



CEDR Accreditation:	2003
CEDR Panel	2004
Languages:	English
Location:	United Kingdom
T:	020 7536 6032 020 7536 6090
E:	fcolquhoun@cedr.com
W:	www.fcolquhoun.com

"Fiona Colquhoun attracts praise from market sources for her experience and gravitas in mediation, with one source enthusing: "She is energetic, personable, and builds rapport quickly with the client. She also has good emotional intelligence and is very commercial."
Chambers Directory

Fiona Colquhoun

CEDR Chambers Mediator

Overview - Employment and workplace

Fiona Colquhoun is one of the most experienced lead mediators practising in the UK today. She has an excellent reputation for resolving disputes over a wide range of commercial sectors. Fiona has been rated as a top Band 1 Mediator in both the Chambers and Legal 500 Directories (the highest ranking) since 2018 and is known for focussing on the core issues, her business understanding, commerciality and her work on emotional, tense cases, sometimes in the public domain. Fiona was CEDR accredited in 2003 and is a leading mediator in CEDR Chambers- a group of top mediators.

Fiona mediates comfortably in environments throughout the UK, including global and top FTSE companies, businesses, professional services, and in the public and charity sectors. Some of Fiona's cases are very litigious whilst others also involve longstanding, entrenched positions and high levels of interpersonal conflict. Her Workplace and Employment experience covers all sectors including, Banking and Finance, Business, Charities, Education, Ecclesiastical, Information Technology and Telecommunications, Central, Local and International Government, Police, Personal Injury, Pharmaceuticals, Healthcare, and the NHS, Partnership, Pensions, Shareholder and Transport.



She has particularly strong experience in dealing with senior and Board level employees from all types of organisations, in all aspects of discrimination, equality, equal pay, constructive and unfair dismissal cases.

Fiona offers a complete range of dispute resolution techniques in her work including mediation, deal negotiation, facilitation, independent reviews, investigations and neutral chairing.

Clients have praised Fiona's mediation style describing her as their '*first choice*', '*very impressive*' and '*an exemplary mediator*'. She is a Henley Business School, Reading University executive coach, has been an ACAS arbitrator and a Harvard Business School alumna. Fiona has mediated some very protracted cases with great pragmatism using her business background, and full range of skills to give clients additional value and results.

A number of Fiona's cases are in the public domain and take place over periods of time involving a number of days' mediation.

Over 90% of Fiona's mediations settle and she has a reputation for careful follow through, sensitivity and working patiently with parties to encourage them to reach a resolution. Fiona is very happy to hold preliminary telephone discussions with potential clients without obligation.

Professional Background

Fiona has a strong business background having worked for the greater part of her career at Board level for major PLCs. She was Group HR Director of Cable and Wireless plc which was a FTSE top 20 global telecommunications company with over 50 businesses and 60,000 employees worldwide, and subsequently of International Computers Ltd (ICL PLC). Previously, Fiona was Personnel Director of Mercury Communications Ltd and in her early career held senior positions in the public sector, as a Director and Non-Executive Director within the National Health Service (NHS). While working in industry, Fiona gained invaluable expertise in general business projects, mergers & acquisitions, disposals, partnerships, complex employment, change management and pension issues. Fiona is also very able and experienced at working globally within different cultures.

Fiona's full mediation profile is available on request

Dispute Experience - Mediation

Employment & Workplace

Fiona's immense experience of all types and levels of employment and workplace situations, delivers very substantial value to the parties and their representatives in any dispute. With Fiona's substantial corporate background, many cases involve Board level or senior employees in Banking, ICT, Professional Services and FTSE and global companies. Fiona is particularly commended in the

Chambers Directory 2014 for her work in employment and workplace disputes and for her abilities in dealing with especially 'challenging and tense disputes'.

Fiona has worked in both unionised and non-unionised environments, and has recently mediated a collective dispute over several days on work practice changes and management behaviours, between senior management and national and senior Trade Union representatives in the transport sector. Many of Fiona's cases involve legal and other senior professional advisers, or Trade Union representatives whilst she also mediates with litigants in person.

