



Key factors influencing the success of mediation in the UK construction industry

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ABSTRACT

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Mediation has become an essential mechanism for resolving construction disputes, providing a time-efficient and cost-effective alternative to arbitration and litigation. This study examines the determinants of the success rate of mediation in construction projects in the UK, with particular focus on mediator competence, power relations, pre-mediation preparation, communication, and confidentiality. The study employs a quantitative methodology, with hierarchical regression analysis as the primary analytical approach to assess the impact of these determinants. Data were collected from 387 construction professionals, selected through purposive sampling, including project managers, contractors, legal advisers, and mediators. The results indicated that mediator skills are a significant determinant of effective mediation, emphasizing the importance of specialization in construction disputes. Power imbalances among disputing parties create asymmetries in projects that can undermine fairness and hinder resolution. Pre-mediation preparation and effective communication skills significantly contribute to the development of successful conflict resolution procedures. Confidentiality in complex construction ventures fosters trust, encourages open communication, and reduces adversarial opposition. These findings have practical implications for improving the mediation process through targeted training and the integration of mediation to promote fairness and efficiency. Given the limitations of a cross-sectional design, which restricts the ability to assess long-term mediation outcomes, future research could adopt longitudinal designs to explore cross-cultural variations in mediation success.

Contribution/Originality: The study presents a quantitative approach to investigating the most influential indicators of effective mediation in construction. It offers novel contributions by empirically ranking the strength of mediator expertise, the balancing of power, and the consideration of ethics in the context of construction disputes as an exceptional phenomenon in its own right.

1. INTRODUCTION

The construction industry is often regarded as one of the most conflict-ridden industries due to its involvement of multiple stakeholders, including contractors and investors. These conflicts often arise from contract discrepancies, project delays, excessive expenditures, and differing interpretations of contractual commitments (Abdelalim, Salem, Salem, Al-Adwani, & Tantawy, 2025; Francis, Ramachandra, & Perera, 2022). While process and arbitration are standard dispute resolution mechanisms, they are often costly, time-consuming, and argumentative, ultimately damaging business relationships (Durdyev & Hosseini, 2020).

With its efficiency, economy, and ability to maintain relationships among professionals, mediation has indeed proven to be an effective ADR tool (Cheung & Li, 2019; Surve & Delhi, 2024; Wang, 2019). Cao and Cheung (2025) define mediation as a facilitated negotiation process where an impartial mediator assists the parties in arriving at a

mutually acceptable settlement. This process emphasizes voluntary participation, confidentiality, and cooperation, and it is well-suited for the construction industry (Gregory-Stevens, Frame, & Henjewele, 2016). The effectiveness of mediation, however, varies with individual case circumstances, and this has become a perennial ground for debate on what makes for a successful outcome (Furlong, 2020; Tabassi, Abdullah, & Bryde, 2018). On this account, this study focuses on elements of mediator competency, the balance of power in the mediation process, pre-mediation sessions, confidentiality, and the participation of the parties (Spillane et al., 2011).

In the context of globalization and increasing legal sophistication, construction contracts and projects are becoming more significant in understanding what enables effective mediation between parties such as contractors, project managers, legal counsel, and clients (Rusakova, Frolova, & Inshakova, 2021). One can tell, based on the competitor settings of this industry, along with the enormous costs attributable to disputes, that poor mediation would trigger project inertia followed by the suffering of loss and harm to reputation. In many jurisdictions, however, mediation remains voluntary, depending heavily on stakeholders' will in this regard (Cao & Cheung, 2025). Hence, we need empirical research to assist practitioners, legal experts, and construction firms in enhancing mediation practices (Spillane, Treacy, Konanahalli, & Oyedele, 2016). In line with the global shift toward sustainable and non-adversarial means of conflict resolution, this study examines the key success factors influencing mediation leaders within the UK construction industry (Gregory Stevens, 2023).

2. LITERATURE REVIEW

This study contributes to the existing body of literature by providing empirical insights into the development of mediation effectiveness factors, thereby encouraging a more systematic approach to dispute resolution. Amoah and Nkosazana (2023) explained that the most critical causes of contract-related disputes are vague definitions of the scope of the parties to the contract regarding their rights and obligations, lack of explicit provisions on the calculation of contractual penalties for failure to meet the deadline, lack of clear definition of the works and individual milestones, lack of provisions regulating changes to the project documentation during construction, excessive number of contractual penalties on the contractor's side, and lack of provisions on the rules of execution of additional and replacement works and their settlement. However, for such conflicts to be adequately controlled, measures such as reducing uncertainties in the project's phases, establishing contingency plans, providing construction guarantees, handling time extension claims, offering payment guarantees, retaining funds, and including an escalation clause must be implemented by the parties involved.

Much research has examined ADR mechanisms in construction disputes, accentuating negotiation, arbitration, and lawsuits. However, there are few studies that have examined the success factors of international mediation in the construction sector from an academic standpoint. According to Munduate, Medina, and Euwema (2022), mediators play an important role in the mediation process because they allow the parties to interact, resolve their disputes, and enter into agreements, which heavily influences the final result (Naji, Mansour, & Gunduz, 2020). Alaloul, Hasaniyah, and Tayeh (2019) state that mediators function best to resolve disputes when they are well-versed in construction law, contract negotiation, and conflict resolution techniques. Furthermore, with prejudiced intervention being capable of eroding trust among the parties, the perceived neutrality of the mediator is another critical factor in the successful resolution of a conflict (El-Sayegh et al., 2020). Other schools of thought work along the lines of power dynamics and conflict resolution. For example, as calculated by Cao and Cheung (2025), when one party surrenders or gives greater authority because of superior financial resources, legal backing, or contractual influence, the mediation process may become skewed in favor of that influencing party; first and foremost, it will result in poor agreements whereby the opposite party will not be able to negotiate properly. Inequality in power has been shown to influence general dispute resolution, but the specifics of how it would affect the construction industry have not yet been thoroughly examined (Krueggeler, 2019).

Simultaneously, [Yumna \(2020\)](#) pointed out that before formal mediation, pre-mediation sessions allow disputing parties to consolidate their interests, identify opposing viewpoints, and test procedural designs. This concept of mediation cannot be overstated because much empirical evidence shows that structured, pre-mediation sessions increase the likelihood of settlement by reducing errors and conditioning expectancies. However, there is very little empirical work done globally to determine whether pre-mediation meetings aid in the mediation of construction disputes. Since confidentiality is vital to mediation, [Spillane and Szyld \(2024\)](#) further fortified it by creating an environment well-suited for open discussions and candid disclosures. Meanwhile, [Engebø et al. \(2022\)](#) mention that negotiations are very likely to result in an agreement when the parties trust each other enough to disclose sensitive information.

