



CEDR Accreditation:	2005
CEDR Panel	2008
Languages:	English
Location:	United Kingdom

“Very astute as to the main issues and made really valuable contributions”

Client Feedback

Joanna Cavell

Overview

A CMC Fellow, Joanna has worked in the ADR field for over 20 years. She has extensive experience in both face to face - one day and time limited - and telephone and virtual mediations involving both unrepresented and fully represented parties, across a wide spectrum of commercial sectors both public and private. Parties cite Joanna’s commercial astuteness, commitment and calm, friendly manner as key attributes in helping them create workable commercial solutions. She is also adept at dealing with emotional and often vulnerable parties and highly sensitive issues.

Joanna is part of CEDR’s Training Faculty, coaching and assessing new mediators and delivering mediation awareness training to both lawyers and business managers. She is well positioned therefore to guide and coach parties who may be unfamiliar and nervous of the mediation process.

Professional Background

After graduating in European Studies, Joanna worked at Merchant Bank SG Warburg before moving to Paris in the mid 1980’s initially to work for the Paris office of Hamptons international and then insurance broker Sedgwick PLC. Here she supported the team involved in consolidating communication and HR policies across the organisation’s newly acquired European offices.



On moving back to London, Joanna joined a City PR firm and gained the Stock Exchange Registered Representative status. As Director, Joanna led the firm's corporate and investor relations and professional services work, advising both PLCs and private companies on their PR and IR strategies.

Expertise

- Charities
- Commercial Contract
- Education
- Financial Services
- Healthcare
- Professional Negligence
- Property/Landlord & Tenant
- Sale of goods/services
- Workplace

Dispute Experience

Charities

Independent Complaints Reviewer for the Charity Commission's complaints procedure for three years.

Commercial Contracts

Joanna is on the approved panel for Central London County Court mediations and has mediated a wide range of contractual disputes including:

- A company acquisition involving allegations about valuations and alleged misrepresentation by the vendor.
- Breach of contract between an organisation and recruitment consultancy over a temp to perm agreement.
- Dispute over the supply of air-conditioning units during hotel refit when two subcontractors went into receivership.
- Dispute between a sub-contractor and supplier of air-conditioning units for construction of a hotel.
- Claim for the repayment of a 15-year personal loan, total breakdown in trust between two former friends with allegations of 'unfair relationship' and misrepresentation of financial circumstances.
- Under the High Court Appeals mediation scheme, a dispute between a wholesaler and a manufacturer and supplier of craft alcoholic drinks over the existence of an exclusivity agreement and breach and claims for non-payment of invoices, damages, costs, and interest.
- See also below under separate sector headings.

Education

As a Governor to an over-subscribed Primary School, Joanna was responsible for defending the school's position at admission appeal hearings often having to diffuse highly emotional situations. She has also dealt with complaints from childcare providers and mainstream schools following Ofsted inspections and the subsequent publication of inspection reports.

Her mediation practice in this area includes:

- A university in disagreement with the procuring public sector body over the scope of commissioned research projects.
- Disciplinary issues between a Head Teacher and Finance officer resulting in a difficult working relationship.
- Issues arising between a school, foster parent and Private Care Provider which led to the premature termination of practice by the foster parent and claims for unfair treatment and consequential losses.

Financial Services

- Claim by an IFA for clawback of commission from an approved person for pension sales and a counterclaim for unfair obstruction leading to loss of potential sales.
- Dispute between a firm of IFAs and an approved person regarding a claim for breach of contract on wrongful termination of a merger agreement and damages regarding the subsequent novation of clients.
- Allegations of fraud involving payments made to two online trading platforms owned by two different offshore companies and a third software support company registered in the UK.
- Dispute between an SME and Bank over systems and controls relating to business and personal accounts following fraudulent activity.
- Working with customers who are complaining about unfair treatment from their banks.

Healthcare

Joanna is an approved mediator for ISCAS Private Medical Healthcare complaints and has mediated other healthcare related cases outside of this scheme.

- Claim against an NHS Trust for alleged breach of duty with regard to a supply contract.
- NHS procurement dispute with a supplier regarding the approval or otherwise of a variation to the framework agreement and consequent disputed invoices.
- Claim against Private Healthcare provider for overcharging for time not provided during a period of homecare for a young adult with a congenital brain injury.

