



CEDR Accreditation: 2003  
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***“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”***

## Fiona Colquhoun

- Chambers Directory

### Overview

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 is rated in both the Chambers (Band 2) and Legal 500 Directories 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 has been CEDR accredited since 2003 and is a member of 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 mediation experience covers Banks, Business, Commercial, Contracts, Charities, Clinical Negligence, Discrimination, Education, Ecclesiastical, Information Technology and Telecommunications, Central, Local and International Government, Police, Personal Injury, Property, Pharmaceuticals, Healthcare, and the NHS, Partnership, Pensions, Shareholder and Workplace and Employment matters in all sectors.

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 coach, 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 including cases on discrimination, education ,with Charities and most recently a longstanding dispute between campaigners and a city council on the felling of trees. 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.

### Expertise

- Commercial
- Commercial Contracts
- Construction & Engineering
- Charities
- Clinical Negligence
- Discrimination
- Ecclesiastical
- Education
- Emotional & Tense cases
- Employment & Workplace
- Healthcare & NHS
- ICT
- Partnership & Shareholder
- Pensions
- Personal Injury
- Police
- Property
- Public Sector
- Trusts, Wills & Probate

Employment & Workplace and Healthcare & NHS (including clinical negligence) are also available as separate CVs.

Expertise – Other Alternative Dispute Resolution experience includes: independent investigations and reviews, expert determinations, neutral chairing, facilitation and conflict coaching.

## Dispute Experience

### Commercial

- Claim on £1million business losses following break up of Joint Venture.
  - Buy out deal for director's losses following changes in company ownership.
  - Breakdown between legal and accountancy firms, re payment of professional fees.
  - Dispute between major private Nursing Home group, venture capital backers and local authority managed Care Trust, on prices and terms of annual contracts worth £2m.
  - Multi-party case in public domain regarding disability access, involving the Disability Rights Commission, against a major high street retailer. New capital plan agreed as outcome.
  - Claim and counterclaim between an Australian and US company on damages following close down of start-up partnership.
  - Disputes between former Post Masters and Post Office re loss of funds and alleged misappropriation of monies.
  - Dispute on liabilities post break up and closure of a UK SME by US Venture Capital Company.
  - Dispute on back payments and liabilities on withdrawal of a jointly funded IT contract.
- See also ICT and Partnership & Shareholder cases.*

### Commercial Contracts – including within Public sector

Regularly mediated disputes on breakdown in negotiations on funding and contracts, partnerships and future relationships from 2007 to present date. Parties from NHS and other entities: i.e. Primary Care Trusts, Commissioning Care Groups, Local Authorities and private providers.

- £20m dispute between a City Council and the NHS in relation to back payments on a contract for the provision of care services in the community.
- Disputes between Foundation Trusts and CCGs on contracts and budgets often involving significant multi-million shortfalls.
- Dispute on back payments and change in requirements in PFI contract.
- Breakdown in service contract between neighbouring PCTs, with resolution of longstanding disagreement on rebasing methodology, to correct original arbitrary funding allocations.
- Mediation with determination (MedArb) on a dispute regarding complex Accident and Emergency metrics in conjunction with an independent expert.
- Breakdown in negotiations on funding for 'over performance' of GP centre (excess contract costs of over £1 million) with an external provider.
- Several longstanding funding disputes between different NHS entities regarding TUPE and the allocation of funds for a number of decommissioned employees.
- Termination of longstanding contracts for services and review of funding arrangements and pricing mechanisms between NHS commissioners and private sector providers.
- Disputes between clinicians and within GP practices on partnership and funding issues, relationships and operational working arrangements.

- Dispute on termination of pilot 111 service contracts and out of hours (OHH) services between GP led provider and CCG.
- Longstanding dispute following the introduction of nationally negotiated Dental contracts on the recovery of overpayments made by a PCT to a local Dental Practice.
- Dispute on pricing formulae used for Dental services in a deprived urban environment, where contractual targets had been changed, resulting in debts of over £500k.

**Construction & Engineering:** Complex Private Finance Initiative (PFI) mediation regarding a multi-million pound 30 year building and services contract with an NHS Foundation Trust.

