

Acas individual mediation service monitoring report 2023 to 2024

30 August 2024

1. Executive summary

Individual mediation is a paid-for Acas service supplying an Acas mediator to work within a company to attempt to resolve a specific disagreement, usually between 2 people, known as participants. The service is usually contracted by a commissioner, who arranges for Acas to provide individual mediation, usually HR personnel or senior leaders.

We ask all participants and commissioners to complete a survey about their experience of individual mediation once the process is complete. This gathers feedback on the service, including whether it achieved its objectives, and areas where Acas can improve.

This report is based on data collected in those surveys during the 2023 to 2024 operational year (1 April 2023 to 31 March 2024). In total, 57 mediation participants (31% of 182 participants) and 23 mediation commissioners (18% of 126 commissioners) responded to the survey. Both numbers and response rates were similar to previous years.

Main findings

The majority of both commissioners (74%) and participants (79%) were satisfied with the service. However, satisfaction levels for commissioners, including around value for money, were lower this year than in any other year since the 2020 to 2021 operational year (the years we have data for).

The majority of both commissioners (87%) and participants (77%) would take part in mediation again, in some cases even though they were dissatisfied with this experience.

The most common reason for commissioners to access individual mediation was to improve working relationships (91%).

The majority of commissioners felt it was 'too soon to tell' if most objectives had been achieved. This suggests a later follow-up survey to commissioners could add value to this evaluation.

The percentage of commissioners who were unsure if the issues had been resolved has increased since the 2020 to 2021 operational year, from 13% to 43%. This increase appears to be linked to the increase in commissioners saying it was 'too soon to tell' if objectives had been achieved.

Participants were more satisfied with the outcome of individual mediation when they reached a written agreement (83%) than when they did not (44%).

The majority of participants felt that individual mediation took place too late (58%).

When asked to rate practical aspects of the mediation service, such as 'promptness of response' and 'explaining the service', commissioners rated it highest for 'understanding the issue that brought them to mediation'.

Participants were asked to rate the mediator around similar factors to commissioners, as well as aspects relating to how well they were supported. They rated mediators highest for explaining the process and the mediator's role, and helping them put forward their view.

Although some participants were pessimistic about the likelihood of lasting change from their employers, they valued individual mediation as a chance to tell their side of the story.

Implications for Acas and further research

There is a clear desire amongst participants for earlier mediation. Acas may be able to take steps to move commissioners towards earlier intervention and involvement of Acas.

Participants show much higher satisfaction with the outcomes when they have a written agreement in place. Again, Acas may be able to take steps to either increase the number of written agreements, or encourage organisations to stick to agreements even when not written down.

There is evidence in the survey responses that the time gap between mediation finishing and the survey being sent is too short to allow for good outcomes reporting. Acas need to look at how we can resolve this to collect better data.

Satisfaction levels amongst participants and commissioners, as well as reporting that things have 'got better' have declined over the years. Acas need to consider the reasons behind this shift, and what steps we can take to stop or reverse it.

The percentage of participants using digital mediation has declined over time. There is potential further work for Acas to do looking at the different experiences of participants in digital versus non-digital mediation, as well as why the level of digital mediation is declining.

There has also been a decline in the number of individual mediation sessions including more than two participants, which Acas could look into further, including whether this reflects a change in organisations or the service they use.

Finally, although this report does not cover repeat uses of the individual mediation service, which seem to be minimal, Acas could look into this area in more depth, particularly in relation to the use of internal mediation by organisations.

2. Introduction

This report is based on data collected via questionnaires completed by commissioners of, and participants in, Acas individual mediations during the 2023 to 2024 operational year (1 April 2023 to 31 March 2024). Commissioners are those in the organisation who arranged for Acas to provide individual mediation, usually HR personnel or senior leaders. Participants are those who were involved in the issue needing mediation, such as employees and line managers.

In total, 57 mediation participants (31% of 182 participants) and 23 mediation commissioners (18% of 126 commissioners) responded to the survey. Both numbers and response rates were similar to previous years.

Some questions were asked of both commissioners and participants, and in that case, results are reported for both groups. Where results are reported for only one group, this means the question was only asked of that group.

Due to the relatively small number of mediations and completed questionnaires upon which these results are based, the findings and any comparisons to previous individual mediation evaluations should be treated with some caution.