But increases in professionalism with regard to ethical principles of mediation, such as impartiality, fairness, and decision-making by consensus, in turn, enhance increased mediation activity ([Bush, 2019](#)). Firms' commitment to negotiating in good faith is a prime factor affecting mediation success. This quality of the mediation allows the parties to participate actively in their mediation processes through discussions in good faith, flexibility, and a problem-solving mindset, as opined by [Furlong \(2020\)](#). Evidence from other sectors suggests, however, that key factors for successful mediation, such as confidentiality, impartiality in the mediation process, parties' preparedness, and structured pre-mediation conferences, are universally applicable but under-researched in the construction sector. In healthcare, [Dimitrov and Miteva-Katrandzhieva \(2024\)](#) suggest that patient-physician mediation is valued for being voluntary, confidential, flexible, and relationship-saving, resulting in better outcomes than traditional court proceedings. Likewise, [Lindsey, Doyle, and Wazynska-Finck \(2024\)](#) highlighted that mediation promotes agreement in well-developed environments in terms of emotions by prioritizing communication and understanding, even when conflicts arise from firmly entrenched values and differences ([Uchendu, Omomo, & Esiri, 2024](#)).

Workplace conflict literature also supports these themes. [Munduate et al. \(2022\)](#) concluded that mediator impartiality and tactful management of power relations are critical factors in determining the outcome of labor disputes, significantly improving chances for resolution. While we did not conduct a complete study, [Saundry, Fisher, and Kinsey \(2021\)](#) confirmed that in the workplace, conflicts involving highly trained internal mediators and formal pre-mediation procedures result in high rates of settlement, demonstrating the global relevance of mediator expertise and preparation. Although empirical research on mediation in the financial services sector is scarce, developing approaches in digital mediation produce convergent evidence. [Singh \(2023\)](#) explored ADR in digital business environments and demonstrated that mediator skills, pre-session planning, and the application of joint online tools significantly enhance both performance and the quality of settlements ([Quiroga, 2025](#)).

2.1. Research Gap

While existing scholarly evidence provides valuable insights into general mediation principles, research exclusively addressing construction mediation remains distributed. Several key research gaps persist, including the limited empirical evaluation of the success factors of mediation, the decline of standardized frameworks, and inadequate assessment of the relationships between different variables, particularly in the UK. Therefore, this study employs a structured survey questionnaire to address these gaps and evaluate key success factors influencing mediation in construction disputes. The findings will help guide practitioners in improving mediation strategies, contribute to academic discourse, and inform policy decisions aimed at optimizing mechanisms in the UK construction industry. Using a robust quantitative methodology, this study has enriched the current body of knowledge by identifying the key factors that enhance mediation success in construction projects. The results offer empirical evidence to inform policy decisions, mediator training programs, and best practices in construction dispute resolution. The cross-sector assessment confirms that core success factors, including the expertise and neutrality of mediators, formal pre-mediation, confidentiality, and the readiness of stakeholders, are strong predictors of mediation success across sectors. However, since the current construction mediation literature lacks comparable empirical support, this

research effectively bridges a significant gap in the field. By examining these factors systematically within the UK construction sector, our study provides both a focused application and general empirical validation of mediation determinants. The paper is categorized into four major sections: methods and materials, results, discussion, conclusion, and recommendations.

3. METHODS AND MATERIALS

This research employs a descriptive research design to conduct a methodical analysis of the key factors that influence the success rate of mediation in construction projects (Unterhitzenberger & Bryde, 2018). The quantitative methodology incorporates the objective measurement of variables (Kamal et al., 2021). Given the dynamic nature of the underlying subject, the study has been appropriately designed to gather empirical evidence that can be statistically measured, yielding compelling findings. The target population for this study comprises individuals familiar with the dynamics of construction mediation, including construction project mediators, contractors and subcontractors, project managers, legal advisors specializing in construction disputes, and clients involved in mediated construction disputes in the UK. A purposive sampling method was adopted, and 387 respondents with firsthand experience in construction mediation were included (Cao & Cheung, 2025).

The approach helped to ensure the quality and relevance of the insights. Randomisation is, however, constrained by purposive sampling, which can potentially limit the generalisability of findings to the rest of the UK construction sector.

Spillane et al. (2011) identified substantial factors that determine the success of a mediation process (Figure 1). However, given the scope of the empirical study, it is not feasible to include all these factors (Ryan, Spillane, & Bradley, 2024).

