

## In this edition of Collaborate Page

### 100 and Going Strong 1

The 100th Mediation at the Strathclyde Mediation Clinic gives us target for the future

### Article 12 Interview 4

Kathryn Hilditch interviews participants on the impact of mediation skills training with Gypsy/ Travellers

### Networks News 6, 9, 11

Latest on Practice Standards, Staffing CPD and Events

### Sheriff Court Collaboration 8

Charlie Irvine reports on a joint CPD event between Glasgow and Edinburgh Sheriff Court Mediators

### Real Life Role play 10

Craig Cathcart on making the most of roleplay at Queen Margaret University

### Board Profile and Network news 12

A profile of Board member Linn Phipps.

### Workplace Employment Initiative group 13

Details of next meeting

Adverts from  
University of Strathclyde, Aberdeen University, Rowan Consulting, Queen Margaret University, Scottish Community Mediation Centre, Mediation Partnership and Core Solutions.



## 100 and going strong

On Scotland's Election Day I was delighted to attend a celebration of the University of Strathclyde Mediation Clinic's 100th mediation. This is quite a remarkable achievement for the Clinic as their first mediation took place in October 2012.

The Clinic provides a mediation service on a pro-bono basis, the majority of cases coming from the Small Claims Court at Glasgow Sheriff Court and, more recently, the Clinic is now also operating at Lanark Sheriff Court. It provides an opportunity for students on the post-graduate courses in Mediation and Conflict Resolution to go beyond the theory and to practice mediation in live cases, supported by experienced mediators drawn from the Scottish Mediation Register.

By the end of 2015, 63% of the small claims dealt with had reached full agreement (many subsequently settle as a result of mediation) and, of those cases, the settlement terms of 81% had been fulfilled (this compliance percentage is higher than for small claims dealt with by the Court). The higher rate of compliance through mediation is also the experience of mediations in the Edinburgh Sheriff Court and is put down to the involvement of all of the parties agreeing the way forward, rather than a ruling being made by the Court.

At the celebration the keynote speaker was Sheriff Anwar who presides at Glasgow Sheriff Court and is often presiding when the small claims cases are dealt with on a Friday afternoon. She said that she very much welcomed the mediation ser-

## 100 and Going Strong

Graham Boyack

vice being available and that it showed “impressive statistics” and was “appreciated by the Court users and Sheriffs”. The Sheriff outlined that sometimes parties are initially reticent to use mediation but that after a five minute chat with the mediators, any fears can be allayed. Having that initial discussion also gives parties the opportunity to go to mediation without it seeming to be a sign of



weakness in their case. The role of the Sheriff was described as that of seeking to negotiate a settlement between the parties, identifying facts and legal issues and when many self-represented parties arrive with a raft of information a conversation through mediation may be a more appropriate way of discussing the issues and ensuring that the parties are heard.

As is often the case at such a celebration event, attention turns to what next. Sheriff Anwar said she was hopeful that mediation would form a formal part of the new simple procedure process being discussed by the Scottish Civil Justice Council for introduction into the Scottish Courts. That is a view shared by the Scottish Mediation Network and we passionately believe that there is a great opportunity to take the experience of the University of Strathclyde Clinic, that of the Edinburgh Sheriff Court and of work that we have carried out at Airdrie Sheriff Court and to make mediation an integral part of the court system across Scotland.

In order to do that one of the key aspects

that needs to be dealt with is that currently all these services are run on a pro-bono basis. Whilst saluting the mediators for volunteering their services, it does not seem an appropriate way to be providing a civil justice system in Scotland. Apart from providing a different way for people to resolve their disputes, there are a number of benefits of having mediation as an option for parties in the Courts across Scotland. As mediation is a flexible process, there are options such as online and telephone mediation that could help improve access for people. The Courts are very busy and if time can be freed up by using mediation, that may ease pressure on both the Courts and the Judici-

Scottish Courts  
and Tribunals



ary, which will help the system to function better for everyone using it.