Parties give consistently positive feedback on Fiona's professionalism, sensitivity, good humour, tenacity and patience in dealing with complex situations, often involving emotional and challenging individuals. She is very flexible and pragmatic in her mediation practice; adapting the process appropriately in certain instances with the parties' agreement, by using a combination of her mediation, coaching and arbitration skills. She has a warm rapport with people

Fiona is also experienced in mediating with vulnerable individuals with mental health conditions, for example, claimants suffering from stress and depression. She has also worked with individuals with autism, bi polar, asperser's and a number of conditions and disabilities.

Board Level

- Mediated senior and high-profile Board level executive fall outs, termination arrangements and compromise/settlement agreements, including mediation on breakdown of Directors' service contracts incorporating pensions, pay, remuneration, bonus, and shares.
- Exit arrangements through compromise/settlement agreements up to £6million
- Company Chairman and dismissed Chief Executive and a prolonged dispute over a disability claim, damaged working relationship and corporate governance issues.
- Chair and Chief Executive dispute in public domain over alleged sex discrimination and unfair dismissal.
- Dispute on accountabilities and targets manifesting in behavioural difficulties between three peer Directors. One exited through a settlement agreement.
- Major claim from outgoing Chairman regarding shareholding, corporate governance and pension issues.
- Complex remuneration negotiations on Board Directors' and Chief Executives' service contracts.

Disciplinary / Performance, Grievance, Pre and Post Tribunal

- Mediation of dispute in a dysfunctional department re capability issues, teaching schedules re-integration after longstanding absence and mental breakdown of a senior academic.
- Multiple claims and allegations on all types of performance and discrimination issues; often including mixed disciplinary and grievance matters; at all, but particularly at the final stages of organisations' procedures, and/or at the start of employment tribunal proceedings.

- A number of individual and collective equal pay claims.
- Mediated internal Grievances at all stages of procedure settled through settlement agreements (or COT3s) with individuals, remaining in or terminating employment.
- Age related grievance at an engineering company, following contractual changes from final salary to defined benefit pension scheme of employee with over 20 years' service.
- Grievance against top-level civil servant for bullying a senior subordinate about performance, alleging sex discrimination and whistle blowing.
- Multi-party and collective grievance involving team of local authority traffic wardens, resolved with framework of new working practices.
- Mediations with individuals regarding post-employment tribunals, or post grievance re-integrations into teams and the workplace; resulting in reconciliation frameworks and/or retraining and agreed redeployments, with on-going post mediation support and coaching.

Discrimination, Race, Sex and Disability, Harassment and Bullying, Whistleblowing

- Very litigious case of race, sex discrimination, and whistle blowing and constructive dismissal of a civil servant in central government settled avoiding a 25-day trial.
- Sex and race discrimination case with £1 million claim in Professional Services involving a female returner to work following maternity leave settled.
- Complicated and long running sex and race dispute of a lay official of a national regulatory body settled, following several lengthy independent investigations.
- Senior female banking executive's £1.2 million claim for constructive dismissal and sex discrimination settled after return from maternity leave.
- Sex discrimination case, involving a serious sexual incident and harassment, between a male and a female senior director post-Christmas party. Reconciliation and agreed framework within compromise agreement and working relationship re-established and sustained.
- Protracted dispute on bullying, disability and sex discrimination involving senior academics in a University, who had not met for six months settled.
- Race discrimination within a NHS Teaching Trust's neurosciences department leading to a settlement and revised management operating framework at Consultant level.
- Race discrimination case from a GP against his local Primary Care Trust resulting in positive working relationship being resumed.
- Race discrimination and whistle blowing claim within a professional organisation and similar case within a charity settled.
- Two-day mediation in a major bank settled following very protracted grievance on race discrimination and lengthy period of stress related absence.
- Complex disability and constructive dismissal claim of £½ million from a dyslexic sales manager in a bank settled.
- Disability claim of £400k from long service employee in car industry settled.
- Disability claim after a period of prolonged stress and sickness in banking sector settled.