### Charities

- Case in public domain within national youth charity on discrimination and data protection claims
  - Dispute on centralised and local boundaries within a major National charity and continuing facilitation with different parts of the organisation involving 12-15 individuals.
  - Mediation on the utilisation of National Lottery grants between two charitable enterprises.
  - Breakdown of relationships and rental terms between tenants and a Housing Association.
  - Mediation on values and corporate principles in care services charity.
  - Allegations of inappropriate and damaging remarks made in the public domain, between one longstanding Trustee and the Board of a reputable local land charity.
  - Tense dispute between Trustees of Traveller Charity and hospitality chain about refused access to premises.
  - Facilitation on values and operating priorities between Executive team of a National Charity.
- See also Employment & Workplace cases.*

### Clinical Negligence

Fiona's has mediated c 25/30 clinical negligence cases per annum in recent years; and many of these are tragic and emotional. She is frequently selected for her very sensitive approach, and is able to deal well with complex and litigious situations. Fiona has dealt with multimillion claims and settlements, as well as in some instances, litigants in person. Nearly all of Fiona's cases settle on the day, or soon afterwards with her careful follow up.

Examples include:

- Very complex and tragic multi-party case in the public domain, involving the traumatic loss of a child, settled with damages and compensation.
- Difficult case of 'secondary victim' claimants from Eastern Europe on 'nervous shock', following the suicide by hanging of a family member.
- Claims of negligence during pregnancy e.g. omissions in tests and scans where babies have been still born.
- Mental health negligence of a 'depressed' young mother and wife who had killed herself by jumping from a building

- Several high emotion claims from middle aged persons, incorrectly diagnosed, with terminal cancer. Claims and quantum disputed on likely 'life expectancy'.
- Teenager quadriplegic with cerebral palsy, with claims against the Trust for poor quality of care, discrimination and data protection.
- Claim of widower and dispute on future financial dependency, following the loss of his young wife post operation.
- Son with claim on his mother's behalf, who had inappropriate materials left in her body post operation, bringing about early dementia and the necessity of permanent care.
- Clinical negligence where the claimant's husband had died following an operation, dispute centred on the issue that he had not been properly advised in relation to risk.
- Complaints and litigious dispute from deceased person's family, regarding unnecessary surgery, resolved through mediation with the Hospital Trust.
- Dispute regarding post-operative 'follow up' and treatment, which had worsened patient's condition, reducing life expectancy, settled with compensation
- Tragic case of young man dying from a PE following an ankle injury and application of a plaster cast settled with compensation for his son (as a dependency claim subject to Court approval) and his widow.
- Dispute following the suicide of a young man in the care of a Mental Trust settled with compensation.
- Cases of misdiagnosis or omissions in diagnosis with fatal or life reducing consequences
- A number of cases where liability has been admitted, but where the defendant's argument is that condition would have occurred anyway and quantum has had to be negotiated.
- A number of civil disputes with NHS Resolution (previously NHS Litigation Authority), NHS Health providers and claimants.

*See also Healthcare & NHS and Emotional cases.*

### **Ecclesiastical**

- Religious discrimination and bullying dispute involving a group of individuals within a religious institution.
- Mediation conducted over several weeks with professional advisers on both sides between a Dean and a Cathedral, resulting in redeployment and reassignment of the Dean.
- Emotional mediation conducted over months between parishioners, the Archdeacon and others, who had lost confidence in their rector, who had ecclesiastical rights of tenure.
- Dispute on performance and suitability between very senior member of Clergy and Cathedral.

### **Education**

Fiona regularly mediates and resolves disputes within Schools and Universities involving teaching /academic staff, trustees, parents and internal management staff and has been one of CEDR's senior CISAS adjudicators. Fiona has also trained a number of senior individuals from Universities, educational trusts and schools as mediators and has also trained teachers and school prefects in mediation skills. Fiona was a School governor of the Moat School in London since 2005 and is now a Trustee of the John Constable Educational Trust.