My call is therefore for our incoming Government to continue the work they have started and to put the necessary resources in place to provide a mediation service that the new simple procedure can offer to people across Scotland. The Scottish Mediation Network has developed plans on how that could be delivered and sustained across the country and there are mediators poised to be able to help people to resolve their disputes.

There is an opportunity for Scotland to further enhance the reputation of its justice system by making mediation widely available, which will give people real choice in how they seek to resolve their disputes. The clinic has reached a hundred mediations in four years, so how about we say that we want a thousand mediations in the Scottish Courts in the next four?



The University of Strathclyde Law School's Postgraduate programme in Mediation and Conflict Resolution, now entering its sixth year, provides a thorough, practical and exciting introduction to this developing area. Still the only course of its kind in the UK, the programme is rigorous and multi-disciplinary, exposing students to a wide range of approaches as well as being taught by experts from across the UK.

The course combines theoretical and practical elements and has been accredited by the Scottish Mediation Network. Participants will enhance their confidence in dealing with interpersonal and organisational conflict while developing their communication and problem-solving skills. As well as core classes on mediation theory and practice, there are classes on employment mediation, mediation law and policy, arbitration, transitional justice the key business skill of negotiation. Students may also elect classes from the whole range of postgraduate programmes such as Human Rights, Construction Law and International Economic Law.

Students can gain practical experience by volunteering with our [Mediation Clinic](#), which provides a weekly small claims service at Glasgow Sheriff Court. Student mediators work alongside experienced practitioners to develop their mediation skills in a real-world setting.

Start Date: September each year

Mode of Study: Full-Time or Part-Time

Course will be taught by a combination of evening lectures and intensive weekend sessions to maximise flexibility.

Application and further information can be obtained from:

<http://www.strath.ac.uk/humanities/courses/law/courses/mediation/>

Contact:

Pauline McKay (Administrator) E: [pauline.mckay@strath.ac.uk](mailto:pauline.mckay@strath.ac.uk)

Charlie Irvine (Course Leader) E: [charlie.irvine@strath.ac.uk](mailto:charlie.irvine@strath.ac.uk)

T: 0141 548 5998



The University of Strathclyde is a charitable body, registered in Scotland, number SC015263



# Article 12 - Interview

Kathryn Hilditch

Back in March, Carol and I delivered training to the amazing group of young female Gypsy/Travellers who work on the Article 12 Young Gypsy/Travellers Lives Project. Following the training we asked the young people some questions about their involvement with SMN and why they see mediation as being relevant for them and the Gypsy/Traveller community more widely. Below you will find the questions and the responses from Bernadette and Chantelle, two of the participants in the training.

## 1) Can you tell the readers a bit about the Article 12 project that you are involved in?

**Bernadette** - I am a peer educator for Article 12's Young Gypsy/Traveller Lives project. We work to challenge discrimination towards our culture and raise awareness by delivering trainings and workshops.

## 2) Why did you choose to attend the Scottish Mediation Network training on mediation and conflict resolution skills?

**Bernadette** - So I could learn how to cope with conflict better and having the opportunity to know the skills of mediation to pass it on to other members of the community.

**Chantelle** - I came along to this group as it is interesting and would be helpful to me and as a group.

## 3) What are the key things that you feel you have learned as a result of attending the Scottish Mediation Network training?

**Bernadette** - To let people work out their conflict between themselves and not to interfere, as what I say will not be what they really want, so it's best to let them work things out and always be understanding towards both sides.