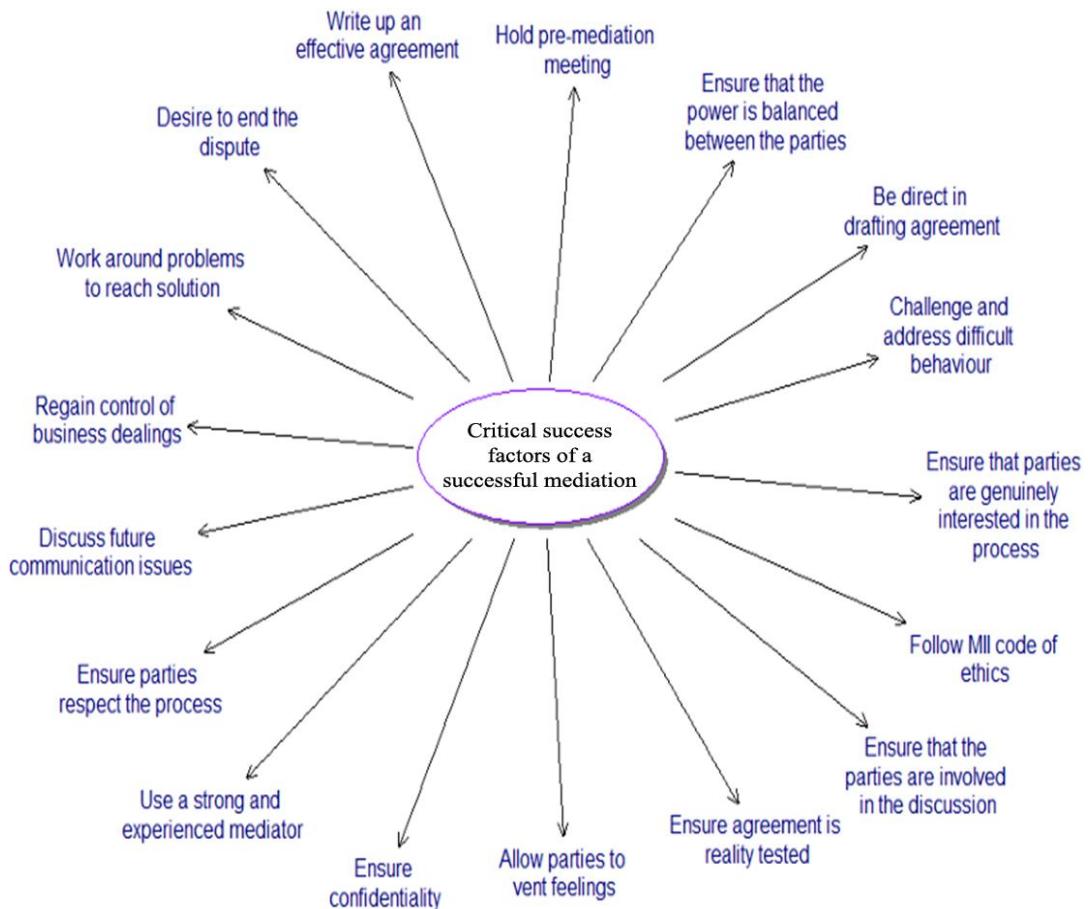


Figure 1. Critical factors of a successful mediation procedure.

In this regard, the study has incorporated measurable influential factors most pertinent to construction mediation. **Table 1** provides a concise overview of the selected indicators, which have been refined into measurable independent variables for this study. The factors were chosen because they are directly related to mediation success, can be quantified through survey data, and are most relevant to construction disputes where stakeholder dynamics and formal agreements are crucial.

Table 1. Refinement of Spillane et al. (2011) factors in study variables.

Factors	Selected independent variables	Justification for refinement
Use a strong and experienced mediator	Mediator's experience & skills	<ul style="list-style-type: none"> Underlines the role of mediator expertise in dispute resolution.
Follow the MII code of ethics.		<ul style="list-style-type: none"> Merged into mediator's professionalism and ethical conduct.
Ensure parties respect the process.		<ul style="list-style-type: none"> Integrated under the mediator's role in guiding a fair and structured process.
Ensure that power is balanced between the parties.	Power balance between parties	<ul style="list-style-type: none"> Maintains fairness and prevents dominance by one party.
One party had significantly more influence (reverse-coded).		<ul style="list-style-type: none"> Ensures measurement of power imbalance.
Discuss future communication issues.	Effective communication & negotiation	<ul style="list-style-type: none"> Consolidated into a broader theme of communication and negotiation efficiency.
Work around problems to reach a solution.		<ul style="list-style-type: none"> Integrated into a structured negotiation approach.
Challenge and address problematic behaviour.		<ul style="list-style-type: none"> Included as a measure of effective conflict resolution.
Be direct in drafting the agreement.		<ul style="list-style-type: none"> Linked with structured agreement formulation.
Write up an effective agreement.	Agreement drafting & implementation	<ul style="list-style-type: none"> Captures the quality and enforceability of the final mediation agreement.
Ensure agreement is reality-tested		<ul style="list-style-type: none"> Integrated into agreement effectiveness.
The mediation process resulted in a written agreement that was followed.		<ul style="list-style-type: none"> Ensures outcome-based assessment of mediation success.
Ensure that parties are genuinely interested in the process.	Stakeholder willingness and cooperation	<ul style="list-style-type: none"> Reflects the commitment of disputing parties towards resolution.
Ensure that parties are involved in the discussion.		<ul style="list-style-type: none"> Measures stakeholder engagement.
Desire to end the dispute		<ul style="list-style-type: none"> Captures motivation for resolution.

The study is grounded in data gathered from structured questionnaires of respondents directly associated with the construction industry and the mediation profession (Ogunnusi, Hamma-Adama, Salman, & Kouider, 2020). The questionnaire has been divided into three significant sections and distributed online to participants. The first section contains demographic information, while the second section addresses general queries. The third section contains Likert-scale items (from 1 = Strongly Disagree to 5 = Strongly Agree) to measure participants' ratings of the chosen factors.

Table 2. Measurement of variables.

Variable category	Variable	Measurement
Independent variables	• Mediator's experience and skills	<ul style="list-style-type: none"> • Statements (Likert scale: 1 = Strongly disagree to 5 = Strongly agree) • Measured through participants' perceptions of whether the mediation resulted in a fair and sustainable resolution.
	• Stakeholder willingness and cooperation	
	• Power balance between parties	
	• Effective communication & negotiation	
	• Agreement drafting & implementation	
Dependent variable	• Mediation success rate	

Table 2 presents the variables used in the study are categorized into independent and dependent variables. The independent variables include the mediator's experience and skills, stakeholders' willingness and cooperation, the power balance between the parties, the effectiveness of positive communication and negotiation, and the drafting and implementation of agreements. These variables are measured based on participants' perceptions, presented as Likert-scale statements, where 1 indicates 'strongly disagree' and 5 indicates 'strongly agree'. The mediation success rate is a dependent variable, indicating the effectiveness of the mediation process in achieving and maintaining a resolution. After data collection, responses were analyzed using various descriptive and inferential statistics, including reliability testing, correlation assessment, and hierarchical and linear regression analysis. The study adhered to ethical standards through informed consent, confidentiality, and voluntariness. Participants were assured that their responses would be used solely for publication purposes and would remain anonymous.

4. RESULTS

Table 3 presents the frequency distribution estimates to summarize the respondents' profiles and their answers to general questions related to mediation participation, challenges in mediation, preferred dispute resolution methods, frequency of mediation, mediation success rates, and the most influential factors.

Table 3. Summary of Demographic Profile.