Because the base numbers for some questions are particularly low, caution is advised when interpreting the percentages due to the small numbers used in the percentage calculations. All results should be treated as indicative, as no significance tests have been conducted.

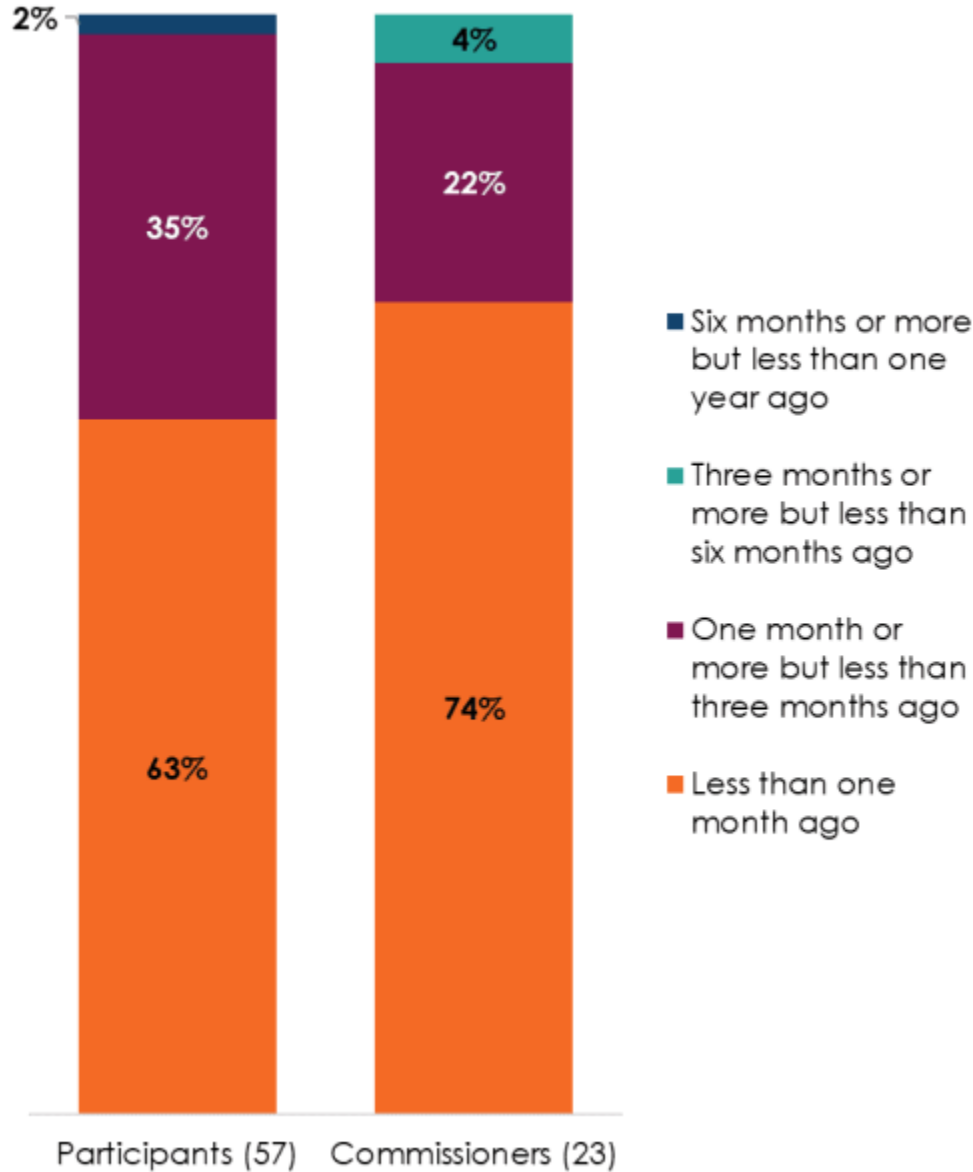
Figures and tables are used throughout the report to help the reader understand the findings. Although occasional anomalies appear due to rounding differences these are never more than plus or minus 1%.

3. Background to mediation

Approximately how long ago did the mediation take place?

The large majority of both participants (98%) and commissioners (96%) completed the survey within 3 months of mediation taking place.

Figure 1: Time between mediation and survey



Note: The legend order reflects the order of the data in the bar chart.