- Female subordinate 'stalking' male boss case, within a major partnership between senior professionals.
- Religious discrimination, victimisation and bullying dispute involving a group of individuals within a religious institution settled.
- Whistleblowing complaint in the Construction industry of senior employee with 10 years' service who had resigned.

Unfair and Constructive Dismissal, Redundancy and TUPE

- Dispute regarding disagreement of application of TUPE to decommissioned employees resulting in savings of £100,000 per annum settled.
- Longstanding collective dispute involving senior Trade Union representatives in train company with a number of days mediation over management behaviours and changes to working practices.
- Multi - party collective redundancy and TUPE case, following business outsourcing in ICT sector settled.
- Redundancy discrimination against older workers' (age discrimination) – one involving a banker with considerable service settled.
- Unfair dismissal of female banking executive over alleged poor performance.
- Unfair dismissal, race and disability discrimination claim where employee argued that stress and organisational behaviour had led to on-going illness and disability settled.
- Redundancy claims involving long service executives with complicated pension arrangements following organisational restructuring, particularly in Financial, Pharmaceutical, Telecoms and IT sectors settled.
- Range of termination, redundancy, and discrimination and performance management cases with all disciplines of senior professionals in the NHS settled.
- Wrongful dismissal claim of individual whose employment had been terminated.

Workplace and Interpersonal Relationships

Fiona has resolved peer to peer matters, relationship breakdowns, re-integrations following suspensions, periods of absence or reinstatements and team dynamics on working relationships, at all organisational levels in all sectors (corporate, public sector, education, charities, within partnerships etc. and professional disciplines). Fiona uses facilitation, coaching, assistance with difficult conversations, problem solving and engaging individuals in more effective working frameworks to improve interpersonal relationships.

- Boss / subordinate relationship disputes, particularly at senior management level and where performance management issues have resulted in grievances. Usually settled with frameworks for effective working, or if unworkable, dignified exits through compromise agreements.

- Agreements on work practice and behavioural changes, redeployment, operating frameworks, apologies in all sectors etc.
- Transgender employee sensitively re-integrated into a work team.
- Team- working conflict within a Teaching Trust's neurosciences department leading to a settlement and revised management operating framework at consultant level.
- Dispute on behaviours and work practices between two NHS senior medical consultants resolved by agreed framework.
- Conflict within highly skilled team of surgeons with regard to clinical competence, and capability and team working of one member of the team.
- Disagreements between senior executives in Banking, Financial Services, and ICT sectors involving individuals with high performing autism and subordinates' bi polar disorder.

See also coaching and facilitation

Emotional and Tense cases

Fiona regularly mediates tense cases where emotions run high and the parties are distressed. This applies to all sectors of Fiona's work, and particularly in many Employment & Workplace matters, with examples including;

- Very emotional and separate employment cases involving young lawyers who had made allegations of bullying and harassment against their respective law firms.
- Cases where individuals had not spoken to each other for months or in several cases years, which were reconciled through a combination of mediation and coaching.
- Breakdown in relationship between two senior Directors, one making very serious homophobia allegations against the other.
- Highly sensitive transgender mediation, where there were some very difficult and awkward issues with peer group in work situation.
- Two day highly litigious employment case where claimant was so upset she elected to be mute throughout the mediation. Successfully resolved a protracted 2-year case.
- Dispute with a senior executive whose affair with a former Mayor had conflict of interests.
- Case in a College of Education involving a young vulnerable adult male with severe learning difficulties who had made sexual advances to younger female students, which subsequently involved the parents, the College, Social Services and the Police.

Personal Injury

- A personal injury case settled by insurers of a young man, who had chronic back damage as a result of falling from a ladder, whilst carrying out the instructions to remove window boxes in a hotel chain.