Variables	Category	Frequency	Percent
Age	25–34	104	26.9
	35–44	97	25.1
	45–54	99	25.6
	55 and above	87	22.5
Gender	Female	180	46.5
	Male	207	53.5
Highest educational qualification	Bachelor's degree	65	16.8
	Doctorate/PhD	90	23.3
	High school diploma	77	19.9
	Master's degree	79	20.4
	Other	76	19.6
Years of experience	11–15 years	89	23.0
	5–10 years	102	26.4
	Less than 5 years	106	27.4
	More than 15 years	90	23.3
Role in mediation	Client/Owner	76	19.6
	Consultant/Legal advisor	73	18.9
	Contractor	85	22.0
	Mediator	76	19.6
	Other	77	19.9
Participated in mediation	No	189	48.8
	Yes	198	51.2
Challenges in mediation	Lack of trust	69	17.8

Variables	Category	Frequency	Percent
Preferred dispute resolution	The mediator's lack of knowledge	86	22.2
	Other	62	16.0
	Power imbalance	88	22.7
	Unwillingness to compromise	82	21.2
Mediation frequency	Adjudication	58	15.0
	Arbitration	61	15.8
	Litigation	63	16.3
	Mediation	66	17.1
	Negotiation	69	17.8
	Other	70	18.1
Mediation success rate	Always	84	21.7
	Frequently	70	18.1
	Never	71	18.3
	Occasionally	85	22.0
	Rarely	77	19.9
Most influential factor	25%-50%	106	27.4
	51%-75%	79	20.4
	Less than 25%	99	25.6
	More than 75%	103	26.6

The demographic data reveal a balanced age distribution, with the largest group aged 25–34 (26.9%). Gender representation is nearly even, with 53.5% of the population male and 46.5% female. Educational backgrounds vary, with the highest proportion holding a PhD (23.3%), followed by a Master's (20.4%) and a High School Diploma (19.9%). Professional experience is well distributed, with 27.4% having less than five years and 23.3% exceeding 15 years of experience. Respondents' roles in mediation are diverse, with contractors (22.0%) forming the largest group. Prior mediation participation is nearly balanced (51.2% yes, 48.8% no). Additionally, key challenges in mediation include power imbalance (22.7%) and the need for mediator expertise (22.2%). Dispute resolution preferences vary, with negotiation (17.8%) and mediation (17.1%) being the most common choices. Mediation is frequently used (21.7% always, 22.0% occasionally), though 18.3% report never using it. Success rates show mixed results, with 27.4% reporting success rates of 25%–50% and 26.6% indicating success rates of over 75%. The most influential factors include power balance (23.8%) and mediator skills (19.1%). These insights highlight the importance of fair negotiation, expertise, and ethical mediation practices. The reliability analysis in [Table 4](#) indicates a high internal consistency for the measured variables.

Table 4. Reliability statistics.

Variables	Cronbach's alpha
Mediation success	0.729
Mediator expertise	0.777
Power balance between parties	0.738
Pre-mediation meetings	0.755
Confidentiality and ethics	0.762
Party involvement and interest	0.726

The Cronbach's Alpha for Mediation Success is 0.729, which meets the acceptable reliability threshold. The overall scale reliability is 0.947, suggesting strong internal consistency across all items. These values confirm that the questionnaire is well-structured and suitable for assessing the success of mediation. [Table 5](#) indicates strong and significant positive correlations among all variables.

Table 5. Correlation matrix.

		Mediation success	Mediator expertise	Power balance between parties	Pre-mediation meetings	Confidentiality and ethics	Party involvement and interest
Pearson correlation	Mediation success	1.000	0.749	0.782	0.736	0.740	0.758
	Mediator expertise	0.749	1.000	0.758	0.741	0.756	0.763
	Power balance between parties	0.782	0.758	1.000	0.809	0.734	0.801
	Pre-mediation meetings	0.736	0.741	.809	1.000	0.785	0.733
	Confidentiality and ethics	0.740	0.756	0.734	0.785	1.000	0.765
	Party involvement and interest	0.758	0.763	0.801	0.733	0.765	1.000
Sig. (1-tailed)	Mediation success		0.000	0.000	0.000	0.000	0.000
	Mediator expertise	0.000	.	0.000	0.000	0.000	0.000
	Power balance between parties	0.000	0.000	.	0.000	0.000	0.000
	Pre-mediation meetings	0.000	0.000	0.000	.	0.000	0.000
	Confidentiality and ethics	0.000	0.000	0.000	0.000	.	0.000
	Party involvement and interest	0.000	0.000	0.000	0.000	0.000	.
N	Mediation success	387	387	387	387	387	387
	Mediator expertise	387	387	387	387	387	387
	Power balance between parties	387	387	387	387	387	387
	Pre-mediation meetings	387	387	387	387	387	387
	Confidentiality and ethics	387	387	387	387	387	387
	Party involvement and interest	387	387	387	387	387	387

Given the strong reliability of scale items, the Power Balance Between Parties ($r = 0.782$) and Mediator Expertise ($r = 0.749$) showed the highest correlations with Mediation Success. The significance values ($p < 0.001$) confirm statistical significance, suggesting that these factors play a critical role in successful mediation. [Table 6](#) shows an increasing R-squared value across five models, indicating that the addition of predictors improves the model's explanatory power.

Table 6. Model summary for Mediation Success*Dependent Variable: Mediation Success*

Model	R	R square	Adjusted R-squared	Std. error of the estimate	Change statistics					Durbin-Watson
					R-squared change	F change	df1	df2	Sig. F change	
1	0.749 ^a	0.562	0.561	0.662	0.562	493.487	1	385	0.000	
2	0.818 ^b	0.669	0.667	0.576	0.107	124.212	1	384	0.000	
3	0.824 ^c	0.679	0.677	0.568	0.010	12.249	1	383	0.001	
4	0.833 ^d	0.694	0.691	0.555	0.015	18.866	1	382	0.000	
5	0.838 ^e	0.703	0.699	0.548	0.008	10.821	1	381	0.001	2.064

Note: a. Predictors: (Constant), Mediator expertise

b. Predictors: (Constant), mediator expertise, power balance between parties

c. Predictors: (Constant), mediator expertise, power balance between parties, pre-mediation meetings

d. Predictors: (Constant), mediator expertise, power balance between parties, pre-mediation meetings, confidentiality and ethics

e. Predictors: (Constant), mediator expertise, power balance between parties, pre-mediation meetings, confidentiality and ethics, party involvement and interest

The final model ($R^2 = 0.703$) indicates that the included predictors account for 70.3% of the variance in Mediation Success. The Durbin-Watson value (2.064) confirms no major autocorrelation issues. Through analysis of variance (ANOVA) estimates, [Table 7](#) confirms the overall significance of the regression models, with a p-value of less than 0.001. This finding indicates that the predictors significantly explain variations in Mediation Success. The F-statistic decreases as more variables are added, suggesting a better model fit.