Table of data: Time between mediation and survey

	Participants	Commissioners
Less than one month ago	63%	74%
One month or more but less than 3 months ago	35%	22%
3 months or more but less than 6 months ago	0%	4%
6 months or more but less than one year ago	2%	0%
Respondents	57	23

Which of the following best describes the parties in the mediation?

Three quarters of commissioners who responded to the survey (74%) were in HR roles; the remainder were managers, or in senior roles (for example a headteacher and a CEO). The percentage of commissioners who are in HR roles has slowly increased over the last 4 years, from 68% to 74%. On the other side, the percentage who are managers has decreased from 23% to 17%.

The majority (70%) of commissioners said that the parties in the mediation were an employee and their line manager. This is a big shift from an average of 45% in previous years. In previous years there were higher percentages of cases between 'an employee and another individual who has authority over them' and between '2 individuals where there is no authority relationship'.

In 2023 to 2024, most parties that were not an employee and a manager were either '2 employees with no authority relationship' (3) or categorised as 'other' (2) but with some level of authority relationship involved.

All but 2 of the commissioners said that the mediation was between 2 people. The percentage of commissioners saying mediation was between more than 2 people has decreased from 16% in 2020 to 2021 to 9% in 2023 to 2024.

Two-thirds of participants who responded to the survey participated as employees (67%); all but one of the remainder were managers. This was very similar to previous years.

Participant respondents were asked about their demographic characteristics, full details of which are in Appendix 1:

- two-thirds were female
- almost all of those who responded said their gender matched their sex at birth
- the most common age groups were 45 to 54 (33%) and 55 to 64 (26%), reflecting users of other Acas services such as Helpline
- the majority were from a white background (84%)
- half were Christian (53%) followed by no religion (39%), reversing the profile from previous years
- the majority were heterosexual or straight (84%)
- the large majority spoke English as their first or main language (93%)
- over half (61%) said they did not have a long-term health condition
- of the 12 (21%) who said they did have a long-term health condition, two thirds said it did not reduce their ability to carry out activities at all

The profile of respondents who completed the survey this year was very similar to previous years, with the exception of religion.

Which of the following best describes participation in the mediation?

Around half of the participants said that they had been allowed to make their own decision about taking part (54%), and around a third that they were encouraged but could have said no (30%). A little under a sixth said they either felt pressure that would have made it difficult to say no (14%) or were given no choice (2%). This was very similar to previous years. Satisfaction with mediation was lower for those who were pressured to take part (63%) than those who felt they could say no (81%).