- Employee trapped in lift during a process of being escorted from the building on suspension. Multiple employment claims along with claim for post-traumatic stress including migraine and panic attacks.
- Numerous claims of 'work related stress' and 'injury to feelings'- see also Employment cases.
- Car industry employee slipped and damaged leg and the organisation was unable to find a role of lighter duties. Subsequently suffered from depression and claimed personal injury, disability discrimination and unfair dismissal. The dispute was settled through compensation (taking into account his injury) and a settlement agreement.

Pensions

Fiona is very experienced in the potential conflicts of interest between employers and Trustees, having been a Pension Fund Trustee for many years and Trustee Chair in both Cable and Wireless Plc. and subsequently ICL (International Computers Limited) Plc. for 10 years. She worked with NAPF to set up the Pensions Mediation Service in 2006.

- Neutral pension project (supported by mediation process to manage disputes) on transition from a defined benefit scheme to a new defined contribution scheme, with the complete closure of the DB scheme.
- Dispute on liabilities over £3 million cessation payments of a pension fund at the end of an employee transfer.
- Individuals' complex pensions disputes, separately, or as part of severance negotiations.
- Various disputes on changes from defined benefit final salary to defined contribution schemes.
- Dispute regarding employer funding of continuing DB scheme.
- Facilitation of a major programme to close a defined benefit pension scheme over a six-month period working with a variety of stakeholders.
- Dispute between Local Authority senior officers on conflict of interests on planning.
- Substantial number of organisational, employment and workplace cases.
- Facilitation of a number of senior and executive teams to improve effective working relationships and communications as well as dealing with individual tensions.

Other Alternative Dispute Resolution Experience

Neutral Chairing

Fiona works as a neutral Chair facilitating dialogue between multiple stakeholders with outputs including agreed processes and action plans. She has also acted as a neutral Chair within mediations, where binding or non-binding recommendations are required. Fiona has also worked as a neutral Chair for challenging and difficult meetings, as well as a 'neutral moderator' at 'strategy days', 'away days' and group conferences. Additionally, Fiona has acted as a neutral Chair and

adjudicator on disciplinary and general complaint matters, issuing a determination or independent judgement as required.

Neutral Chairing Assignments

- Acting as a neutral Chair in matters involving disciplinary warnings, dismissals, grievances and complaints and in a variety of Appeals panels.
- Independent Chairing (and reports) of a number of Appeals against dismissal. For example, a Director of 25 years plus service dismissed for gross misconduct.
- Independent Chairing of final stage grievance hearing, following long suspension resolved through subsequent ongoing mediation.
- Chair of two major Pension Trustee Boards.
- Remuneration Committee Chair for Healthcare Trust.
- Independent Chair of Appointment and Promotion Boards.
- Neutral Chair of 'difficult conversation' meetings.

Independent reviews, Arbitrations and Investigations

Fiona has undertaken many independent investigations, reviews and assessments of a complex nature in all sectors. These are generally accompanied by independent reports with recommendations, mediations or other ADR processes following, thereby preventing further escalation of the conflict or dispute. Fiona has also dealt with a number of serious complaints from clients or other stakeholders against senior individuals and/or their organisations.

- Independent reviews and reports following investigations of multi- faceted grievances against Senior Executives / Board Directors in organisations, including allegations of racism, corporate governance issues, constructive dismissal and authoritarianism.
- Independent review and detailed assessment of multiple complaints and grievances, primarily related to employment and discrimination matters, against senior academics in a University environment. One particularly difficult case re alleged race discrimination involved interviewing 12 witnesses and 15,000 word plus report with recommendations.
- Independent review and report following alleged sex discrimination and grievance against a senior Director and senior manager following the unfair dismissal of female trader in the banking industry. On-going mediation prevented a very protracted dispute for both parties.
- Investigation and independent review of allegations of sex and disability discrimination and bullying behaviour against a high-profile Chairman of a Charity from a former Chief Executive. Separate advisory report on resolution of the dispute also presented.
- Independent review, report and recommendations on a collective grievance, alleging bullying and religious discrimination presented by three managers against their newly appointed Director. Report presented and recommendations implemented by the organisation.