Table 7. ANOVA estimates.

Model		Sum of squares	df	Mean square	F	Sig.
1	Regression	216.834	1	216.834	493.487	0.000 ^b
	Residual	169.166	385	0.439		
	Total	386.000	386			
2	Regression	258.180	2	129.090	387.816	0.000 ^c
	Residual	127.820	384	0.333		
	Total	386.000	386			
3	Regression	262.141	3	87.380	270.201	0.000 ^d
	Residual	123.859	383	0.323		
	Total	386.000	386			
4	Regression	267.971	4	66.993	216.820	0.000 ^e
	Residual	118.029	382	0.309		
	Total	386.000	386			
5	Regression	271.230	5	54.246	180.080	0.000 ^f
	Residual	114.770	381	0.301		
	Total	386.000	386			

[Table 8](#) presents the results of a multiple regression analysis, examining the combined effect of key predictors on Mediation Success. [Table 8](#) shows the regression coefficients of the five models used to predict the success of mediation. Mediation success is the dependent variable in all the models, whereas mediator expertise, power balance between parties, pre-mediation meetings, confidentiality and ethics, and party involvement and interest are the independent variables.

Table 8. Estimates of stepwise regression analysis.

Model	Unstandardized Coefficients		Standardized Coefficients Beta	t	Sig.	95.0% confidence interval for B		
	B	Std. error				Lower bound	Upper bound	
1	(Constant)	-8.464E-17	0.034		0.000	1.000	-0.066	0.066
	Mediator expertise	0.749	0.034	0.749	22.215	0.000	0.683	0.816
2	(Constant)	-3.709E-17	0.029		0.000	1.000	-0.058	0.058
	Mediator expertise	0.369	0.045	0.369	8.184	0.000	0.280	0.457
3	Power balance between parties	0.502	0.045	0.502	11.145	0.000	0.414	0.591
	(Constant)	-7.721E-18	0.029		0.000	1.000	-0.057	0.057
4	Mediator expertise	0.314	0.047	0.314	6.655	0.000	0.221	0.406
	Power balance between parties	0.396	0.054	0.396	7.373	0.000	0.291	0.502
5	Pre-mediation meetings	0.183	0.052	0.183	3.500	0.001	0.080	0.285
	(Constant)	-1.052E-17	0.028		0.000	1.000	-0.056	0.056
6	Mediator expertise	0.239	0.049	0.239	4.861	0.000	0.142	0.336
	Power balance between parties	0.367	0.053	0.367	6.936	0.000	0.263	0.471
7	Pre-mediation meetings	0.088	0.055	0.088	1.596	0.111	-0.021	0.197
	Confidentiality and ethics	0.220	0.051	0.220	4.344	0.000	0.121	0.320
8	(Constant)	-6.682E-18	0.028		0.000	1.000	-0.055	0.055
	Mediator expertise	0.198	0.050	0.198	3.946	.000	0.099	0.296
9	Power balance between parties	0.294	0.057	0.294	5.176	.000	0.182	0.406
	Pre-mediation meetings	0.088	0.055	0.088	1.601	0.110	-0.020	0.195
10	Confidentiality and ethics	0.171	0.052	0.171	3.269	0.001	0.068	0.274
	Party involvement and interest	0.176	0.054	0.176	3.290	0.001	0.071	0.282

Note: a. Dependent variable: Mediation success.

In **Table 8**, Model 1 evaluates the expertise of a mediator alone. The unstandardized coefficient ($B = 0.749$) and the standardized coefficient ($Beta = 0.749$) indicate a highly positive effect, which is statistically significant ($t = 22.215$, $p < 0.001$). This means that the greater the mediator's expertise, the higher the likelihood of mediation success. Model 2 introduces the balancing of power between parties. Mediator expertise ($B = 0.369$, $B = 0.369$, $p < 0.001$) and power balance ($B = 0.502$, $B = 0.502$, $p < 0.001$) are significant positive predictors of mediation success, indicating that a fair power distribution between stakeholders also contributes positively. Model 3 incorporates pre-mediation meetings. The three predictors, including mediator expertise, power balance, and pre-mediation meetings ($B = 0.183$, $Beta = 0.183$, $p = 0.001$), are all significant. This demonstrates that pre-mediation meetings have a moderate positive effect. Model 4 involves confidentiality and ethics. Although pre-mediation meetings lose their significance ($p = 0.111$), confidentiality and ethics ($B = 0.220$, $Beta = 0.220$, $p < 0.001$) display significant positive effects on the success of mediation negotiations, highlighting the importance of an ethical approach. The complete model (Model 5) includes party involvement and interest. The findings indicate that mediator experience ($B = 0.198$), power balance ($B = 0.294$), confidentiality and ethics ($B = 0.171$), and party involvement ($B = 0.176$) are all highly significant predictors of mediation success ($p \leq 0.001$). Pre-mediation meetings are not substantial, implying that their impact is overshadowed when other major factors are considered. The table also presents t-values, significance levels, and the 95% confidence interval, which establish the reliability of the estimates. Overall, Table 8 demonstrates that mediator-related factors and stakeholder dynamics influence the probability of achieving fair and sustainable mediation outcomes.

5. DISCUSSION

The study's results offer significant evidence regarding the factors that contribute to effective mediation, underlining the significance of mediator expertise, equitable power distribution, planned pre-mediation protocols, confidentiality, and the active engagement of the parties involved. These findings corroborate previous research on effective conflict resolution and indicate areas for additional investigation. The mediator's ability is the most important factor in the mediation process. In complicated construction projects, a mediator must be able to plan tough talks, handle conflict, and build trust (Spillane et al., 2016). There is no state of quandary when trained mediators are better equipped to handle emotionally charged conflicts, promote constructive communication, and attain resolution (Kukah, Akomea-Frimpong, Jin, & Osei-Kyei, 2022; Menkel Meadow, 2018). The results support the argument that mediation skills are important for the success of mediation. This demonstrates the importance of ongoing professional development programs for mediators, which are essential for their conflict analysis, negotiation skills, and psychological flexibility. Since mediators' expertise directly affects how they frame and lead discussions, organizations and policymakers need to prioritize the certification and licensing of mediators to maintain a consistent level of competence in the profession.

The power imbalance between the parties in disputes, which is one of the most important factors in successful mediation, was. When there is a significant difference in power, such as when one person has more money, is higher in an organization, or possesses more legal authority, mediation becomes more challenging, and decisions often favor the party with greater power. According to Tabassi et al. (2018), power imbalances frequently lead to coercion or strategic bargaining rather than cooperative settlement.