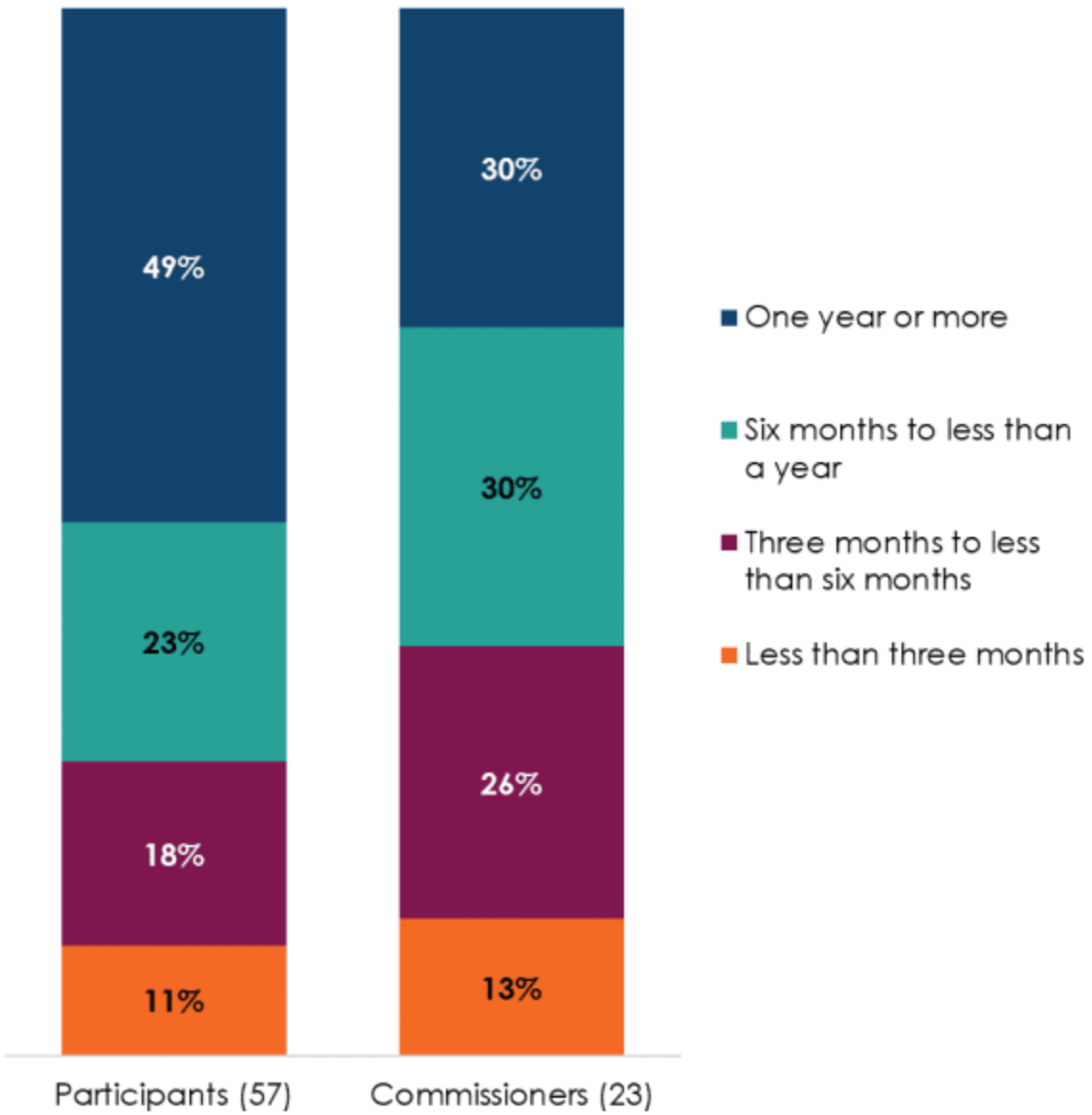
Of the 14% who said they felt pressure to take part, almost all said this pressure came from their employer (78%). Unusually, compared to other years, the remaining two participants said the pressure came from the mediator rather than an unspecified 'other'.

Approximately how long prior to the mediation had the issue concerned been going on?

Around two fifths of commissioners (39%) said the issues had been going on for less than 6 months. Less than a third of commissioners said the issue had been going on for a year or more (30%). This was similar to previous years of the survey.

Around half of the participants said the issue had been going on for a year or more prior to mediation. This was also similar to previous years of the survey.

Figure 2: Approximate duration of issue prior to mediation



Note: The legend order reflects the order of the data in the bar chart.

Table of data: Approximate duration of issue prior to mediation

	Participants	Commissioners
Less than 3 months	11%	13%
3 months to less than 6 months	18%	26%
6 months to less than a year	23%	30%
One year or more	49%	30%
Respondents	57	23

What were the parties' views on the timing of mediation?

A little more than half of participants thought that the mediation took place too late (58%), aligning with the proportion who said the issue had been going on for a year or more. A third of participants thought the timing was about right (32%) and none thought that mediation had taken place too early. This was very similar to previous years.

What steps had been taken prior to mediation?

Commissioners could select multiple responses to this question. Each step had only been taken by a fairly small number of commissioners (less than 10). 'An informal grievance meeting' was most common (7); informal disciplinary meetings and employment tribunal cases were least common (one each). 6 commissioners had taken none of the listed steps. These patterns were fairly similar to previous years.

Table 1: Steps taken prior to mediation, 2023 to 2024

Steps taken	Number	Percentage
Informal disciplinary meeting	1	4%
Informal grievance meeting	7	30%
Formal disciplinary meeting	6	26%
Formal grievance meeting	6	26%
Final stage of disciplinary or grievance	5	22%
Involvement of trade union or employee representatives	5	22%
Employment tribunal case	1	4%
None of the above	6	26%

Note: Commissioners could select multiple steps, and so numbers and percentages will not sum to the total number of respondents.

4. Mediation session

Where did the mediation take place?

Around half of participants said that the mediation took place at their employer's premises (53%). The next most common location was 'somewhere else' (21%); we have not collected further data on this, but have added a question on it for future surveys. Most of the rest of the respondents (16%) reported that mediation took place over video link. This percentage has been declining since 2020 to 2021 (when it was 97%), likely due to the move back to in-person work following lifting of covid-19 (coronavirus) restrictions. The proportion taking place in employers' premises and 'somewhere else' has increased.