- Independent review of complaints of hostility and rudeness between two peer senior managers within a Police force which affected the work and relationships of their respective teams. Report produced for board level equivalent (Deputy Chief Constable) and then worked with the individuals on a protocol of future behaviours.
- ACAS arbitration on annual pay award in the printing industry.
- Independent review and report undertaken for the Chairman of a regulatory body, of a complaint against the Chief Executive regarding his handling of an external complaint, made against one of the organisation's senior officers.
- Independent review and assessment of complaints from Board members re non-compliance, impropriety and inappropriate behaviours of the UK Managing Director of a US subsidiary.
- Independent review against a College for its conduct in referring a matter to the Police and social services.
- Independent reviews of organisations' complaints processes.
- Independent review of the actions of teachers in a school on child protection issues following a case in the public domain.

Coaching

Fiona has coached high potential, senior executives, professionals and employees from all sectors, and brings a unique mixture of coaching and mediation skills into her conflict coaching work. She is both sensitive to challenging people and conflict issues and coaches all age groups in all sectors, different nationalities and at all levels of seniority.

Fiona coaches individuals and groups on collaborative working frameworks and interpersonal skills; on reconciliation, career transition, challenging management issues, behaviours (e.g. manager-subordinate and peer relationships), problem solving and negotiations. Her collaborative coaching style helps individuals navigate themselves through organisations and /or challenging issues and take ownership of problems, improving their performance and effectiveness.

Feedback is that Fiona is warm and empathetic and 'an energising, stimulating and sensitive' coach. Her assignments have included individuals in post dispute situations seeking reconciliation, managers responsible for difficult change programmes, and professionals who find it difficult to manage and relate to people. Fiona has also worked with individuals and teams to help them manage challenging situations and prevent conflict, e.g. in mergers, acquisitions and downsizing.

Examples of Fiona's recent coaching assignments

- Coached on a number of 'agreed frameworks' of work practices and behavioural changes following boss- subordinate disputes and grievances.
- Re- integration of transsexual employee into team; and coaching individuals back into teams following long periods of absence due to illness.

- Coaching of individuals to provide support in change i.e. new role and reporting relationships, redeployment and performance objectives.
- Coached on a framework of expected standards of behaviours following a very serious complaint of sexual harassment between peers.
- Coaching of management team involved in making unpopular changes to a pension scheme to support them and help them to prevent disputes.
- Reconciliation of peers into an effective working relationship, who did not like each other and did not speak with each other for over a year.

Facilitation

Fiona is an experienced facilitator and blends her mediation, coaching and training skills as appropriate into this work. She easily engages with people from all backgrounds and facilitates dialogue so outputs can be action plans, agreed strategies and more effective working relationships.

Personal Style

Fiona brings professional and business understanding, with very strong people and intuitive skills, to her work. As a mediator she creates a safe environment for individuals to establish a dialogue, enabling them to resolve their seemingly intractable differences. Her style is flexible and creative as mediation can happen in different ways and Fiona adapts the process to meet the needs of the parties. Fiona always spends time carefully preparing for the case and will have confidential discussions with each party and their advisors, read any relevant documents and understand the key issues before the day of the mediation. In some instances, Fiona may also meet with each of the parties before the mediation day. Mediations generally take place over one or two days but they may also take place over longer periods of time in sessions to give the parties time to reflect and work on resolutions in a collaborative manner.

Fiona is also rated for her careful follow up and being committed to help parties reach a settlement however challenging this may be. Some cases do not settle on the mediation day itself but Fiona works post mediation with the parties which in nearly all cases brings about a settlement.