**Chantelle** - I have learned that there are different ways of dealing with conflict and going down different routes.

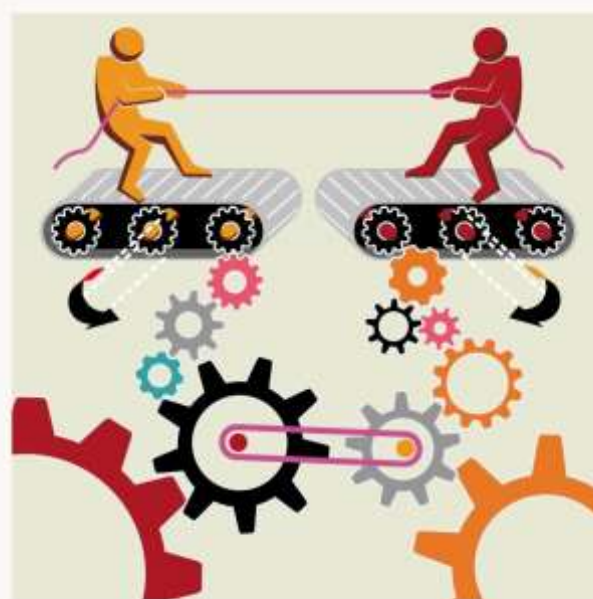
## 4) How will you use what you have learned?

**Bernadette** - I feel I would need a little more practice before going to mediate.

**Chantelle** - If a situation ever comes up then I have the skills and knowledge to do conflict resolution with them.

## 5) Do you think mediation and conflict resolution skills training would be useful for other people within the Gypsy/Traveller community? If so, what do you think is the best way to help them develop these skills?

**Bernadette** - Yes I think mediation would be a great skill for the Gypsy/Traveller community but I feel that there should be a couple more activities to put mediation into practice.



**Chantelle** - The best way to do this among Gypsy/Travellers is for someone to do training with them and show them that there are different ways of dealing with conflict, or someone that is known to the culture and the community, as Gypsy/Travellers have a big trust problem and wouldn't be that much interested if they don't trust you.

Many thanks to Bernadette and Chantelle for taking the time to answer these questions!

If you would like to discuss our work with Gypsy/Travellers, please contact Kathryn on 0131 556 1221 or email [kathryn@scottishmediation.org.uk](mailto:kathryn@scottishmediation.org.uk)

# University of Aberdeen

## New Accredited Mediation Qualification

The School of Law at the ancient University of Aberdeen has launched a new, exciting Postgraduate Certificate in Mediation (PgCert Mediation). This is a freestanding part of its new LLM Dispute Resolution programme.

The PgCert is recognised by the Chartered Institute of Arbitrators, providing exemption from some of its Membership examinations. It is taught mainly online in part time mode, providing flexibility for busy professionals who want to become mediators, or for those who wish to represent clients in this area.

Courses on the programme will be taught by experienced mediation practitioners and in an interactive way using the university's range of e-learning software. Students will be able to regularly interact with each other and with tutors, and there will be audio recorded lectures, online live tutorials and a range of activity work to keep students engaged.

Although the online component of the programme makes full use of the university's interactive technology, there is a one-week on-campus element, to build on the theory and skills learned online.

The courses are rigorous and students are expected to work hard, although learning is flexible and can take place at any time. Online tutorials will take place in the evenings.

The School of Law here has experience in teaching mediation at undergraduate and postgraduate levels. There is research and scholarly activity being conducted in this area, and we are growing our dispute resolution staff complement. We have connections with a number of experienced professionals in mediation.

For further information, please visit the university's [programme pages](#). Applications are being accepted (but for limited numbers) for September 2016.



# UNIVERSITY OF ABERDEEN

# Network News

## Committee for Excellence in Mediation

At it's meeting in May the Committee clarified key points regarding Practice Standards for mediators.

We have re-worded the initial practice requirement to join the Scottish Mediation Register so that it now reads


"Admission to the Scottish Mediation Register requires completion of initial training followed by 2 mediations in the past 12 months and not less than 6 hours conducting mediations in the past 12 months."

We have also re-worded the section on CPD to read

"Mediators are required to plan, undertake and review a minimum of 12 hours of continuing development and support each year. This CPD and practice support may include training (not including initial training), supervision, monitoring, mentoring, shadowing and peer review. The purpose of this CPD and practice support is to offer a framework for mediators to reflect on their practice in a structured way with view to learning and developing their skills. "

The first amendment simply clarifies a clause which people previously found confusing and the second amendment clarifies that CPD should not include initial mediation training.

