

Shared Insights: The Benefits of Mediation for Trusts

Julienne Vernon, Head of Dispute Resolution and Quality at NHS Resolution spoke with Paul Balen of Trust Mediation and Bev Hunt, Safety and Learning Lead (Mediation) at NHS Resolution about the benefits of Mediation for Trusts.

The Shared Insights were:

Mediation is an effective forum for claims resolution by providing injured patients and their families the opportunity to receive face-to-face explanations and apologies and a platform to articulate concerns that would not ordinarily be addressed in other forms of dispute resolution.

Resolution is one of the 4 key priorities of [NHS Resolution's 5 year strategic plan](#).

In February 2020, NHS Resolution published its report [Mediation in healthcare claims - an evaluation](#), which concludes that there is overwhelming evidence of the benefits of mediation for patients, families and NHS staff.

Over 1,000 claims have now been mediated under NHS Resolution's claims mediation service.

Claims are more likely to settle if a clinician attends the mediation. This does not have to be the clinician who was directly involved in the care but should be someone senior who can explain, apologise and engage with the Claimant and their family.

Getting the right people from the Trust to attend the mediation and making sure they are well prepared is key. A willingness to show empathy and build an emotional connection is essential to build trust between the parties.

Investigation Reports must be reviewed in advance of a mediation and any outstanding actions must be completed beforehand. Hearing about learning and changes to practice is often very important to patients and their families at mediation.

Bev Hunt is NHS Resolutions' Safety and Learning Lead for Mediation. In that role, Bev and her team support Trusts and clinicians at mediation and also extract learning from mediation to shape improvements in clinical practice.

Cultural change and a shift in mindset from win-lose to win-win is required.

Online mediations have become the norm during the pandemic and will be a feature of the future landscape. [Click here to read Emma Marshall of Browne Jacobson's thoughts on why online mediation is here to stay.](#)