The majority (88%) were either fairly or very satisfied with the venue, as in previous years. Only one was dissatisfied, and commented that it was "a bit intimidating" to be in the workplace near the other party's office.

Were participants able to take a break during the mediation process?

Almost all participants (96%) said they were able to take a break during the process. The majority (95%) felt that there were about the right number of breaks. In both cases, this was in line with previous years.

5. Outcomes

What were the objectives of the mediation?

Commissioners could select multiple responses to this question. By far the most common objective, from 91% of commissioners, was 'improving the working relationship between the individuals concerned', as in previous years. The next most common was 'facilitating a return to work from absence' (22%). The only other objectives selected by commissioners were 'improving the working relationships in the organisation' and 'preventing long term absence' (both 9%).

Table 2: Objectives of mediation, 2023 to 2024

	Number	Percentage
Improving the working relationship between the individuals concerned	21	91%
Facilitating a return to work from absence	5	22%
Preventing a long term absence	2	9%
Improving the working relationships in the organisation	2	9%
Preventing a dismissal	0	0%
Preventing an employment tribunal case	0	0%
Preventing a resignation	0	0%
Other	0	0%

Note: Commissioners could select multiple objectives, and so numbers and percentages will not sum to the total number of respondents.

To what extent do commissioners feel the mediation objectives have been met?

Across all objectives, the most common response from commissioners was that it was too soon to tell (47%), in line with previous years. A fifth (20%) of responses said that objectives were not met at all, both in reference to the objective of 'improving the working relationships in the organisation'.

Was a written agreement reached?

Around three-quarters of the participants said that they had reached a written agreement (72%). This percentage varies over the years, from 64% in 2020 to 2021, to 49% in 2021 to 2022, to a low of 39% last year. This is probably in part due to the small sample size.

How satisfied were participants with the agreement reached?

Of those who reached a written agreement, the majority were either fairly (46%) or very satisfied (37%) with the agreement reached. This was fairly similar to previous years. Only 7% were fairly dissatisfied and none were very dissatisfied, again, fairly similar to

previous years.

The number who did not reach a written agreement was much smaller (28%) than those who did. They were also proportionally less satisfied with the agreement reached. Less than half were fairly or very satisfied, compared to around four-fifths of those who did reach a written agreement. This was similar to previous years. A quarter of those who did not reach a written agreement were very dissatisfied with the agreement reached.

Across all types of agreement, levels of satisfaction with the agreement were higher for those who felt the issues were completely resolved (93%) than those who felt the issues were partly (75%) or not at all (30%) resolved.

At the end of the mediation, were participants clear about what the next steps would be?

The majority of participants (84%) said they were clear about next steps. Most of the remainder (12%) said they were not clear, and 2 were unsure. This was in line with previous years.

Since the mediation took place, how do commissioners feel the situation between the parties involved has changed?

There was a high rate of 'don't know' responses from commissioners (43%) in response to the question of how the situation has changed. Although this has increased over the years (from 13% in 2020 to 2021), this is still a jump from 34% in 2022 to 2023.

The next most common response was that things had 'got better' (39%), with only four respondents saying the situation 'stayed the same' (3) or 'got worse' (1). This was more in line with previous years, though the percentage saying things have 'got better' has declined over time, from 58% in 2020 to 2021, to 39% in 2023 to 2024.

To what extent are the issues resolved?

Participants were asked to what extent the issues are resolved after mediation, and did not have a 'don't know' option. The majority (82%) said that the issues were partly (56%) or completely (26%) resolved, in line with previous years.

6. Views on mediation service and the mediator

Did respondents receive enough information about the mediation process before it took place?

Commissioners were generally positive about receiving enough information. Most commissioners (83%) said they received enough information. Those who did not receive information said they would have liked to know the mediation was happening, and for the parties to receive information about the duration of the session. The participants reported to the commissioner that they felt the session ultimately should have been split over 2 days.

All but one participant said that they received enough information; this has increased over the years from 88% in 2020 to 2021 to 98% in 2023 to 2024.

One commented that:

"I was missing important information about whether there were any boundaries as to acceptable behaviour and whether and when mediators would intervene. That would have been helpful and avoided a great deal of stress on the day."