Further work is currently being undertaken on Standards Review.



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- You manage risk more effectively

### Using Mediation Skills as a Leader: 2016 Summer School



**Core's Residential Summer School\*: Using Mediation Skills as a Leader**

*Venue: the superb Blair Estate (pictured above),  
20 minutes from Glasgow Airport  
28 - 31 August 2016 (CPD: 24hrs +)*

**Module 2: Building Mediator Competence**  
27-28 October 2016 (CPD: 16hrs +)

**Module 3: Assessment**  
3-4 November 2016 (CPD: 20hrs)

\*Note that the Summer School is available as a free-standing three-day course.

The Summer School is also a prerequisite, as Module 1, for attending modules 2 & 3

For details of Core's mediation services and to register for our Summer School, contact Miriam Haboubi at 0131 524 8188 or [Miriam.Haboubi@core-solutions.com](mailto:Miriam.Haboubi@core-solutions.com)

[www.core-solutions.com](http://www.core-solutions.com)





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# JOINT CPD EVENT AT EDINBURGH SHERIFF COURT

Charlie Irvine

Edinburgh Sheriff Court Mediation Service hosted University of Strathclyde Mediation Clinic for a joint CPD event on 22 June. The Edinburgh Service has been providing mediation in small claims and summary causes since 1998; Strathclyde Mediation Clinic has provided small claims mediation in Glasgow Sheriff Court since 2014 and Lanark Sheriff Court since February this year. These services are likely to become more important in future with the arrival of the new Simple Procedure for Sheriff Courts in November 2016 - see <http://www.legislation.gov.uk/ssi/2016/200/made>.

This is the fourth joint training event for the two services, who recognise that in-court mediation is a particular specialism that requires particular skills and knowledge. In both courts parties have the mediation option explained to them at the first procedural hearing; some of those who choose mediation go straight ahead on the day, others at a later date. Feedback from parties is very positive: most settle and those who don't say they

appreciate meeting the mediators and the opportunity to discuss things calmly. Both schemes rely on volunteer mediators - any trained mediator who is interested in volunteering should contact Heloise Murdoch at [court.mediation@caed.org.uk](mailto:court.mediation@caed.org.uk) (Edinburgh) or Charlie Irvine at [hass-mediation-clinic@strath.ac.uk](mailto:hass-mediation-clinic@strath.ac.uk) (Glasgow).

Topics covered at the CPD event were:

- \* "The Rules": what are mediators not allowed to say? (Charlie Irvine, Director of USMC)
- \* Court Expenses (Paul Barlow, In Court Advice Service, Edinburgh)
- \* Do we ever say no? Screening for unsuitable cases (Sarah Welsh, family and community mediator and tutor on Relationships Scotland's National Training Course)



## THE MEDIATION PARTNERSHIP SMR Accredited Mediator Training



First Course in Scotland to be accredited by the  
Scottish Mediation Register

First Course in Scotland to be accredited by the Scottish Mediation Register

**Dates: Thurs 15th & Fri 16<sup>th</sup>, Thurs 29th & Fri 30th September 2016 + Optional Assessment**

This intensive four day course is suitable for mediators, lawyers, managers, HR personnel and anyone with an interest in gaining or enhancing mediation skills. It will provide delegates with a clear theoretical and practical training course, in line with the Scottish Mediation Network (SMN) *Guidance on Mediator Competency*.