- Complaint against a dental surgeon for dismissive and insulting behaviour during a consultation and his failure to diagnose a cyst from a radiograph.
- Complaint against a clinic for breach of contract and duty of care of a Doctor for during cosmetic intervention.
- Complaint against a private hospital for alleged misinformation leading to permanent scarring.
- Complaint against an independent hospital provider for late invoicing of hospitalisation costs and subsequent treatment of her complaint and involvement of a third party to procure withheld payments.
- Complaint against a clinic for distress caused from poor management of a treatment which left the patient laser burns and with increased pigmentation and increased hair growth.

Personal negligence

- A claim for professional negligence against a solicitor and a counter claim for unpaid invoices.
- Claim against a recruitment consultancy.
- A claim and counterclaim for negligence by a Trust's Chartered Accountant and acting MD and his claim for wrongful termination of his contract. Allegations of vexatious and unprofessional behaviours.
- A claim by a firm of architects for monies owed and wrongful termination of the contract and a counterclaim by the property developers for losses caused by alleged negligence.

Property/Landlord & Tenant

- Electrical engineering works during the conversion of a Grade II listed building to luxury apartments working with a Scott Schedule prepared but incomplete,
- Property Developer and contractor fell out following delays, allegations of over-charging and non-payment which resulted in the contractor leaving the site.
- Unpaid invoices, interest, and compensation in respect of a project installing air handling units.
- Delivery of rating valuation service to reduce the rateable value of a business premises.
- Dispute between international estate agent and vendor/landlord involving a dispute over the commission following an agency agreement, tenancy deposit and fees after lease extension negotiations.
- Telephone mediation scheme dealing with several claims against builders following allegations of defective works and claimants either withholding funds or demanding reimbursement.

- Disputes under a Renewable Energy Assurance Mediation Scheme relating to the installation of renewable energy systems including solar panels and wind turbines in residential properties.
- Dispute over reassignment of lease involving allegations of harassment by both parties.
- Landlord and Tenant dispute regarding outstanding payments following alleged early termination of agreement.
- Dispute between neighbours during building works where a Party Wall Award was being appealed by one of the parties.

Sale of Goods & Services

- Mediations involving breach of contract for non-payment of invoices for online marketing, recruitment, and magazine advertising.
- Claim for unpaid invoices and counterclaim for lack of duty of care and consequent out of pocket and potential damage to business.
- Dispute regarding provision of candidate between public sector body and recruitment agency.
- Supply and maintenance of eight non-half hour (NHH) smart meters during a ten-year period.
- Disputed mobile telephony overcharges incurred whilst in the US. Claimant, a telecoms provider, had paid the intermediary and was claiming reimbursement from the defendant.

Social Housing

Joanna has dealt with many cases involving social housing where tenants have fallen out with each other. These mediations often involve vulnerable individuals. She has also mediated cases between tenants and Housing Associations including:

- Mediation involving the head of a Housing Association and one of his key staff members to improve and facilitate a continued working relationship.
- Allegations by Housing Association of unlawful profits obtained by tenant through subletting over an extended period.

Workplace

Joanna has experience of repairing relationships whether between organisations who needed to continue their business relationship, neighbours, or work colleagues including:

A manager and her line manager who since his promotion to MD had experienced difficulties communicating with each other which had led to two grievances being raised and a written warning. The Board were keen for a conciliatory outcome as both were valued members of the organisation.

Allegations of misuse of position leading to an internal disciplinary hearing and full reinstatement of employee. The mediation focussed on trying to find working practices to enable a small team to work more harmoniously and efficiently together.

Personal Style

Her well-developed commercial knowledge and diplomatic skills mean Joanna is able to build rapport and trust with both Claimant and Defendant early on in the process. Joanna is equally at home with individual complainants over dissatisfaction with cosmetic results, to post issue claims of malpractice and allegations of fraud following an FSA investigation.

Feedback

- *"She was absolutely superb. Her style was friendly but confident, efficient and effective. ...we would 'absolutely' use her again."*
- *"She didn't just act as a messenger - she made some really good suggestions."*
- *"Her impartial support and conviction that a resolution would be achieved kept us at the table."*
- *"I have to be honest I wasn't hopeful we would reach a settlement. I found your advice, support and opinion extremely honest and helpful and I certainly think your involvement was invaluable."*
- *"Although the mediation was not in Jo's area of expertise, she picked up on the issues very quickly and asked sensible questions."*
- *"It was a pleasure to have her as a sounding board."*
- *"Her sense of humour was a great asset ..."*
- *"[She] was very kind to me."*
- *"Your efforts to keep a few vociferous Yorkshiremen around the table was no mean feat and your handling of the day was greatly appreciated."*
- *"A breath of fresh air."*
- *"Thank you for your excellent mediation services. Your advice & your tips were invaluable and have been registered by my family and I."*