool. The impact of the conflict was wide ranging and established over time. We are urging health leaders to consider the importance of sharing learnings from resolved conflict situations. Utilising the power of the Schwartz Round, conflict situations within trusts can be transformed to become positive learning experiences. We encourage health leaders at all trusts to embrace this perspective on conflict and the impact it can have on shaping a just and fair culture for all staff.

To learn more about Globis and the ways in which we can support you please visit our website www.globis.co.uk or contact us on 0330 100 0809 or info@globis.co.uk.
NHS Providers is the membership organisation for the NHS hospital, mental health, community and ambulance services that treat patients and service users in the NHS. We help those NHS trusts and foundation trusts to deliver high-quality, patient-focused care by enabling them to learn from each other, acting as their public voice and helping shape the system in which they operate.

NHS Providers has all trusts in voluntary membership, collectively accounting for £92bn of annual expenditure and employing more than one million staff.