- Interpersonal dispute between senior Finance officers in a well-known UK educational Trust.
- Dispute mediated over months on the re-integration of Teacher after suspension and dismissal for alleged 'over assistance' in exams at a well-known independent School.
- Dispute between an independent school and parents of a child with Asperger's Syndrome, concerning disability discrimination, unfair exclusion and provision of support.
- Mediation with a litigant in person against an independent School, regarding discrimination claims of damage to education and lack of care as an epileptic pupil.
- Mediation with a University and a Professor on performance issues and breakdown in relationship with a Dean, resulting in redeployment within University.
- Mediated dispute between a former headmaster and a leading international organisation of independent schools over his dismissal.
- Mediation of very emotional complaint from parents of a vulnerable young adult, regarding a College's conduct in referring a very sensitive behavioural matter to Social Services.
- Mediation over several days of intensely emotional, challenging and protracted discrimination case involving a dismissed senior University Professor.
- Mediated dispute over teaching schedules, re-integration after longstanding absence and capability issues of a senior lecturer in a University.
- Facilitation regarding changes in School strategy at an away day, including curriculum changes and the introduction of Baccalaureate with senior teaching staff, and subsequent design of consultation process with parents in an independent school.
- A complex Independent assessment and report with recommendations on a race and sex discrimination complaint against the University Dean and other senior academics by a senior member of management.
- Independent review of the actions of teachers in a school on child protection issues following a case in the public domain.

*See also Employment & Workplace and Neutral Interventions.*

### 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 to longstanding disputes in the public domain, *Employment & Workplace, Clinical Negligence, Discrimination, Healthcare & NHS, Partnerships & Shareholder, Personal Injury and Trust disputes.*

- 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.
- Highly sensitive transgender mediation, where there were some very difficult and awkward issues with peer group in work situation.
- Mediation for several days with City Council and campaigner groups over the felling of trees where the dispute was protracted, passionate and in the public domain. Case involving the parents of a child with

Asperger's syndrome and a School, where the child had been excluded for hitting another child with an oar.

- 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 within local government whose affair with a former Mayor had conflict of interests.
- Longstanding case in the public domain between Trustees of a Traveller movement who had been refused entry to a public house and a hospitality chain.
- A number of disability cases, including one where a wheelchair bound individual had been denied access to upper floors and treated discourteously in a shop of a well-known high street brand and become a local cause celebre.
- Case in transport where a severely disabled man was forgotten about and left for a number of hours, deprived of services and access to vehicles.
- Case where local manager had lost her livelihood and was in debt because of alleged flaws in IT and accounting systems.
- Breakdown in GP Partnership and separate cases re breakdown of partnership and family businesses with serious criminal allegations, physical threats and vitriolic language.
- Highly emotional dispute regarding very longstanding complaints from a patient's wife against the conduct, standard of care and future service from a Mental Health Trust.
- Healthcare Commission mediation case pursued by family, where they believed elderly relative's psychiatric care had been seriously compromised and he had been sectioned inappropriately. Medical consultants and other professionals providing care were involved.
- Multi-Party mediation between public bodies, involving the NHS, Local authority, expert witnesses and parents regarding a £400k per annum care package for a severely disabled child approaching adulthood. 18-20 people involved with all parties legally represented.
- Sensitive probate and inheritance cases involving family, partnerships and relationships.

## 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 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 dispute over several days on work practice changes, between senior management and national and local Trade Union representatives in the transport industry

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.

*See also Neutral Interventions and Coaching.*

*A separate CV is available for Employment and Workplace and coaching matters*

#### **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 for several Chief Executives £3-5 million
- 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 compromise 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.
- 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, 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, TUPE and Collective negotiations**

- Dispute regarding disagreement of application of TUPE to decommissioned employees resulting in savings of £100,000 per annum settled.
- 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.
- Mediated negotiations between senior management and Trades Unions over several days about major work practice changes.
- 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 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 with bipolar disorder.

### Healthcare & NHS

Fiona mediates regularly in this sector and understands the NHS environment having worked for 10 years at Board and non-executive level. Fiona has also mediated and adjudicated on number of public sector disputes, particularly NHS funding disputes, where recommendations binding on both parties have been written up, when negotiations faltered. In some cases, Fiona has worked with an independent expert e.g. on a determination re accident and emergency metrics in a teaching hospital.

*See Commercial for details of NHS funding dispute experience, and Employment & Workplace for disputes in that sector. Healthcare disputes are also included in Clinical Negligence, Emotional and Partnership & Shareholder cases.*

***A separate CV is available for all Healthcare and NHS (including clinical negligence) disputes.***

### ICT – Information, Communication & Technology

- Claim for non-provision of ICT services, counter claim for non-payment of services and further claim for breakdown of agreed contractual terms.
- Conflict and disagreement between Directors on intellectual property contracts, corporate governance issues and buy -out of shares following company takeover.
- Alleged breach of fiduciary duties under the Companies Act and bonuses in a Telecoms firm following a hostile takeover.
- IP rights on software, Director Shareholdings and corporate governance issues in dispute between two small companies, which had formed a partnership.
- Strategic partnership and outsourcing arrangements dissolved between two ICT providers.
- Mediated a number of disputes regarding the application of TUPE following company dissolution.