How would respondents rate the Acas mediation service and the Acas mediator?

Commissioners were generally positive about the service, with an average of 76% rating the service either fairly or very good. They were most positive around the service 'understanding the issue that caused you to seek mediation' with 91% rating this fairly or very good, in line with previous years.

Commissioners rated the service notably less positively around 'discussing other options' as well or instead of mediation, with around half rating this as fairly or very good. The percentage rating this aspect of the service as fairly or very good has declined from 58% in 2020 to 2021.

Participants were asked to rate the mediator rather than the service, and again were generally positive, with an average of 88% rating the mediator fairly or very good. Almost all participants rated the following as fairly or very good:

- explaining the process of mediation (96%)
- explaining the role of the mediator (96%)
- giving you an opportunity to put forward your point of view (95%)

Comments on the mediators were also positive:

"Very impressed with the 2 Acas staff, [they were] very calm set out clear boundaries."

"The mediator was lovely, approachable and professional."

"My mediator was excellent, and was both very good at listening my point of view, and framing things so I had a bit more perspective. She gave me plenty of time to speak and feel heard."

They rated the following two aspects least highly (both 77%):

- helping to reduce tension between the people involved
- helping you and other people involved to find a solution

These were also areas where there were a small number of negative comments on the mediator:

"Although [the mediator] explained that people get frustrated and often angry in mediation, I didn't feel that it was managed by the mediator so much when the complainant ranted on to the extent of talking over the other person."

"This question of trust is absolutely crucial to mediation I think, and I wouldn't trust anyone other than Acas to do it."

'Helping you to understand the other person's point of view' also had a fairly high level of participants rating it fairly poor (11%). This was similar to dissatisfaction levels for the most poorly rated outcomes: 'helping to reduce tension' (12%) and 'helping you to find a solution' (16%).

All outcome ratings were in line with previous years.

Overall how satisfied are respondents with the Acas mediation service?

Around three-quarters of commissioners (74%) said they were fairly or very satisfied with the service. This is a drop from 93% last year, and from just over 80% in previous years.

Only 2 said they were fairly dissatisfied, one because of lack of follow-up information such as, notification of a mediator being appointed or a meeting scheduled and the other because mediation did not go ahead.

Satisfaction levels do not appear to be linked to whether the situation has improved or not following mediation. The one commissioner who reported the situation had got worse said they were very satisfied with the mediation service, and the 2 who were fairly dissatisfied with the mediation service both said they did not know whether or not the situation had improved.

Satisfaction levels were very similar amongst participants, with just over three quarters saying they were fairly or very satisfied (79%), in line with previous years. However, they did have higher levels of dissatisfaction, with 11% saying they were fairly or very dissatisfied.

Although this is higher than last year (5%), the level of dissatisfaction has gone up and down across the years.

Comments from participants show strong feelings going into mediation, and that participants sometimes felt mediation was being used as a tick-box exercise rather than approached in good faith. Some reported that situations got worse after mediation, though some also showed hope for changes going forward.

Satisfaction levels were associated with the level to which participants felt the issue had been resolved. 100% of those who felt their issues were completely resolved were either fairly or very satisfied, compared to 81% of those who felt their issues were partly resolved, and 40% of those who felt they were not at all resolved. Additionally, only those who felt their issues were not at all resolved reported being either fairly or very dissatisfied with the mediation.

Overall, how satisfied were commissioners with the value for money of the Acas mediation service?

Individual mediation costs the same regardless of the platform used (in person or over video call), and has remained static for the last few years.

Around three-quarters of commissioners were either fairly or very satisfied with the value for money of the service (74%). This was similar to the percentage satisfied with the service overall; combined with the static cost of individual mediation, this suggests that the two are closely linked. As with overall satisfaction, satisfaction with value for money has dropped from 90% last year and around 80% in previous years. Only one commissioner was fairly dissatisfied – that person said that they did not know if the situation had improved or got worse following mediation.

Would respondents use or take part in mediation again?

The majority of commissioners (87%) said that they would use mediation again, including both commissioners who were fairly dissatisfied with the mediation service, and 3 of the 4 who said the situation either stayed the same or got worse. The percentage of commissioners who said they would take part in mediation again has increased from 77% in 2020 to 2021. The remainder of the commissioners said they did not know if they would use mediation again or not – 2 of the 3 also said they did not know if the situation had improved or not following mediation.