According to the research, mediators need to take proactive steps to resolve these disparities by implementing structured interventions, such as aligning talking time or caucusing (Avruch, 2022). This has important real-world ramifications for building projects, particularly in labour disputes, family law cases, and mediations where a party may be forced to accept unfavorable terms (Gregory Stevens, 2023). In order to guarantee that all parties have an equal chance to express their concerns and work out terms, mediation organizations are strongly advised to create policies and best practices that particularly address power disparities.

Referring to the status of pre-mediation meetings, previous research has emphasized the importance of preparatory sessions in building trust and understanding during project development, with reference to the state of pre-mediation meetings (Farouk, Zulhisham, Lee, Rajabi, & Rahman, 2023; Munduate et al., 2022). A more complex picture is painted by recent research, but pre-mediation meetings were still positively associated with successful mediation (Wissler & Hinshaw, 2022). However, when mediator skill and power balance were taken into account, their independent effect decreased. This implies that pre-mediation meetings do not replace the substantive mediation processes, even though they aid in setting expectations and fostering relationships. It has significant practical implications for mediation, particularly in business and legal environments where pre-mediation sessions may be an afterthought or a mere formality.

Most mediators strategize on how to carry out the pre-mediation session so that it is not only procedural but also possibly to build rapport, clarify goals, and resolve points of power difference in a negotiation before it begins. Ethics and discretion are also pointed out as determinants of successful mediation. These findings affirm the literature emphasizing the significance of trust and discretion with regard to resolving conflict (Huang, 2023). Such confidentiality and ethical conduct regarding the aforementioned parties will facilitate openness and sharing of information necessary for resolution. Hence, there must be strong regulatory frameworks and ethical guidelines with reference to confidentiality in mediation processes. Concerns about the loss of privacy and damage to reputation discourage participants from becoming involved in legal mediation and workplace conflict resolution as they would prefer. Addressing these issues through solid ethical guidelines and legal protection would make mediation more effective. Future studies may investigate how far legal protections, e.g., mediation privilege and confidentiality provisions, influence disputants' willingness to engage seriously (Wolski, 2020).

In addition to individual predictors, the results indicate the interdependent nature of the factors that mediate success. Instead of considering these factors in isolation, a combination of mediator skills, power balance, formal pre-mediation conversations, and confidentiality fosters an environment for dispute resolution (Bartlet, 2024). This has implications in theory, as it shows that mediation cannot be theorized as a straightforward process but rather as a dynamic one in which different factors complement or neutralize each other's effects. Musenero, Baroudi, and Gunawan (2023) previously proposed multi-dimensional frameworks for understanding success in mediation, and the findings of the current study substantiate such frameworks by establishing interdependence among crucial variables (Zaman, Florez-Perez, Abbasi, & Nawaz, 2024). Here, the practical implications for mediation training programs cannot be overlooked. Additionally, traditional mediation methods often overlook context-specific issues. For example, while pre-mediation sessions were deemed successful, their success was contingent on the nature of the dispute and the level of trust between the parties (Yumna, 2020). This means that one-size-fits-all mediation is unlikely to be successful, and mediators must employ adaptable and sensitive approaches to resolve disputes in construction settings. For instance, commercial disputes require pre-structured contracts, and confidentiality clauses can be a priority (Buchard & Christensen, 2023).

The research contributes to the literature on dispute resolution by providing empirical evidence to support theories that view mediation success as multidimensional. For instance, Negotiation Theory enables the use of interest-based bargaining (Lewicki, Barry, & Saunders, 2020). The mediator's role in fostering constructive communication can be highlighted by the Conflict Resolution theory (Senan, Alzaghrini, & Srour, 2018). Henceforth, the integrative nature of the success factors has enabled the presentation of consistent findings that can be used to develop advanced conflict resolution models, which can be extended to the construction sector (Malik et al., 2021). Thus, this study provides insights for future research to expand on this work by examining the longitudinal effects of mediation interventions.

Although this research focuses on factors associated with immediate success, it would be interesting to investigate whether agreements negotiated through mediation are maintained in the long term. Thus, longitudinal studies might test the stability of mediated agreements and determine the factors linked with enduring conflict resolution, as suggested by Caputo, Marzi, Maley, and Silic (2019). Another direction for future study lies in cross-cultural comparisons. With the variation in mediation practice depending on the legal system and culture, exploring how such factors function across different settings can provide more insights into the extent to which findings are universal (Lohvinenko, Starynskyi, Rudenko, & Kordunian, 2021). Power balance factor may play a more decisive role in construction industries (Fei et al., 2021), whereas mediators' expertise may be more important in formal settings (Lin, McKenna, Ho, & Shen, 2019).

6. CONCLUSION

This study demonstrates that the effectiveness of mediation is influenced by a number of factors, including pre-mediation sessions, power dynamics, mediator skills, and confidentiality. To maximize the effectiveness of dispute resolution, these findings have significant theoretical and practical implications, emphasizing the necessity of trained mediators, official preparatory procedures, and ethical protections. These findings should be utilized by organizations, practitioners, and policymakers to improve mediation frameworks and ensure fair, transparent, and efficient dispute resolution procedures. Stakeholders can develop a more effective, just, and sustainable method of resolving disputes by applying these findings to enhance future mediation practices. From a policy-making perspective, implications arise for formalizing mediation practice. With the increasing use of mediation as an alternative to legal action, policymakers need to establish formal accreditation systems to ensure mediators possess the appropriate expertise to handle complex disputes. Furthermore, organizations must implement internal mediation policies that address power imbalances and provide appropriate ethical safeguards. To effectively manage and prevent contract disputes that could lead to project failures and losses for contracting parties, construction professionals should be knowledgeable about

strategies that must be applied before and during the project. These strategies will contribute to project success and reduce the likelihood of contractual disputes if properly implemented.

Despite all these contributions, some limitations should be noted. The research employed purposive sampling to ensure feedback from practitioners directly involved in mediation, but this approach limits generalizability to the broader UK construction industry. Moreover, the cross-sectional approach identifies mediation success at a single point in time, which limits the ability to explore long-term impacts. Lastly, although the research was specific to the UK construction sector, future work could extend its reach through cross-cultural and longitudinal studies to increase external validity and comparative understanding.