## Partnership & Shareholder

Fiona has extensive expertise in resolving disputes between business partners and shareholders in a variety of sectors including Banking & Finance, Healthcare, ICT, Retail and Professional services. Cases have been between founders/owners, directors, partners and involved family members in business together and have involved commercial/business, corporate governance and relationship issues. Fiona has also mediated several breakdowns in GP practice partnerships. Disputes have also included breakdowns in 'strategic partnerships' and 'joint ventures' businesses in the private, public and voluntary sectors.

Reconciliations achieved in partnership mediations have resulted in different and revised working arrangements e.g. redeployment from Executive Director to part time Non-Executive Chairman, or parties have agreed to new or modified business plans.

Fiona has also mediated cases where partnership dissolution or the details of partnership break up have been agreed including the following issues:

- Tax, CGT, Pensions implications, Split of assets / investments / equity
- Personal, legal and financial liabilities of departing partners
- Buy out agreements and exit plans between partners.

## Mediation examples

- Family business relationship breakdown between two brothers who owned the business caused by tensions arising from different strategic visions. Amicable break-up of the business achieved with both brothers setting up to service agreed geographic regions.
- Partnership dispute between brothers on the future strategic direction and product development in jointly owned family health care business.
- Mediated dispute over broken partnership arrangements, withdrawal of financial arrangements and intellectual property in ICT sector.
- Buy out between former business and common law partners in the leisure industry.
- Dispute following takeover of a professional firms by another over misleading accounts, client records, terms of takeover and business loss.
- Reconciliation between senior individuals in a major and reputable national partnership, following serious and distressing incident of a sexual nature between them.
- Mediated highly adversarial and antagonistic employment and partnership dispute re the distribution of capital assets involving a Partner GP terminated after 12 years.
- Dispute between family members re loans and outstanding debts with major breakdowns of relationships.
- Mediated several cases involving break ups of GP practices.

## 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.

## 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 compromise agreement.

*See also Employment & Workplace cases.*

## Police

- Multi-party dispute between a bank, the Police and an individual for wrongful arrest and imprisonment.
- Multi party dispute between serving officer with related discrimination claims against the employing Police Force and the Police Commissioners.
- Dispute following an Employment Tribunal of a race and gender discrimination case in the public domain made additionally complex, as Police conduct regarding disclosure of sensitive information concerning the claimant was the subject of an investigation and second dispute.
- Wrongful arrest and imprisonment of an individual on race related grounds.
- Dispute between officers of the Police Federation involving an out of hours' social incident.

- Dispute regarding interpersonal behaviours between civilians and police officers within constabulary.
- Workplace and employment disputes within the IPCC organisation and various police organisations.  
*See also Employment & Workplace, Neutral Interventions.*

### Property

- Longstanding difficulty between landlord and tenant related to completion of and payment for outstanding work on the property.
- Debt recovery on overdue payment on tenancy agreement between new landlord and tenant - agreed to repay over an extended time period.
- Dispute between neighbours settled by shared garden supply and provision arrangement.

### Public Sector

Fiona spent 10 years of her early career in the public sector and has a good understanding of its challenges and the way in which it works. *See also Commercial, Healthcare, Education, Employment & Workplace, Emotional and Police cases.*

- Breakdowns in contractual agreements within and between different parts of the public sector, including Local Authorities, Central Government, Education (Universities) and the NHS.
- Tensions between political elected leaders and executives within local government.
- Numerous multi-faceted NHS disputes re contracts, projects and services with a number of different public and private sector providers.
- Renegotiation of part of a PFI dispute with NHS Trust
- 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.

### Trusts, Wills & Probate

- Facilitation of accountabilities of Trustees, corporate governance issues and rights of tenure for a land based trust.
- Dispute between Trustees on conflict of interests.
- Chair of two major Pension Trustee Boards.
- Several family disputes on the execution of wills.
- Property and Probate dispute between brothers and sister in law.
- Family partnership disputes involving probate and trust matters.
- Sensitive probate and inheritance cases involving family, partnerships and relationships.

## 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 on-going 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.



## 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.

## 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.

## 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

Extracts from 2013-2019 Chambers & Partners Guide to the Legal Profession

- *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 Solve 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 2004
- CEDR Chambers 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 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.