Around three-quarters of participants (77%) said that they would take part in mediation again, similar to last year and an increase from 70% in 2020 to 2021. Only 9% said they would not take part in mediation again, below previous years; all said their issues were either partly or not at all resolved. The remainder said they were unsure, with the majority of this group saying their issues were only partly or not at all resolved. Of the participants who said they were at least fairly dissatisfied, a third said that they would take part in mediation again.

7. Conclusion

Generally, both participants and commissioners were satisfied with their experience of Acas individual mediation, and would take part in it again if the need arose. However, satisfaction, particularly around the value for money of the service, has declined compared to previous years, despite no change in the cost of the service.

There is evidence from participants that individual mediation takes place too late in the process. Half of respondents reported concerns which were the subject of mediation existing for more than a year before the process began. More than half of respondents said that mediation took place too late.

Responses around the success of mediation in resolving issues and achieving outcomes suggest that the survey either is sent too early, or would benefit from a follow-up.

Satisfaction with the outcome of the individual mediation was much higher for participants with a written agreement than without. This may be linked to some concerns that employers would not stick to what was agreed in mediation. A written agreement offers an additional level for formality that may increase confidence in actions being completed.

Implications for Acas and further research

There is a clear desire amongst participants for earlier mediation. Acas may be able to take steps to move commissioners towards earlier intervention and involvement of Acas.

Participants show much higher satisfaction with the outcomes when they have a written agreement in place. Again, Acas may be able to take steps to either increase the number of written agreements, or encourage organisations to stick to agreements even when not written down.

There is evidence in the survey responses that the time gap between mediation finishing and the survey being sent is too short to allow for good outcomes reporting. Acas needs to look at how we can resolve this to collect better data.

Satisfaction levels amongst participants and commissioners, as well as reporting that things have 'got better' have declined over the years. Acas need to consider the reasons behind this shift, and what steps we can take to stop or reverse it.

The percentage of participants using digital mediation has declined over time. There is potential further work for Acas to do looking at the different experiences of participants in digital versus non-digital mediation, as well as why the level of digital mediation is declining.

There has also been a decline in the number of individual mediation sessions including more than two participants, which Acas could look into further, including whether this reflects a change in organisations or the service they use.

Finally, although this report does not cover repeat uses of the individual mediation service, which seem to be minimal, Acas could look into this area in more depth, particularly in relation to the use of internal mediation by organisations.

Appendix 1: Participant profile

Table 3: Gender

	Number	Percentage
Female	36	63%
Male	21	37%
Prefer not to say	0	0%
Did not answer	0	0%

Table 4: Gender identity

	Number	Percentage
Matches sex at birth	56	98%
Does not match sex at birth	0	0%
Prefer not to say	0	0%

	Number	Percentage
Did not answer	1	2%

Table 5: Age group

	Number	Percentage
16 to 24 years	0	0%
25 to 34 years	3	5%
35 to 44 years	8	14%
45 to 54 years	19	33%
55 to 64 years	15	26%
65+ years	0	0%
Did not answer	12	21%

Table 6: Ethnicity

	Number	Percentage
White	48	84%
Asian or Asian British	4	7%
Mixed or multiple ethnic groups	2	4%
Black, African, Black British or Caribbean	0	0%
Prefer not to say	2	4%
Did not answer	1	2%

Table 7: Religion

	Number	Percentage
Christian	30	53%
Hindu	1	2%
Any other religion	1	2%
No religion	22	39%
Prefer not to say	0	0%
Did not answer	3	5%

Note: No respondents stated that they were Buddhist, Jewish, Muslim or Sikh.

Table 8: Sexual orientation

	Number	Percentage
Heterosexual or straight	48	84%
Gay or lesbian	3	5%
Bisexual	1	2%
Prefer not to say	2	4%
Did not answer	3	5%

Table 9: English spoken as first or main language

	Number	Percentage
English spoken as first language	53	93%
English not spoken as first language	3	5%
Prefer not to say	0	0%
Did not answer	1	2%

Table 10: Health conditions or illnesses lasting 12 months or more

	Number	Percentage
Yes	12	21%
No	35	61%
Do not know	4	7%
Prefer not to say	4	7%
Did not answer	2	4%

Table 11: Condition reduces ability to carry out day-to-day activities

	Number	Percentage
Yes, a lot	2	17%
Yes, a little	2	17%
Not at all	8	67%