Feedback – Clients

- *“Challenged the parties- She is top of our list for any further mediations.”*
- *“Fiona put her heart and soul into the mediation- well beyond the call of duty.”*
- *“Excellent, very impressive. We would happily use Fiona’s services again.”*
- *“She has the art of keeping mediation going when people would want to walk away.”*
- *“Liked her style, sensitivity and good humour.”*
- *“Intellectually capable, got to the heart of the issues quickly.”*
- *“Able to process what was going on and problem solve in ‘real time’.”*

- *"Managed to rally the parties to converse, everyone was very shy in coming forward."*
- *"Exemplary and completely impartial."*
- *"Very commercial and professional, but also creative and intuitive."*
- *"Calm and balanced with staying power, energy and well able to deal with the unexpected."*
- *"Very sensitive to the difficult personalities involved, and understood the issues."*
- *"Stayed with this throughout - her follow up was sincere and very helpful."*
- *"Fiona had an impossibly difficult task, their lawyers were just incredibly difficult - the most phenomenally difficult people I've ever come across, but it concluded happily."*

Feedback – Directories

Fiona has been ranked in Chambers & Partners Guide to the Legal Profession since 2009. The following are extracts from 2013 to date. Fiona is ranked as Band 2.

- *Fiona Colquhoun attracts praise from market sources for her experience and gravitas in mediation, with one source enthusing: "She is energetic, personable, and builds rapport quickly with the client."*
- *"She also has good emotional intelligence and is very commercial."*
- *"With excellent interpersonal skills Fiona 'cuts through people's bias to address the crux of the matter at hand and is absolutely committed to reaching a conclusion'*
- *"Fiona is very effective at engaging with both sides," and: "She constantly provides a forum to discuss and negotiate, and manages to defuse or moderate anger without ever being patronising."*
- *"That Fiona was able not only to rescue the negotiations but to find a successful way forward was testament not only to her skills, but to a patently caring attitude."*
- *"Fiona understands and reads situations incredibly well. She was able to break down the conflict and issues into understandable and manageable chunks."*
- *"Fiona receives plaudits from clients for being "measured and empathetic, but prepared to challenge the parties where required." She enjoys an excellent market reputation for the "patience, tact and sensitivity" she applies to mediations in a broad array of areas, including employment, clinical negligence, education and healthcare"*

Professional Skills

- Lead mediator with both business and people skills.
- Coaching on interpersonal relationships, coaching post mediation and in conflict situations.
- Regular conference speaker and presenter.
- Articles, commentaries, and keynote presentations on Conflict Management, the use of Mediation and the mediation skill set in business, organisations, employment and workplace, the NHS and pensions sector.

- Key contributor to the book 'Effective Conflict Management' – a publication for the Institute of Chartered Secretaries and Administrators.
- Instigation, design and the promotion of a number of CEDR mediation schemes.
- Consultancy offerings on the use of mediation, dispute resolution processes and policies (including in disciplinary and grievance policies), and conflict management systems.

Current Appointments

- CEDR Director, CEDR Solve Mediator since 2004
- CEDR Chambers Leading Mediator and Faculty member
- ACAS Panel Arbitrator 2006
- Faculty member and Coach – Henley Business School 2008
- Director, People Matter Consultancy Limited
- Trustee, John Constable Educational Trust and Governor, Moat School, London.

Corporate Board Level Roles

- ICL plc, (International Computers Limited) Group Human Resources Director 1997-2001 (30,000 employees)
- Group Human Resources Director, Cable and Wireless plc 1991-1996 (60,000 employees)
- Personnel Director of Mercury Communications Limited 1984 to 1991 (10,000 employees)
- Pension Trustee and Chair: Cable and Wireless plc and ICL plc Pension Trustee
- Non-Executive Adviser to Mannaz, Denmark 2003-2008

NHS Executive and Non-Executive roles

- Personnel Director, Towers Hamlets Health District 1982-1984
- Personnel Director, Hospitals for Sick Children, Great Ormond Street 1979-1982
- Non-Executive Director of St George's Healthcare Trust from 1992-1999.

Qualifications and awards

- Recognised as a mediator by Chambers and Legal 500 Directories since 2009
- Certificate in Coaching, Henley Business School, Reading University 2006
- Accredited CEDR Mediator 2003
- Graduate -Advanced Management programme, Harvard Business School, USA 1995
- Winner – European Woman of Achievement 1992
- FCIPD, Fellow Chartered Institute of Personnel and Development 1978
- Member Institute of Health Management 1978
- BA Honours, History, York University 1974.