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REFERENCES

Abdelalim, A. M., Salem, M., Salem, M., Al-Adwani, M., & Tantawy, M. (2025). An analysis of factors contributing to cost overruns in the global construction industry. *Buildings*, 15(1), 18. <https://doi.org/10.3390/buildings15010018>

Alaloul, W. S., Hasaniyah, M. W., & Tayeh, B. A. (2019). A comprehensive review of dispute prevention and resolution in construction projects. *MATEC Web of Conferences*, 270, 05012. <https://doi.org/10.1051/matecconf/201927005012>

Amoah, C., & Nkosazana, H. (2023). Effective management strategies for construction contract disputes. *International Journal of Building Pathology and Adaptation*, 41(6), 70-84. <https://doi.org/10.1108/IJBPA-01-2022-0004>

Avruch, K. (2022). Culture and conflict resolution. In The Palgrave Encyclopedia of Peace and Conflict Studies. In (pp. 254–259). Cham, Switzerland: Springer International Publishing.

Bartlet, M. (2024). *Mediation and other forms of alternative dispute resolution*. United Kingdom: Taylor & Francis.

Buchard, M. V., & Christensen, T. B. (2023). Business models for the reuse of construction and demolition waste. *Waste Management & Research: The Journal for a Sustainable Circular Economy*, 42(5), 359-371. <https://doi.org/10.1177/0734242X231188023>

Bush, R. A. B. (2019). A pluralistic approach to mediation ethics: Delivering on mediation's different promises. *Ohio State Journal on Dispute Resolution*, 34, 459-536.

Cao, N., & Cheung, S. O. (2025). The value of voluntary participation in construction dispute mediation. *Engineering, Construction and Architectural Management*, 32(2), 1229-1253. <https://doi.org/10.1108/ECAM-11-2022-1070>

Caputo, A., Marzi, G., Maley, J., & Silic, M. (2019). Ten years of conflict management research 2007-2017: An update on themes, concepts and relationships. *International Journal of Conflict Management*, 30(1), 87-110. <https://doi.org/10.1108/IJCMA-06-2018-0078>

Cheung, S. O., & Li, K. (2019). Biases in construction project dispute resolution. *Engineering, Construction and Architectural Management*, 26(2), 321-348. <https://doi.org/10.1108/ECAM-03-2018-0109>

Dimitrov, K., & Miteva-Katrandzhieva, T. (2024). Mediation in healthcare: Enhancing conflict resolution between patients and physicians beyond the courtroom. *Cureus*, 16(12), e75487. <https://doi.org/10.7759/cureus.75487>

Durdyev, S., & Hosseini, M. R. (2020). Causes of delays on construction projects: A comprehensive list. *International Journal of Managing Projects in Business*, 13(1), 20-46. <https://doi.org/10.1108/IJMPB-09-2018-0178>

El-Sayegh, S., Ahmad, I., Aljanabi, M., Herzallah, R., Metry, S., & El-Ashwal, O. (2020). Construction disputes in the UAE: Causes and resolution methods. *Buildings*, 10(10), 171. <https://doi.org/10.3390/buildings10100171>

Engerbø, A., Klakegg, O. J., Lohne, J., Bohne, R. A., Fyhn, H., & Lædre, O. (2022). High-performance building projects: How to build trust in the team. *Architectural Engineering and Design Management*, 18(6), 774-790. <https://doi.org/10.1080/17452007.2020.1811078>

Farouk, A. M., Zulhisham, A. Z., Lee, Y. S., Rajabi, M. S., & Rahman, R. A. (2023). Factors, challenges and strategies of trust in BIM-Based construction projects: A case study in Malaysia. *Infrastructures*, 8(1), 13. <https://doi.org/10.3390/infrastructures8010013>

Fei, W., Opoku, A., Agyekum, K., Oppon, J. A., Ahmed, V., Chen, C., & Lok, K. L. (2021). The critical role of the construction industry in achieving the sustainable development goals (SDGs): Delivering projects for the common good. *Sustainability*, 13(16), 9112. <https://doi.org/10.3390/su13169112>

Francis, M., Ramachandra, T., & Perera, S. (2022). Disputes in construction projects: A perspective of project characteristics. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 14(2), 04522007. [https://doi.org/10.1061/\(ASCE\)LA.1943-4170.0000535](https://doi.org/10.1061/(ASCE)LA.1943-4170.0000535)

Furlong, G. T. (2020). *The conflict resolution toolbox: Models and maps for analysing, diagnosing, and resolving conflict*. United States: John Wiley & Sons.

Gregory-Stevens, J., Frame, I., & Henjewele, C. (2016). Mediation in construction disputes in England. *International Journal of Law in the Built Environment*, 8(2), 123-136. <https://doi.org/10.1108/IJLBE-02-2015-0004>

Gregory Stevens, J. (2023). Construction disputes in England: The option for mediation. Doctoral Dissertation, Anglia Ruskin Research Online.

Huang, K. (2023). Factors influencing the success rate of pre-litigation mediation in China: An empirical study based on mediators and case parties. *Lecture Notes in Education Psychology and Public Media*, 8, 373-391. <https://doi.org/10.54254/2753-7048/8/20230227>

Kamal, A., Azfar, R. W., Salah, B., Saleem, W., Abas, M., Khan, R., & Pruncu, C. I. (2021). Quantitative analysis of sustainable use of construction materials for supply chain integration and construction industry performance through structural equation modeling (SEM). *Sustainability*, 13(2), 522. <https://doi.org/10.3390/su13020522>

Krueggeler, T. (2019). The power in mediation and mediating power: Towards a critical theory of alternative dispute resolution. J.S.D. Dissertation, Cornell University.

Kukah, A. S., Akomea-Frimpong, I., Jin, X., & Osei-Kyei, R. (2022). Emotional intelligence (EI) research in the construction industry: A review and future directions. *Engineering, Construction and Architectural Management*, 29(10), 4267-4286.

Lewicki, R. J., Barry, B., & Saunders, D. M. (2020). *Negotiation* (8th ed). New York: McGraw-Hill Education.

