

## HEATHER ALLEN

### Mediator and Facilitator

Heather Allen was accredited by CEDR in February 1995.

Her mediation appointments complement her wider business facilitation practice that spans more than 15 years.

Heather has handled many different types of mediation matters including extremely sensitive cases between professionals and their regulatory bodies, an acrimonious and potentially disastrous dispute between trustees of a national charity, and professional indemnity claims, as well as contractual claims in a broad spectrum of industries.

A major area of her mediation expertise lies in resolving complex employment disputes, both of a purely contractual nature as well as allegations of harassment and discrimination. These mostly involve six- and seven-figure claims in the banking, commercial, public authority, higher education, and health sectors, several with an international element.

Her broad background, as outlined below, which includes hands-on business experience as well as being legally qualified, enables her to deal effectively with a wide range of commercial disputes.

Comments from parties about Heather's mediation competence and approach include: *'Totally professional and objective. Focused on agreed outcomes'; 'Picked up rapidly on points of difficulty'; 'Strengths - listening, energy, calmness, maintenance of a secure, positive environment'; 'Managed a very fair and open process'; 'Patience and perseverance'; 'Calm and confident. Inspired trust.'*

Additional comments from lawyers who have worked with her as an assistant mediator include: *'Heather has tremendous drive and energy'; 'Quickly got the respect of the parties'; 'She seemed to me to be in control throughout'; 'Heather played a difficult role with great discretion'.*

Recent mediations include:

- Dispute between a European engineering company and its managing director who claimed breach of contract contrary to a minimum contractual employment term. This was said to be justified by operation of law and was defended on the basis of breach of fiduciary duty and failure to mitigate loss
- Dispute between a magazine publisher and a printer regarding product quality, distribution errors and outstanding invoices
- A race discrimination claim against a high-profile public authority in which mediation offered a unique opportunity to open negotiations on severance not available through the impending tribunal proceedings
- A dispute between a money market trader and a foreign bank over millions of pounds of claimed bonus payments following termination.
- Disability discrimination allegations against a professional body and several senior executives by a member over its refusal to offer employment.
- Breach of contract claim by assistant principal of a university-sector institution.
- A claim for damages against a professional body by a member who alleged that it had failed to determine a third party complaint properly, resulting in substantial financial loss and stress to the claimant member.

Other more unusual ADR experiences include:

- Writing a non-binding recommendation to resolve an internal dispute between senior scientists and a government agency.
- Being one of a two-mediator team in a 4 day mediation spread over 5 months assisting 6 multi-national companies to re-write a joint venture contract over an asset with a multi-million pound annual turnover: the negotiations involved considerable numerical athleticism!

One of Heather's particular strengths is in dealing with power imbalance, perceived or real, and with overt inter-personal and intra-organisational conflict. She is also confident working cross-culturally, having worked as a consultant abroad and for many years in a wide variety of organisations in the UK on equality policy implementation. She has a clear, direct, practical approach, not flinching from the tensions which so often accompany business difficulties.

### **Professional Background**

Both in her mediation and facilitation work, she draws on broad experience gained in the oil industry, in advertising, publicity and retail marketing, and then in running a small publishing company as managing editor.

She was called to the Bar (Inner Temple) in 1977, and provided a free settlement negotiation and, where necessary, employment tribunal representation service for 5 years through NACAB.

She then developed her own consultancy business providing management development for teams, groups and more recently for individuals through one-to-one executive coaching. This work includes a number of projects requiring the very special skill of consensus-building for such clients as, national and international charities, churches, universities, local authorities, health organisations and commercial partnerships.

Heather is also an associate with the National Housing Federation, and often works with Boards of Management and senior management teams of registered social landlords such as housing associations. This involves helping them to develop creative approaches to problem-solving and effective decision-making which combine a not-for-profit ethos with the running of multi-million pound capital and revenue projects in a competitive market environment.

### **Other experience**

Parallel to her mediation work is Heather's *pro bono* conciliation work in the NHS, facilitating resolution of some of the more difficult complaints and disputes between patients and primary health care professionals or the Health Authority itself. The complexity of the issues involved and the strength of feeling generated on both sides in such matters is closely comparable to mediating personal injury and clinical negligence claims.

She has also completed the Mediation UK training programme and has mediated a number of community disputes. She is the only lay chair of a Regional Duty Solicitor Committee, comprising lawyers, court officials and senior police and customs officers, and also sits on the related Legal Services Commission National Committee.

Heather Allen's first work for CEDR was in 1994 as a consultant on developing the inter-personal skills element of their award-winning mediator training course. She remains a lead member of CEDR's training faculty and was editor and contributor to both editions of the CEDR Mediator Handbook. Heather has worked internationally, both training and assessing mediators, and also working with experienced mediators on training and facilitation skills, training them as trainers of mediators. She acts as a supervisor for experienced mediators and runs post-accreditation development for practising mediators, as well as training lawyers in private practice in effective representation at mediations. She is the Director of Studies of CEDR's management programmes for in-house lawyers, thus gaining further insights into a wide range of current business practice, problems and solutions.

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