**"Best training event I have ever been to. Excellent guidance. Great fun."** Delegate from the University of Aberdeen

**"Previous training felt like learning the highway code and having a 'go' in a simulator, whereas with Linda and Aileen it was like getting to drive the car with two very able and encouraging instructors on board to make it a safe and enjoyable experience."** Lili Hunter, Lili Hunter Consulting Ltd

To book a place, or find out more information, contact Aileen Riddell on 07950 395276 or e-mail [enquiries@mediationpartnership.co.uk](mailto:enquiries@mediationpartnership.co.uk) [www.mediationpartnership.co.uk](http://www.mediationpartnership.co.uk)



## Network News

### Welcome to SMN

Scottish Mediation Network are delighted to welcome pHReedom HR Ltd in Crieff as Organisational members.

They are a full service HR Consultancy with services including Employment Law Advice, Employment Tribunal Representation, Absence and Performance Management, Contracts of Employment, Policies, Procedures and Recruitment and Selection, Conciliation, Mediation and Conflict Resolution.

### Events and CPD

Our next round of CPD is taking place on the following dates at these venues

4th October—Edinburgh  
11th October—Glasgow

13th October— Aberdeen

The outline for the CPD will be released soon.

Further events are also being planned and dates and topics will be released soon.

### Court Reform

The Network attended a very good seminar at the end of June. The event run by the Scottish Government and the Scottish Legal Aid Board brought together key stakeholders to consider a report on the Dispute resolution services run by at Dundee and Edinburgh Sheriff Courts.

Some key positives emerged about the use of mediation and negotiation in both projects and further work is to be carried out to see how the lessons from the projects can tie in with the introduction of the new Simple Procedure in November.

## Resolve conflicts at an early stage

### Mediation Skills

Perth 27th and 28th September 2016 £375 + VAT

This experiential course is endorsed by the Institute of Leadership and Management (ILM) and taught by Rachel Weiss, an experienced workplace mediator on the Scottish Mediation Register.

*"Great mediation skills training. Will take lots away to use within the workplace. Thanks, Rachel and Rowan Consultancy"*  
Noele McClelland, Partner, Thorntons LLP

[www.rowan-consultancy.co.uk](http://www.rowan-consultancy.co.uk)  
[rowan@rowan-consultancy.co.uk](mailto:rowan@rowan-consultancy.co.uk)  
01738 562 005



## Mediation Practice Makes Perfect

Craig Cathcart

Queen Margaret University, Edinburgh (QMU) recently completed its first intensive Mediation Practice course, leaving everyone involved with lots to reflect on and learn from.

Last year QMU launched its MSc in Dispute Resolution, delivered largely by distance learning. The first face to face module to be delivered was Mediation Practice, hosted in June on its Musselburgh campus and designed for students who had already studied the theory.

Carolyn Hirst led the development and delivery of the course, assisted by Craig Cathcart and a cast of wonderful supporters from Scotland's mediation community: Ailie Barclay, Andrew Boyd, Malcolm Currie, Eilish Garland, Caroline Johnson, Abbey Krause, Elaine MacLennan, John Scott and Morag Steven. For good measure, the course was also visited and reviewed by Carol Hope and Amanda-Rigby-Greenhaugh from the Network, in the



hope of gaining SMN accreditation.

Spread over four days, the schedule covered everything from gaining the parties' engagement and preparing for mediation, to dealing with deadlock, option generation and recording agreement, via ethics, persuasion and communication skills. The learning blended the descriptive with the practical, and the students were encouraged to reflect throughout.



Ultimately, mediation is best learned by doing. Seeking to be as realistic as possible, most of the party roles in the scenarios were played by mediator colleagues – who after all know what actually goes on in the room. Some 'performances' were very credible and channelled many of the things witnessed by mediators helping people in conflict. Debriefing after the first of these, the unsurprising consensus of the students was that being in the hot seat is a lot harder than it looks!

What was remarkable was the students' pace of learning. In a very short time they absorbed and then developed mediator techniques and 'moves' to a creditably high standard, all leading up to their final day assessment.

Feedback has been very positive, and plans are now underway for next year's course to be open to visiting delegates too. In the meantime, rumours that several mediator colleagues have been BAFTA nominated remain unconfirmed.