Lin, X., McKenna, B., Ho, C. M. F., & Shen, G. Q. P. (2019). Stakeholders' influence strategies on social responsibility implementation in construction projects. *Journal of Cleaner Production*, 235, 348-358. <https://doi.org/10.1016/j.jclepro.2019.06.253>

Lindsey, J., Doyle, M., & Wazynska-Finck, K. (2024). Navigating conflict: The role of mediation in healthcare disputes. *Clinical Ethics*, 19(1), 26-34. <https://doi.org/10.1177/14777509231196699>

Lohvinenko, M., Starynskyi, M., Rudenko, L., & Kordunian, I. (2021). Models of mediation: Theoretical and legal analysis. *Conflict Resolution Quarterly*, 39(1), 51-65. <https://doi.org/10.1002/crq.21315>

Malik, S., Taqi, M., Martins, J. M., Mata, M. N., Pereira, J. M., & Abreu, A. (2021). Exploring the relationship between communication and success of construction projects: The mediating role of conflict. *Sustainability*, 13(8), 4513. <https://doi.org/10.3390/su13084513>

Menkel Meadow, C. (2018). Whose dispute is it anyway?: A philosophical and democratic defence of settlement (in some cases). In Mediation. In (pp. 39-72). United Kingdom: Routledge.

Munduate, L., Medina, F. J., & Euwema, M. C. (2022). Mediation: Understanding a constructive conflict management tool in the workplace. *Journal of Work and Organizational Psychology*, 38(3), 165-173. <https://doi.org/10.5093/jwop2022a20>

Musenero, L., Baroudi, B., & Gunawan, I. (2023). Critical issues affecting dispute resolution practice in infrastructure public-private partnerships. *Journal of Construction Engineering and Management*, 149(3), 04023001.

Naji, K. K., Mansour, M. M., & Gunduz, M. (2020). Methods for modeling and evaluating construction disputes: A critical review. *IEEE Access*, 8, 45641-45652. <https://doi.org/10.1109/ACCESS.2020.2976109>

Ogunnusi, M., Hamma-Adama, M., Salman, H., & Kouider, T. (2020). COVID-19 pandemic: The effects and prospects in the construction industry. *International Journal of Real Estate Studies*, 14(S2), 120-128. <https://doi.org/10.11113/intrest.v14nS2.71>

Quiroga, M. G. (2025). Global challenges and opportunities of new technologies for workplace conflict resolution through ADR. In Global Economic Challenges and Opportunities for the Workplace. In (pp. 121-150). United States: IGI Global.

Rusakova, E. P., Frolova, E. E., & Inshakova, A. O. (2021). *The procedure of mediation in the age of Industry 4.0*. Paper presented at the Institute of Scientific Communications Conference, Springer International Publishing.

Ryan, C., Spillane, J. P., & Bradley, J. G. (2024). *Barriers to the adoption of alternative dispute resolution within the Irish construction industry: A systematic literature review*. In C. Thomson & C. J. Neilson (Eds.). Paper presented at the ARCOM 2024 – Proceedings of the 40th Annual Conference, Association of Researchers in Construction Management.

Saundry, R., Fisher, V., & Kinsey, S. (2021). Disconnected human resource? Proximity and the (mis) management of workplace conflict. *Human Resource Management Journal*, 31(2), 476-492. <https://doi.org/10.1111/1748-8583.12318>

Senan, M. H., Alzaghrini, N., & Srour, I. (2018). Mediation tactics and effectiveness in dispute resolution. In M. Kalach, M. A. Abdul-Malak, H. Khoury, & I. Srour (Eds.), *Responsible Design and Delivery of the Constructed Project*. Beirut, Lebanon: ISEC Press.

Singh, B. (2023). Unleashing alternative dispute resolution (ADR) in resolving complex legal-technical issues arising in cyberspace lensing e-commerce and intellectual property: proliferation of e-commerce digital economy. *Revista Brasileira de Alternative Dispute Resolution-Brazilian Journal of Alternative Dispute Resolution-RBADR*, 5(10), 81-105.

Spillane, J., Oyedele, L. O., Hande, E., von Meding, J. K., Konanahalli, A., Jaiyeoba, B. E., & Tijani, I. K. (2011). Mediation within the Irish construction industry: Identifying success factors for appropriate competencies and processes. *Journal of Law and Conflict Resolution*, 3(8), 142-150.

Spillane, J. P., Treacy, D., Konanahalli, A., & Oyedele, L. O. (2016). Construction dispute resolution in Ireland during recession: Best practice for small-to-medium enterprises. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 8(2), 04515004.

Spillane, N., & Szyld, D. B. (2024). New convergence analysis of GMRES with weighted norms, preconditioning, and deflation, leading to a new deflation space. *SIAM Journal on Matrix Analysis and Applications*, 45(4), 1721-1745. <https://doi.org/10.1137/23M1622398>

Surve, V. G., & Delhi, V. S. K. (2024). Stakeholder-induced disputes and resolution strategies in the infrastructure industry. *Journal of Legal Affairs and Dispute Resolution in Engineering and Construction*, 16(3), 04524012. <https://doi.org/10.1061/JLADAH.LADR-1087>

Tabassi, A. A., Abdullah, A., & Bryde, D. J. (2018). Conflict management, team coordination, and performance within multicultural temporary projects: Evidence from the construction industry. *Project Management Journal*, 50(1), 101-114. <https://doi.org/10.1177/8756972818818257>

Uchendu, O., Omomo, K., & Esiri, A. (2024). Strengthening workforce stability by mediating labor disputes successfully. *International Journal of Engineering Research and Development*, 20(11), 98-1010.

Unterhitzenberger, C., & Bryde, D. J. (2018). Organizational justice, project performance, and the mediating effects of key success factors. *Project Management Journal*, 50(1), 57-70. <https://doi.org/10.1177/8756972818808984>

Wang, P. (2019). *The aetiology and progression of construction disputes between client and contractor in the UK*. Unpublished Doctoral Thesis, the University of Manchester.

Wissler, R. L., & Hinshaw, A. (2022). What happens before the first mediation session? An empirical study of pre-session communications. *Cardozo Journal of Conflict Resolution*, 23, 143-162.

Wolski, B. (2020). Confidentiality and privilege in mediation: Concepts in need of better regulation and explanation. *UNSW Law Journal*, 43(4), 1552-1594. <https://doi.org/10.53637/LODC7766>

Yumna, S. A. (2020). How to promote mediation of construction disputes in the UAE. Doctoral Dissertation, the British University in Dubai.

Zaman, U., Florez-Perez, L., Abbasi, S., & Nawaz, M. S. (2024). Exploring the both-and success paradox in mega construction projects: Multi-dimensional assessments of paradoxical leadership, project agility and megaproject success. *Engineering, Construction and Architectural Management*, 31(9), 3826-3851. <https://doi.org/10.1108/ECAM-12-2022-1165>

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