## Network News

### Welcome Amanda

The Network are delighted to welcome Amanda Rigby-Greenhaugh as our new Project Officer - Training and Practice.

Amanda brings a wide range of experience having initially trained as a community mediator and latterly as a family mediator and running parenting apart courses. Amanda was also Education Manager at Scottish Swimming delivering programmes across Scotland.



Amanda's role is central to the Network's drive for excellence in mediation . Amanda's initial priorities are to contribute to our review of practice standards and to develop the Network's CPD and events offering.

### Save the date

Following the success of Mediate 2014 and 2015 the Network are organising Mediate 2016.

The date for your diaries is Friday 2nd December 2016 with the venue to be confirmed. Speakers and workshops are being planned for what should be an exciting day.

Further details such as our venue, keynote speakers and workshops will be available in the near future.

### Five-Day Mediation Skills Course 1, 2, 8, 9 & 15 September 2016 Glasgow



Designed for people who will be using mediation skills in their work, this course is accredited by the Scottish Credit and Qualifications Framework together with the Scottish Community Mediation Network. The course provides information on key concepts in mediation and the opportunity to discuss and practice basic skills in a safe, relaxed atmosphere. It covers the whole mediation process from first contact with the service to closing a case. The mediator's role is explained and practised using typical scenarios for first visits to explore mediation as an option, preparing clients for joint meetings and handling difficult behaviour at a meeting. The course is assessed based on activities from day three onwards culminating in a full role-play of a mediation meeting on day five.

To book a place or for more information please contact: Robert Lambden at Scottish Community Mediation Centre: e-mail [info@scmc.org.uk](mailto:info@scmc.org.uk) Course Fee is £600 per participant



## Board Profile - Linn Phipps

### **What is your day job?**

I have a portfolio of Non-Executive and Advisory roles, coaching, mediation and consultancy.

What motivates you to get up on a Monday morning?

Wanting to be an active citizen – so many opportunities for trying to make the world the world a better place – and my DO list!

How long have you been a Trustee, and why did you become involved?

Nearly 4 years. I had been a mediator – through coaching – for several years before that. Taking on a voluntary role in support of mediation, as chair the SMN's WEIG, had brought me into closer contact with the Director and support team. So the Trustee role looked really interesting.

### **Did you have any prior knowledge of or involvement with the Network before?**

Yes, through WEIG (Workplace & Employment Initiative Group).

What have been the highlights of your involvement with the Network?

Working with a great Chair and very positive Board team. Mediate Scotland conference. The many opportunities to get involved and work with the Director/team eg on risk management, influencing, governance, diversifying our income base, membership etc.

### **What do you see as the main issues that Board has to address at present?**

A membership strategy – clarifying our offers and determining our key stakeholders, and how best to influence, financial sustainability, demonstrating our impact. More broadly, raising awareness of mediation and of a culture of “mediating ways”. None of them new though!

If you could change only one thing for mediators, what would it be?

Wider recognition of how mediation can help – and more opportunities for practice of mediation in all contexts.

### **What keeps you busy outside of work?**

Family, friends, volunteering, and my special passions for Gaelic music and song, and the First World War.



# Workplace Employment Initiative Group

July 2016

Dear SMN colleague

Our next meeting will be on Friday 28th October at the SMN office in Edinburgh. Our main meeting will start at 2pm with a CPD extra session starting at 12.45pm.

## **Transformational Mediation—Julius Erolin at 2PM**

Julius Erolin will lead a seminar will provide an introduction to transformational mediation, what makes it distinct and it is different from other forms of mediation.

**The optional extra CPD session** at 12.45: self-help sharing session on how mediators deal with the issue of confidentiality in their mediations. Please bring any examples which you use.

All meetings are open to SMN members and provide an opportunity for mediators involved and/or interested in workplace mediation to come together to network and share experiences.

Please email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk) if you are able to attend.

Looking forward to meeting up,

Slainte

Linn

Linn Phipps, Chair, SMN WEIG, 07917 564440